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SPECIAL REPORT

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ABOUT THE REPORT

The UN mission in Haiti's successful campaign against the gangs of Port-au-Prince is an example of effective UN mandate enforcement against irregular armed forces that posed a deadly threat—in this case, to the Haitian government and the peace process. The Haiti mission's action provides a model for other UN missions and for national governments that face a similar challenge from illegally armed groups. The report describes the conduct of military and police operations against the gangs and the overwhelmingly positive attitude of Haitian citizens toward the UN operation and its results. It also records the lessons learned and concludes with recommendations for other UN missions.

The report is based on field research in Haiti in September 2007 by a team composed of the authors along with Mark Kroeker, former senior police adviser at the UN Department of Peacekeeping Operations at UN headquarters in New York, and Victor Josey, police adviser at the Pearson Peacekeeping Center in Canada. Group Croissance, in cooperation with CHF International in Haiti, conducted the survey of Haitian attitudes. The United States Institute of Peace Haiti Working Group reviewed the report at a public forum on November 28, 2007.

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SPECIAL REPORT 208

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Haiti

Confronting the Gangs of Port-au-Prince

Summary

- Although ostensibly criminal in nature, the gangs of Port-au-Prince were an inherently political phenomenon. Powerful elites from across the political spectrum exploited gangs as instruments of political warfare, providing them with arms, funding, and protection from arrest.
- Beginning in 2006 and reaching its culmination in February 2007, the UN Stabilization Mission in Haiti (MINUSTAH) conducted a series of successful military and police operations against armed gangs, based in sanctuaries in Cité Soleil and other urban slums, that had terrorized the populace. The campaign resulted in the arrest of principal gang leaders and some eight hundred of their followers.
- UN operations followed a public announcement by Haiti's president, René Préval, that the gangs must "surrender or die," and a private request to the United Nations to take armed action. Préval's call for action came after efforts to negotiate with the gangs proved futile.
- Antigang operations involved the Haiti National Police (HNP), the country's only security force. HNP support for, and direct engagement in, these operations was essential to their success. Haitian police SWAT teams arrested most of the gang leaders.
- Although the UN assaults resulted in civilian casualties and extensive property damage, the great majority of Cité Soleil residents surveyed believed that the UN crackdown was justified.
- If MINUSTAH had not been willing and able to confront the gang threat, the likely consequences would have been the collapse of the Préval administration and the failure of the UN mission. The United Nations must be capable of mounting assertive operations to enforce its mandates, and it can succeed in such operations under the proper conditions if it summons the necessary resolve. MINUSTAH's success in confronting the gang threat suggests that the conditions needed for successful mandate enforcement include unity of effort among mission leadership, local buy-in and support, actionable intelligence to guide operations, effective employment of Formed Police Units (FPUs), integrated planning of military, police, and civilian assistance

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efforts to fill the void left by the displacement of illegal armed groups, and holistic reform of, and international support for, the legal system.

Background

During 2006, Haiti received a fresh start politically and economically. The international community welcomed the election of President René Préval and a new Haitian parliament, and the United Nations extended the mandate of the UN Stabilization Mission in Haiti (MINUSTAH). The emergence of political détente among Haiti’s political factions was also accompanied by the first hints of economic recovery, an upsurge in overseas remittances, a marked increase in pledges of donor assistance, passage by the U.S. Congress of trade preferences, and Haiti’s return to regional institutions.

But in the capital, Port-au-Prince, heavily armed gangs controlled the city’s sprawling slums, posing a potentially lethal threat to the country’s fragile recovery. By the end of 2006, gangs were operating with flagrant impunity, from secure bases inside nearly inaccessible warrens of ramshackle structures made of plywood and corrugated metal. They carried out a campaign of kidnappings that touched every level of society and terrorized city residents. They also engaged in murder, rape, narcotics and weapons trafficking, and extortion. At the height of their power, the gangs in Cité Soleil, the city’s most notorious slum, attacked vehicles on the adjacent airport road and threatened Haiti’s principal port, petroleum storage facility, and industrial area, which were located nearby. Powerful gang leaders achieved celebrity status, appearing on television and flaunting their impunity. Gang leaders garnered popular support by distributing money and stolen merchandise to their followers, assisting the needy with handouts and payment of school fees, and providing entertainment by operating dance halls.

The gangs were more than a match for the Haitian National Police (HNP), the country’s only security force. Understrength and ill equipped, with a legacy of corruption and general dysfunction, the HNP had been implicated in gang activities in the past and was thoroughly distrusted by the populace. Haiti’s nearly inoperative judicial system and antiquated penal facilities were also in no condition to rein in the gangs’ excesses.

Although ostensibly criminal in nature, gangs were an inherently political phenomenon. Powerful elites from across the political spectrum, from former president Jean-Bertrand Aristide to the bourgeoisie, exploited gangs as instruments of political warfare, providing arms, funding, and protection from arrest. Aristide also saw the gangs as an armed counterweight to the former soldiers and the private security services that were in the pay of Haiti’s social and economic elites. As challenges arose to Aristide’s rule, the *chimères*, or “ghosts,” emerged from the slums to silence political opponents and prey on the general population in a futile attempt to retain power. After Aristide’s departure, the gangs captured control of Cité Soleil, converting the slum into the main source of insecurity for the capital.

The *chimères* were only the most recent manifestation of the traditional Haitian practice of creating paramilitary groups to serve as a counterweight to government security forces and to control the population. During his long and brutal dictatorial reign, François “Papa Doc” Duvalier created the *Tontons Macoutes*, a personally loyal force of armed thugs that was given complete immunity and allowed to murder and rape at will. Duvalier used this group to quash any challenge to his authority from the Haitian military and to intimidate and terrorize the population. After the coup that removed Aristide from power in 1991, the Haitian military and its right-wing political ally, the Force for Haitian Advancement, created the *attaches*, a group of thugs responsible for the assassination of Haitian Justice Minister Guy Malary and other Aristide supporters. When lacking a patron, the *chimères* and their predecessors were able to “freelance,” selling their services to corrupt politicians, businesspeople, and the wealthy.

UN Efforts to Control the Gangs

During 2006, MINUSTAH began to operate in a very deliberate fashion to limit the gangs' ability to function. Gang leaders had garnered support from the local population not only through fear and intimidation but also by providing services and assistance unobtainable from the government. To counteract this, UN military units removed debris and piles of garbage to clear intersections and open roadways to access by armored vehicles and foot patrols. UN troops and police operated checkpoints and searched vehicles for arms and contraband. UN political affairs specialists and military civil affairs officers met with civil society groups and local residents to open a dialogue. UN military forces began working on quick-impact projects to build markets and improve sanitation. UN political and development projects were designed to show residents an alternative to relying on the gangs for influence and basic services.

The MINUSTAH action to counter the gangs was implemented in a gradually escalating series of actions that began outside Cité Soleil, with gangs in other areas of Port-au-Prince. The first area dealt with was Cité Militaire. Public order was restored using MINUSTAH military and police presence (Formed Police Units, or FPU, and individual UN Police) along with the HNP, which made the actual arrests. MINUSTAH Civil Affairs followed up, and the situation was brought under control in 2006.

The UN containment strategy, which was conducted with considerable restraint, was designed to squeeze the gangs into increasingly smaller areas and deny them free access to other parts of the city to conduct kidnappings and other criminal activities. The flaw in the strategy was that patrols and checkpoints were abandoned at night due to concerns about the safety of UN forces. This was not without reason. On November 11, 2006, two Jordanian peacekeepers were ambushed and killed in the center of Cité Soleil, not far from the principal UN fortified position.

UN operations against the gangs were accompanied by President Préval's personal efforts to convince gang leaders to surrender their arms and participate in the United Nations' Disarmament, Demobilization, and Rehabilitation Program. Préval met with gang leaders in the Presidential Palace to urge them to lay down their arms. He also provided financial inducements for cooperation. Unfortunately, Préval's strategy of negotiation with the gangs while the United Nations applied pressure failed. In November, when UN troops and police deployed outside Port-au-Prince to provide logistical support and security for municipal and local elections, the number of kidnappings and other gang-related crimes skyrocketed.

During December, gang members committed a series of particularly egregious crimes that mobilized public opinion against them. On December 11, a gunman ambushed a father driving his daughter to school, shooting the father and kidnapping the little girl. Two days later, gang members stopped a school bus and kidnapped seven children. In other incidents, a six-year-old boy was killed and a teenage female kidnap victim was raped, mutilated, and murdered. Sensational press coverage, popular revulsion, and a special empathy for child victims at Christmas generated demands that the United Nations and the Haitian government take action. So intense was the public reaction, UN officials feared that it might lead to mob violence against the government.

The upsurge in the number of kidnappings and public demands for action produced a change of heart in President Préval. In a televised speech, he issued a public ultimatum to the gangs to "surrender or die." His loss of patience may have been prompted in part by the murder of a friend's kidnapped son. It may also have reflected the constant urgings by the head of MINUSTAH, Special Representative of the Secretary-General (SRSG) Ambassador Edmond Mulet, to move against the gangs. Mulet had lobbied over the preceding months for a more aggressive posture but had been restrained by the excessive caution of the UN force commander, restrictive caveats on his ability to use some military contingents, and by Préval's reluctance to act.

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The inability to curtail the spree of brazen kidnappings in 2006 had also placed MINUSTAH in serious jeopardy. Gangs and their benefactors were exploiting this to portray MINUSTAH in the media as a self-aggrandizing presence that was an affront to Haitian sovereignty and national pride. MINUSTAH's continued viability was at risk.

In December, therefore, the confluence of events produced something of a "perfect storm," in which gang outrages coincided with popular demands for action and with a clear political signal that President Préval wanted the United Nations to crack down on the gangs. SRSG Mulet instructed the force commander and the UN Police commissioner to develop a plan to take down the gangs.

The UN Offensive

As early as August 2006, in response to intergang fighting that caused the deaths of twenty-two people, Sri Lankan UN military forces had occupied twenty static points in Martissant, a slum in southern Port-au-Prince with a long history of violence and gang rivalry. Over the succeeding months, MINUSTAH expanded its patrols, improved relations with the community, and established a central strongpoint at the junction of three main gang territories. Following President Préval's call for action in November 2006, MINUSTAH Police Special Weapons and Tactics (SWAT) teams launched a series of joint arrest operations with their HNP counterparts. UN military forces provided the outer security cordon. The principal target was a gang leader known as "Roudy," since MINUSTAH's Joint Mission Analysis Center (JMAC) had the best information on him. These operations, which resulted in nearly a hundred arrests, provided valuable experience and served as a trial run for subsequent incursions into Cité Soleil.

In mid-December, the Haitian secretary of state for public security gave directions to arrest a notorious Cité Soleil-based gang leader known as "Belony." JMAC focused its sources on this target, resulting in two operations to arrest him when he was outside Cité Soleil—one of which came within minutes of success. After these attempts failed, the director general of the HNP decided to go into Cité Soleil to get Belony. Since the UN Police and the HNP did not have the capacity for such an aggressive operation, they sought military support. After intervention by the SRSG, the force commander was persuaded to mount the operation.

The initial incursion into Cité Soleil, mounted on December 22, was a police-led operation, but the threat had escalated well beyond the level previously encountered in Cité Militaire and Martissant. Belony's compound was heavily fortified, and members of his gang were well armed; concrete walls and tank traps blocked all access routes. The United Nations expected to meet stiff resistance. The plan involved the police in the lead using a Chinese FPU, the Jordanian SWAT contingent, and the SWAT unit from the Haitian National Police. The Brazilian battalion was in a supporting role. The objective was to arrest Belony and rescue kidnap victims that the United Nations believed were being held at his headquarters in the Bois Neuf section of Cité Soleil.

In the early morning hours of December 22, the Chinese FPU's armored personnel carriers (APCs) turned into the narrow lanes leading to Belony's compound and immediately were engaged by hostile fire. Unfortunately, military combat engineers had failed to remove tank traps, so the APCs were unable to reach the gang's compound. The convoy made it to about sixty meters from its objective before being forced to retreat.

On December 28, MINUSTAH military and police forces, acting in support of the HNP, conducted a second assault, which destroyed part of the gang's compound. Dismounted Bolivian Special Forces soldiers fired four rocket-propelled grenades into the building where Belony was believed to be, but he escaped.

With the arrival of a new force commander in January 2007, MINUSTAH military forces mounted a concerted assault on the gangs on January 24. During the night, UN military forces led by the Brazilian battalion occupied a partially completed two-story concrete

structure with faded blue walls, known locally as the “Blue House.” The building provided a commanding view into the compound of Evans, the most powerful gang leader in Cité Soleil. At sunrise, gang members saw UN soldiers on the rooftop of the Blue House and began an armed assault against the structure, sparking a firefight that lasted into the afternoon.

At that point, the International Committee of the Red Cross arranged a truce to evacuate the wounded. Evans exploited this by mobilizing neighborhood civilians to take to the streets with white flags to stage a “demonstration” against the United Nations. Faced with the choice of firing on unarmed civilians or suspending the operation, the UN military commander requested police assistance. Although MINUSTAH Police had not participated in planning the operation, the police commissioner had taken the precaution of placing an FPU on standby when he learned that the assault was underway. Within fifteen minutes, the FPU arrived, outfitted with nonlethal riot control capabilities, and safely cleared the streets of demonstrators. The UN military resumed the operation, eventually capturing the gang’s headquarters. Evans fled but was arrested in March in the southern coastal town of Les Cayes.

Following this operation, UN military and police units working with the Haitian National Police moved neighborhood by neighborhood throughout Cité Soleil, arresting gang leaders or forcing them to flee. Once the United Nations established that it was prepared to use superior force, resistance from the gangs quickly diminished. Gang members deserted their leaders and sought to blend into the population. Haitian gangs proved to be collections of individuals who formed around brutal and charismatic leaders, unlike the hierarchical, tightly organized turf-based institutions found in the United States. By March 2007, the United Nations had regained control of Cité Soleil. Once the gangs had been flushed from their sanctuaries, with support from police-led operations by UN Police and the HNP, some eight hundred gang members were eventually arrested, and all but one gang leader was either apprehended or killed.

The UN campaign against the gangs was not without costs for the residents of Cité Soleil. In a survey conducted by Group Croissance on behalf of the United States Institute of Peace in early 2008, 52 percent of respondents reported that family members, friends, or neighbors, including women and children, were killed or wounded during the fighting with the gangs. (These reports were anecdotal and could not be confirmed by official statistics or death certificates.)¹ In the tightly crowded living areas in Cité Soleil, houses made of plywood, cardboard, and corrugated metal offered little protection from the military assault rifles and machine guns used by both sides. The gangs had little interest in imposing fire discipline, while the United Nations was attacking entrenched and heavily defended positions using the heavy machine guns on its APCs and the automatic weapons issued to its troops. Some of the respondents specified that casualties were inflicted by MINUSTAH, but most were uncertain about the source of the fire. All gave horrific descriptions of the fighting. Civilians were trapped in their homes or caught in cross fires, some buildings were crushed by UN vehicles or set aflame leaving residents homeless. UN troops used teargas in areas where civilians had no protection. Many said the damage to their homes and shops had not been repaired and that they were made homeless. Despite the casualties, material losses, and delays in making repairs 97 percent of respondents believed that the UN crackdown on the gangs was justified.

The impact of the campaign against the gangs has been profound. Cité Soleil, which previously had been viewed by international organizations primarily through the narrow viewing slots of APCs, is now accessible to civilian assistance providers in soft-sided vehicles. The local population is able to move about freely, albeit with the continued presence of MINUSTAH military and police patrols, which are accompanied by a member of the HNP whenever possible. The community is no longer terrorized and intimidated. A survey conducted for the U.S. State Department’s Haiti Stabilization Initiative (HSI) in November 2007 found that 98 percent of Cité Soleil residents felt safer than they had six months earlier, and 85 percent reported that they could conduct their daily activities

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without fear of intimidation or extortion.² Harassing shots at UN strongpoints have virtually ceased. Kidnappings have dropped below 20 percent of their previous levels. Residents are reporting crimes to the police, and other violent crime has been substantially reduced. Perhaps most indicative of the change in orientation of the population, the inhabitants of Cité Soleil even volunteered information to police that led to the arrest of gang leaders and confiscation of arms caches in the aftermath of the February 2007 campaign.

Sentiment toward MINUSTAH has improved dramatically as a result of the crackdown on gangs. In the United States Institute of Peace survey, 67 percent of those polled credited the UN mission for the improvement in their security situation, and 17 percent attributed the improvement to President Préval.³ Despite a legacy of distrust in the capacity of state institutions to protect or serve the local people, both the Institute and HSI found that the overwhelming majority of Cité Soleil residents would like to see the HNP patrolling in their neighborhoods more often.⁴ Perhaps in anticipation of a more robust HNP presence, both surveys also found that almost three-fourths of Cité Soleil residents expect to be more secure in the months ahead.⁵

Ultimately, sustainability will depend on the ability of Haitian institutions, with continued assistance from MINUSTAH, to fill the space vacated by the gangs. In particular, this entails delivering essential government services, asserting the rule of law, and generating opportunities for employment. When asked if their living conditions had improved (i.e., education, health, water, sanitation, trash collection) since the crackdown on the gangs, 78 percent of Cité Soleil residents said that they had.⁶ Reinforcing this finding, the HSI survey found that 89 percent of residents felt that the Préval government is doing all it can to provide services to the community.⁷ As MINUSTAH and the Haitian government implement these programs, it will be important to keep focused on the overarching goal of preventing the reemergence of the nexus between gangs and political elites whose interests are served by instability and lawlessness.

The ability of legitimate, elected government officials to maintain the support of the local population will ultimately determine whether gangs cease to be a principal agent of political warfare in Haiti. At the moment, there is reason for optimism. In the United States Institute of Peace survey, when asked if they would be willing to testify in court if they were to be a victim of gang violence, only 32 percent said no.⁸ The HSI survey found that 42 percent of residents were willing to take the risk of collaborating with local and international efforts to promote peace in the community, compared with 32 percent who were not.⁹ Another hopeful sign is that Cité Soleil remained calm during the food riots that erupted in April 2008 and caused the collapse of the government of Prime Minister Jacques-Edouard Alexis.

Although MINUSTAH has set the stage for success with the campaign against the gangs, other agents of political violence remain. These include linkages between the same political elites (who manipulated the gangs) and drug traffickers and private security companies. Many of the same methods and capabilities that resulted in effective mandate enforcement against the gangs may be required to confront these threats as well.

The conclusions to be drawn from the UN mission in Haiti are twofold. First, if MINUSTAH had not been willing and able to confront the gang threat emanating predominantly but not exclusively from Cité Soleil, the mission would likely have been doomed to fail. The mission's survival and success hinged on evicting the gangs from Cité Soleil and other slums and arresting their leaders. The lesson, therefore, is that the United Nations must be capable of mounting assertive operations to defend and enforce its mandates. The second lesson is that the United Nations has the means to succeed in these efforts, given the proper conditions, if it can summon the necessary will. The enablers that had to be in place for MINUSTAH to confront the gang threat effectively are discussed below, along with recommendations for what can be done to replicate these conditions on other missions.

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Enablers and Recommendations: Mandate Enforcement

Enabler: Mission Leadership and Unity of Effort

When the authors asked HNP Director General Mario Andrésol what lesson he derived from the December 21-22 police-led operation into Cité Soleil, he said it was not the type of operation that police could carry out alone. Peace enforcement or mandate enforcement cannot be conducted effectively if the military contingent is not adequately engaged. Missions challenged by violent, heavily armed obstructionist elements need a competent, courageous, and cohesive leadership team. They also require an empowering mandate, and well-trained military and police forces willing to respond to the SRSG's directions for enforcing the mandate. Mission leaders need to be action oriented, strategic, and willing to support each other as the situation dictates. This is especially true for the military force commander and the police commissioner, who may not be accustomed to working operationally with those outside their own professional hierarchies.

After the arrival of a new force commander in January 2007, the situation improved dramatically. The leadership team (SRSG, principal deputy special representative of the secretary-general [PDSRSG], force commander, and police commissioner) displayed remarkable cohesion and unity of effort. This served as the indispensable enabler of the campaign against the gangs.

Recommendation: Select senior mission leaders judiciously. It is imperative that the UN Department of Peacekeeping Operations (DPKO) select its senior mission leaders judiciously. The first two candidates to replace the departing force commander were rejected by DPKO. During the selection process, issues such as attitudes toward potential mandate enforcement scenarios and willingness to work in support of other mission elements should be thoroughly probed. Careful attention must be given, as it was with MINUSTAH, to the "chemistry" and synergy of the various personalities thrust into highly challenging, politically explosive environments. It should also be clear to all decision makers that failure to support SRSG decisions is cause for swift removal.

Enabler: Troop Contributing Countries Willing and Able to Use Force

MINUSTAH's Force Commander was limited in his ability to employ his forces freely in operations against the gangs owing to various national caveats that precluded such use. Avoiding crippling may not be possible until the Department of Peacekeeping Operations is provided with sufficient contributions from Member States to allow it to reject offers from countries with prohibitively restrictive caveats.

Recommendation: Disallow caveats against use of force by recipients of peacekeeping capacity building initiatives. The Global Peace Operations Initiative funded by the U.S. government, and similar peacekeeping capacity-building initiatives, should make it a requirement that recipients of assistance not impose caveats that prohibit use of force by units that receive this aid.

Enabler: Local Buy-in and Support

Owing to the political implications of acting against the gangs of Cité Soleil, MINUSTAH calculated that an essential precondition was the election of a president endowed with the legitimacy to act. Thus, MINUSTAH's success in nurturing a free, fair, and democratic electoral process was critically important. President Préval also needed to explore a negotiated resolution as his initial option. After his "outreach" to the gangs demonstrably failed, the kidnapping of schoolchildren provided the final trigger, and he gave MINUSTAH the green light to wage the antigang campaign after the December municipal elections. The senior leadership of the HNP was also fully supportive.

Missions challenged by violent, heavily armed obstructionist elements need a competent, courageous, and cohesive leadership team. They also require an empowering mandate, and well-trained military and police forces willing to respond to the SRSG's direction for enforcing the mandate.

Recommendation: Develop doctrine for mandate enforcement. The recently promulgated UN capstone doctrine for peacekeeping recognizes that when “the lingering forces of war and violence threaten a fragile peace or continue to prey upon a vulnerable population’ the mission may have to use force preemptively to implement its mandate and to protect civilians.”¹⁰ Although the doctrine regards peacekeeping and peace enforcement as distinct activities, equating the latter to war, it does recognize the need for mandate enforcement when missions are threatened by violent obstruction from illegal armed groups. In the discussion of impartiality, the capstone doctrine advises that “Just as a good referee is impartial but will penalize infractions, so a peacekeeping operation should not condone actions by the parties that violate the undertakings of the peace process or the international norms and principles that a UN peacekeeping operation upholds.”¹¹

Beyond the recognition that mandate enforcement is an essential component of peacekeeping, however, there are no guidelines or precepts to suggest how this most daunting of peacekeeping tasks should be conducted. After examining doctrine produced by Britain, France, India, and the United States, William Durch finds that there is a growing convergence around the notion of blending counterinsurgency principles with the core peacekeeping concepts as a basis for mandate enforcement.¹² DPKO should work to complement its existing capstone doctrine by establishing doctrine for field operations that specifies when and how to defend and enforce its mandates. As a fundamental imperative, mission leadership should be guided by the principle that it will actively support the efforts of those who support the mandate, and actively oppose those who seek to obstruct it—especially those who engage in violence.

Enabler: Intelligence-Based Operations

Missions challenged by illegal armed groups cannot afford to adopt a totally reactive posture. The only way to confront violent threats to the mission mandate effectively is to obtain the intelligence that will enable the mission to seize the initiative when the proper conditions have been met and mount intelligence-led operations against appropriate targets. MINUSTAH’S JMAC has established the gold standard for intelligence support for planning and execution of operations mounted to defend and enforce the mandate. A significant contribution to the success of MINUSTAH’S antigang campaign was validated, real-time tactical intelligence provided by JMAC. Raw information comes to peacekeeping missions in huge amounts without validation or verification. This is especially the case when the environment is unstable and when crises abound. The foundation for JMAC’S success was rigorous source management and evaluation, coupled with a systematic effort to pool all sources of information available to the mission.

MINUSTAH does not possess any technical means of intelligence collection. JMAC was effective because the mission leadership insisted on the participation of all mission elements (military contingents, police officers, civil affairs, UN Security, political advisers, et al.) and on unified situational analysis. Another vital factor is the ability of the JMAC chief to transmit assessments, unfiltered, to the SRSG. The JMAC chief played a major role in the mission’s decision-making process, alongside the force commander and the police commissioner. JMAC’S weekly assessments laid the foundation for the campaign against the gangs.

In Cité Soleil, the primary operational objectives were to assert control over the neighborhoods that gangs were terrorizing, free kidnap victims, and arrest gang leaders. To displace the gangs and minimize civilian casualties, MINUSTAH’S military and police commanders required solid situational awareness. JMAC provided sophisticated target packages detailing the obstacles that UN forces would encounter (e.g., tank traps and areas of fierce resistance), along with photos for the identification of gang leaders. To free kidnap victims or apprehend gang leaders, they needed actionable intelligence. Real-time tactical intelligence about the locations of gang leaders or concentrations of gang members allowed MINUSTAH to mount intelligence-led operations to arrest them. The HNP also provided intelligence that led to the May 2007 capture of the notorious gang leader Ti

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Will in Gonaives. These were crucial components of the mission's ability to evict the gangs from their strongholds in Cité Soleil and other neighborhoods, round up or kill all but one of the gang leaders, and arrest some eight hundred of their henchmen.

Recommendation: Invest in JMAC capacity building. JMAC must be fully resourced doctrinally and procedurally standardized, and professionalized as a UN peacekeeping mission component. DPKO should capture the processes, policies, precepts, and information collection plans that were key to JMAC's success in Haiti and strive to replicate these on other missions that are threatened by illegal armed groups. To be effective against illicit power structures that exploit political violence, informal sources of power, and subterranean money flows requires a sophisticated information collection plan aimed at understanding the local political economy and its role in obstructing the mission's mandate. A vital strategic function of all JMACs should be to provide mission leadership with an understanding of the vulnerabilities of networks that support violent obstructionists. The SRSRG should provide the JMAC with the priorities for the mission collection plan based on the nature of the threat to the mission (e.g., whether to focus on strategic or tactical concerns). The JMAC should then establish an integrated collection plan for use by military and police contingents.

Commendably, DPKO has undertaken an analysis of the JMAC in Haiti to identify the building blocks of its success. It has also taken the initiative to create a unit in its Situation Center to manage JMACs globally. This unit should be empowered to develop doctrine, standardize JMAC procedures, assist with new mission start-up, and troubleshoot JMACs in the field.

In addition to these essential steps, the staffing of JMACs must be professionalized. This would entail establishing permanent UN positions for JMAC chief, deputy, and head of source management in all field missions, as well as for the staff of the JMAC unit in the secretariat. Either the JMAC chief or the deputy should be a well-established specialist in the conflict that the mandate is addressing.

Enabler: Integrated Planning

In quasianarchic conditions, whether at the outset of a mission or when confronted by violent obstructionism from political-criminal power structures, integrated planning is a crucial component of success. Over time, MINUSTAH recognized the need to carry out this three-pronged strategy:

1. Ensure the immediate tactical and long-term institutional superiority of law enforcement, using a combination of international military and police and HNP forces.
2. Provide an immediate peace dividend through a rapid influx of international humanitarian and development assistance (e.g., quick-impact projects).
3. Help state institutions provide public utilities, government services, public safety, and the rule of law to fill the void left by displacement of the gangs, and lay the foundation for legitimate job creation.

To be effective, such a strategy requires effective integration of military, police, and civilian assistance efforts. There was a tendency, however, toward segregated and uncoordinated planning. Integrated planning is an alien concept for most military and police forces and development agencies. MINUSTAH's senior leadership insisted that planning be consolidated and that differences be settled at the PDSRSG or SRSRG level. This is a key lesson. Not only does the safety of the forces involved depend on shared planning, the effectiveness of tactical operations hinges on it. To displace heavily armed gangs from their strongholds and arrest gang leaders required mutual support by the military and police contingents. The military contingent's firepower and armor were needed to overcome the aggressive and organized resistance of the gangs. Police, prepared to use force as necessary to apprehend gangsters, played a supporting role in these opera-

After operations by the military contingent had successfully dislodged the gangs from their neighborhoods, MINUSTAH police, supported by military units that provided an outer cordon of security, led operations to arrest them.

tions. When the principal task was to arrest gang members, the HNP was the executive enforcement institution for that purpose, supported by the UN Police with its FPU. HNP Director General Andrésol instructed his SWAT team to respond to MINUSTAH requests to launch no-notice operations and to inform him as soon as possible afterward. Since executive authority rested with the HNP, the outcome of police-led operations depended on the HNP's performing its functions effectively. After mounting a successful operation, MINUSTAH recognized the central role of the HNP in achieving the objectives, including any arrests made.

After operations by the military contingent had successfully dislodged the gangs from their neighborhoods, MINUSTAH police, supported by military units that provided an outer cordon of security, led operations to arrest them. Ideally, military and police planners should use a common planning template, with the resulting operational plans then consolidated into a single document. MINUSTAH did not achieve this ideal, but the parallel planning processes used by military and police planners did involve coordination and the airing of differences. Depending on the nature of the operation (military- or police-led), each contingent was assigned responsibilities and formulated its plans separately. If differences arose between the two plans and could not be resolved, they were referred to the PDSRSG or SRSG for a decision.

There were three exceptions to the general practice of integrated planning, which illustrate the consequences of lapses in planning. First, the military operation into Cité Soleil in January 2007 was conducted without police involvement or input. When the gang leader organized an unarmed demonstration during a truce called to evacuate the wounded, the force commander asked for police assistance. The risk of civilian casualties had been the primary concern in planning this operation, yet no plans were in place for this contingency. Fortunately, the police commissioner had placed an FPU on alert when he learned of the operation, and was quickly able to clear the streets.

The second failure to integrate planning was associated with the conduct of operations throughout February to clear gangs, neighborhood by neighborhood, from Cité Soleil. These were treated as solely military operations, without the need for integrated planning with the police. One of the consequences was that military units would capture supposed gang members and turn them over to the HNP without proper attention to the collection of evidence. The ability to obtain court convictions in these cases may be hampered by a dearth of admissible evidence.

The third breakdown in integrated planning involved civilian assistance efforts. After the gangs had been successfully driven out of Cité Soleil, the emphasis switched to providing a peace dividend. Quick-impact projects were needed to fill the vacuum in the wake of the gangs' removal with government services and short-term employment. The Brazilian military used its own personnel, equipment, and funds to distribute food rations as an interim measure and conduct cleanup projects, including refurbishing the city hall so that authorities could assume their functions. The impact was magnified by the Brazilian military's emphasis on community involvement, turning projects into street parties complete with music and refreshments. The force commander was quick to call on Civil Affairs and the DSRSG for Development for "pacification" projects once the kinetic phase was concluded. In spite of the SRSG's efforts to include immediate civilian assistance projects in the advance planning process, no source of funding had been identified. Humanitarian relief agencies were reluctant to jeopardize their "humanitarian space" (or ability to access needy populations) by associating their assistance efforts with use of force against illegal armed groups. Developmental agencies lacked the agility to respond in a timely manner to the immediate operational requirements posed by mandate enforcement. As a result, MINUSTAH experienced a serious gap in launching civilian activities to provide a peace dividend by restoring public services (e.g., health care, education, water, sewage), extending state authority, and creating employment. The SRSG for the UN Mission in Kosovo (200x-200x), Soren Jessen Petersen, points out that the peace dividend gap is a systemic problem not isolated to Haiti. In his estimation, developmental assistance too often tends to be "too little, too late, too uncoordinated, and too unstrategic."¹³

The Brazilian military used its own personnel, equipment, and funds to distribute food rations as an interim measure and conduct cleanup projects, including refurbishing the city hall so that authorities could assume their functions.

Recommendation: Establish procedures for integrated mission operational planning. Coordination between military and police components should always take place on major operations so that the need for police support (crowd and riot control or evidence collection) can be anticipated and planned for. If assistance from civilians is required to provide immediate humanitarian relief, funding for quick-impact projects should also be planned well in advance. Details about specific dates and locations of military operations need not be divulged, but the required resources need to be mobilized within identified time frames. This requires that operational planning be done holistically, supported by a dedicated planning architecture. The Best Practices Unit should work with interested partners to develop integrated planning procedures, and structures for making integrated mission operational plans in the field. Successful examples to consider would be the integrated plan for the elections in Haiti, and the UNMIK operation to take over the Zvecan lead smelter in 2000.

Recommendation: Provide flexible funding from peacekeeping assessments to support mandate enforcement. Flexible funding for projects to provide immediate humanitarian relief and to promote employment and public services to replace the patronage doled out by gangs, militias, and other illicit armed groups should be available through UN peacekeeping assessments. The rationale for this is captured in a MINUSTAH report on “Re-orienting DDR to Community Violence Reduction (CVR) in Haiti (September 2007)”:

While MINUSTAH is not a developmental agency, its security efforts to stabilize neighborhoods need to be accompanied by parallel efforts to promote economic recovery and employment creation at the community level. Assessed funding will be used to finance well-designed projects in vulnerable neighborhoods pending the development of mid- to long-term projects to be funded by the Government and/or bilateral and multilateral agencies.¹⁴

MINUSTAH has provided a valuable innovation for future peace missions with its CVR program that involves use of assessed funds to undertake activities intended to provide a peace dividend in communities where MINUSTAH has taken assertive action to counter gang influence. It began with Security Council resolution 1743, which urged MINUSTAH to reorient resources that had been devoted to disarmament, demobilization, and reintegration to “community violence reduction.” MINUSTAH developed a mechanism to provide labor-intensive projects in violence-affected areas to address the gap between security operations and the arrival of humanitarian and development assistance. Of the \$3.47 million budgeted for CVR, \$2.19 million was allocated to labor-intensive projects, providing a valuable stabilization tool for areas affected by gang violence.

The operation against the gangs in Cité Soleil also demonstrated that the need to fund quick-impact projects is not confined to the first year of a mission. Field missions should be afforded ample flexibility to support the political and strategic goals of the SRS in dealing with illegal armed groups beyond the first few years of an operation.

Enabler: FPUs

In antigang operations involving MINUSTAH Police, FPUs performed a range of pivotal and often decisive roles, including crowd and riot control, hard entry, and high-risk arrest. The military contingent’s initial foray into Cité Soleil on January 24 was placed in jeopardy when gang members organized a demonstration of unarmed civilians. An FPU with non-lethal riot control capabilities quickly dispersed the crowd. FPUs also played a decisive role in Gonaives after rioters threatened to overrun the police station there during a May 24 protest of the government’s failure to confront a wave of murders perpetrated by the gang in that community.

The forty-person SWAT team from Jordan that MINUSTAH incorporated within the FPU structure has been heavily employed in antigang operations. The vast majority of police-led operations involved the arrest of gang leaders or members as a prominent objective.

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FPU were central to these highly successful operations, in particular the integrated use of MINUSTAH and PNH SWAT teams. Virtually all high-priority targets were brought to justice. For example, both the MINUSTAH and the HNP SWAT teams and an additional FPU platoon were assigned to Gonaives for two months to assist the FPU and other police assets assigned there in following up on the arrest of gang leader “Ti Will.” All but one of the thirty most-wanted gang leaders from Gonaives were apprehended in that period.

Recommendation: Establish common police and military doctrine for use of FPUs. Command and control issues are critically important. There needs to be a common understanding that police assets may be placed only temporarily under the tactical control of a military commander, for the finite duration of an operation (and, conversely, that military assets may be placed temporarily under tactical control of a police commander under appropriate circumstances). Permanent assignment of FPUs to the military commander for duty at static checkpoints is inappropriate and contrary to police doctrine. Among other consequences, this would invite force commanders to reassign their forces to other duties, leaving FPUs semipermanently deployed to an inappropriate function.

The other fundamental concept that all military and FPU commanders need to understand is that in a crowd- and riot-control situation, the FPU commander must have tactical control over all resources inside the boundary where the disturbance is taking place. The military commander who is supporting the FPU commander by providing an outer cordon of security has tactical control over troops outside the incident scene. Both must coordinate their efforts at an on-scene tactical control point. If the situation escalates to the point where tactical control of the scene of the riot must be passed to the military contingent commander, this is a determination to be made exclusively by the FPU commander. Once these basic principles have been universally adopted, they should be routinely practiced in exercises on mission.

Recommendation: The DPKO police division should regularly conduct command development seminars for FPU commanders and police commissioners. Command development seminars should be conducted at least every six months for newly arrived FPU commanders and those who are about to be deployed, to ensure that they acquire proficiency in planning for integrated operations involving their military counterparts and JMAC. Police commissioners or deputies and incoming or recently arrived force commanders and military planners should also be included.

Recommendation: Evaluate FPU proficiency. One of the FPUs assigned to MINUSTAH is recruited from an unarmed border police force. Thus, these personnel have no experience with the demanding tasks they will be expected to perform on mission, and no field experience in the use of force. This makes the unit risk averse and reluctant to perform anything beyond mundane tasks. DPKO has recently established standards for proficiency with lethal and less-than-lethal weapons and for the circumstances under which escalation in the use of force is warranted. Member states should support DPKO’s efforts in developing evaluation teams to implement these standards expeditiously. FPU-contributing countries should request DPKO assistance in evaluating the proficiency of their units before deployment.

Recommendation: Provide FPUs with a SWAT capability where required for mandate enforcement. The incorporation of a specialized SWAT capability with the standard FPU capacity for crowd and riot control has proved highly effective. If relevant to the mandate, and certainly in a mission where gangs or other agents of political violence are prevalent, a SWAT capability is essential.

Enabler: Police Reform

The police in Haiti do not enjoy a reputation for public service. Formerly, the Armed Forces of Haiti were responsible for policing, but their real function was to repress and exploit the masses. When President Jean-Bertrand Aristide was restored to office, he politicized

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and criminalized the HNP after the international community had invested immense effort in establishing it as a credible force. An essential step in changing the image of the HNP, therefore, is to provide safety and security in Cité Soleil as a public good.

The HNP presence in Cité Soleil throughout 2007 was minimal (some six officers per day). There should at least be one HNP officer per MINUSTAH military or police patrol, but the HNP fell well short of this requirement, owing to a lack of assigned personnel. Only two police were normally on duty to respond to criminal complaints for a population of approximately three hundred thousand.

To be sustainable, MINUSTAH's success depends on the success of HNP reform, as reflected in growing HNP capacity. As of July 2008, thirty-four HNP officers were deployed to Cité Soleil (about ten per shift). With a population of 300,000, this equates to a ratio of 1:8,800 inhabitants. For Haiti as a whole the figure is 1:1,300. A total of one hundred fifty to two hundred officers are possible by the end of the year which would begin to approximate the presence in other Haitian communities. The first phase of refurbishment of the main police station was nearing completion in July 2008. It will eventually be supported by two substations. The way the HNP performs its law enforcement duties will be the primary determinant of its relationship with the public. If it demonstrates the capacity to maintain public safety, then there will be a basis for establishing a mutually supportive relationship with civil society via community policing. MINUSTAH Police will have a decisive role to play as field trainers, mentors, and monitors of the HNP's conduct.

Recommendation: Develop and maintain the civil society initiatives that will enable community policing. Community policing, with its neighborhood focus, group problem solving, and open participation, is right for Haiti and for policing in societies emerging from conflict. When fear has dominated the social fabric, the most effective means for building systemic crime resistance in neighborhoods are crime prevention, self-help, and neighborhood problem-solving initiatives. In virtually all cases, however, civil society will be weak or absent entirely. In Cité Soleil, civil society organizations have essentially been nonexistent. The newly installed municipal authorities initially took steps to create a public security committee from among the key stakeholders in the community. Such initiatives will have to be sustained, however, to provide the HNP with the relevant structures on which to base its community policing program. Best practices need to be developed to guide the process of generating nascent civil society structures that will provide the civilian entities that police need to work with in pursuit of a community policing model.

Enabler: Criminal Justice System Reform

Some 90 percent of those in Haitian jails are awaiting trial, some having served more time incarcerated than they would have served had they been tried and convicted. In addition to the human rights consequences of this dysfunction, there is the risk that dangerous gang leaders will be able to bribe or intimidate a notoriously corrupt judicial system to win their release. The decrepit, overwhelmed, and understaffed prison system also creates considerable potential for escape. Another concern is that fair trials could result in the acquittal of many alleged gang members because of insufficient evidence to sustain a conviction.

After being hamstrung by the lack of a mandate for criminal justice reform until passage of UN Security Council Resolution 1702 in August 2006, MINUSTAH has worked diligently to help Haitian authorities produce a reform plan for Haiti's courts and penal system. The police reform plan was already adopted by the government in August 2006, with significant steps, such as vetting and restructuring, being undertaken thereafter. The lesson to be brought forward is that systematic reform of the criminal justice system should be rigorously and comprehensively pursued in the aftermath of any intervention. The corollary to this is that reform will likely take years to bear fruit, whereas immediate fixes are required when judges are incapable of confronting the threat from criminalized political elites and their agents of violence. Similarly, the inability of the prison system to keep

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dangerous convicts in jail or prevent them from exploiting the prison system to continue carrying out their criminal enterprises also requires a more immediate and reliable solution. In both cases, the international community will likely need to provide a prompt and appropriate “patch” for the systemic defects in the local criminal justice system.

Recommendation: Plan for holistic reform of the legal system. The need for peace missions to take a holistic approach to establishing the rule of law, including reform of the police, the judicial system and legal code, and the prison system, has been recognized and accepted for more than a decade. And yet, delay in providing a mandate for judicial and penal reform meant that planning was still in the approval process three years after the Haiti mission began. To enable missions to hit the ground running with holistic legal system reform, the Best Practices Unit should gather reform plans that have been used for police, the judiciary, the legal code, and the prison system in prior missions and work with interested partners to develop a generic and holistic reform plan with recommended procedures for implementing it. One of the central components of the plan should be to assess whether the existing legal system is part of the problem (requiring fundamental transformation and a prominent early role for international rule-of-law practitioners) or part of the solution to societal conflict (requiring capacity building and a less intrusive role for international personnel).

Recommendation: Establish special-crimes courts for politically charged cases. Waiting for reform programs to rectify profound systemic dysfunction in the judiciary is far too slow a process if a peace mission must deal with politically destabilizing crimes, including political assassinations, intercommunal violence, and political linkages to drug trafficking, kidnapping, and gang warfare. An immediate fix is required. The most effective solution is to establish a special court with original jurisdiction over politically sensitive cases. Depending on the extent to which the system has collapsed or is incapable of treating disenfranchised groups fairly, international judges and prosecutors may need to be part of the equation, as has been the case in Kosovo. There are well-intentioned judges in any system, however, and the number required for a special court is not large. The indispensable ingredient, besides overcoming local resistance from political actors with a stake in lawless rule, is generous international support. Among the forms of assistance likely to be required are a secure courthouse and collocated detention center, personal security for judges and their families, provisions for anonymity of judges, witness protection programs, forensics labs and forensic accountants, attractive salaries, and support from international judges and prosecutors. DPKO should be empowered to mobilize the relevant resources to meet each of these requirements.

Recommendation: Plan for rapid deployment of a maximum-security prison. The need for facilities to detain high-risk prisoners is not unique to MINUSTAH. It has been a major deficiency in numerous missions, most notably in Somalia, Kosovo, and East Timor, and will undoubtedly arise repeatedly in the future. DPKO should develop a capability for rapid construction of a maximum-security prison for dangerous prisoners, including an on-call roster of international corrections officials to establish the facility, and procedures for vetting and overseeing local corrections officials to manage it.

Conclusions

The campaign waged in Haiti by MINUSTAH in 2006 and early 2007 to confront the threat from urban gangs, especially those based in Cité Soleil, was vital for the defense and preservation of that mission’s mandate. The lessons from the resounding success achieved in Haiti should be captured and put into practice wherever missions are challenged by illegal armed groups. The conditions needed for successful mandate enforcement in Haiti included unity of effort among mission leadership; local buy-in and support; actionable intelligence to guide operations; effective employment of FPUs; integrated planning of

military, police, and civilian assistance efforts to fill the void left by displacement of gangs; and holistic reform of, and international support for, the legal system. The experience in Haiti demonstrates that the United Nations must be capable of mounting assertive operations to defend and enforce its mandates, and that given the proper enabling conditions and the will to act, it is capable of doing so quite successfully.

An online edition of this and related reports can be found on our Web site (www.usip.org), together with additional information on the subject.

Notes

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