THE ROLE OF GENDARMERIES IN PEACEBUILDING OPERATIONS

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RESUMEN

El llamado “vacío de seguridad” es uno de los mayores problemas en la estabilización del complicado contexto de una operación internacional de paz. A la hora de restaurar el imperio de la ley, tras un conflicto armado, las fuerzas militares internacionales presentes no son las adecuadas para tareas de policía, mientras que la policía civil tradicional tiene inmensas dificultades para operar. Las diversas opciones que se han explorado en los últimos años para solucionar este problema se han enfrentado a muchos retos operativos, doctrinales y conceptuales, no siendo el menor de ellos la militarización de la fuerza policial. Este trabajo explora desde una perspectiva práctica y transversal el vacío de seguridad, algunas de las opciones para llenarlo, tanto prácticas como teóricas, y los dilemas de la militarización de la policía. Por último, de las opciones posibles, se explica en detalle el modelo de gendarmería europeo y su potencial como fuerza policial en misiones de paz.

Palabras clave: gendarmerías, policía militarizada, fuerzas híbridas, militarización, vacío de seguridad, construcción de la paz, orden público.

ABSTRACT

The so called ‘security gap’ is one of the biggest problems faced when stabilizing the complex context of an international peace operation. When time comes to restore the rule of law, after an armed conflict, international military forces present are not suitable for police duties, while traditional civilian police forces finds great difficulties to normally operate. The various options considered during the past years in order to solve this problem have faced their own sets of operational, conceptual and doctrinal challenges, not being the lesser of them the militarization of police forces. This paper explores, from a practical and cross-cutting perspective, the security gap, different solutions proposed, both practically and theoretically, as well as the dilemmas presented by the militarization of police forces. Lastly, from all the possible options, the European gendarmerie model, and its law-enforcement potential in peace operations are detailed.

Keywords: gendarmeries, militarized police, hybrid forces, militarization, security gap, peacebuilding, law enforcement.

1. INTRODUCTION

Peace Support Operations (PSOs) face a new series of problems derived from new security settings and demands that were not present 25 years ago. The international community has not evolved as fast as reality, and now struggles to adapt to the new circumstances. This work will describe the new security demands and investigate

some of the efforts of states and international organizations to respond to them. The following account of events that took place in Bosnia during the presence of the international peace mission in the late 1990s reflects of these issues and highlights the practical implications of research in this field:[1]

In February 1997, the mayor, the provincial governor and the leaders of the Muslim community of the city of Mostar, Bosnia, invited the local commander of the NATO Stabilization Force (SFOR) troops to join in the celebrations for the end of Ramadan. The officer gladly accepted, seeing this event as an opportunity to develop closer ties with the local community. The day after the end of Ramadan, Muslims from Mostar would traditionally visit the cemeteries of the city. The commanding officer, aware of this, enquired which cemeteries would be visited in order to deploy his troops accordingly, in an attempt to defuse any potential clashes between the Bosnian Muslims and the Croat Christians of the city, who were celebrating their Carnival by that time. Thanking him for the gesture, a list of sensitive locations was provided by the Muslims, including all the cemeteries except one, which was located in Listiça Street. With that list, a UN security scheme for the day was planned.

The next day, a group of Muslims led by the mayor of Mostar, a Muslim himself, decided to visit the cemetery in Listiça Street, located in the Croat part of the city. The Muslim group ran into a crowd of Croats celebrating Carnival, and the situation escalated quickly: first, insults were exchanged, followed by stones and shots. Two Muslims died as a consequence of that clash, and at least one more during the following riots. The International Police Task Force (IPTF) agents present in Mostar were incapable of dealing with the situation and withdrew without intervening[2]. The day after the incident, the commanding officer, along with other civilian and military representatives of the international mission, met with the leaders of the Muslim community, who were clearly upset by what they perceived as lack of protection from the international forces and the ineffectiveness of the international police. It is important to note that the police component was completely independent of the military forces, a fact that was not perceived by the local population. Measures were taken, and the UN troops conducted a series of operations to restore order, including roadblocks, controls and search for weapons. Such actions were unexpectedly successful, and large amounts of light weaponry, including RPG-7 launchers, hand grenades and assault rifles were retrieved. The intervention irritated the local organized crime and weapons smugglers, who reacted a few days later by attacking one SFOR patrol with self-propelled grenades, with no casualties reported. It was the first attack suffered by international troops in Mostar. Tensions continued to increase, and intelligence sources warned that the Croat garrison of Mostar was planning an attack on the peacekeepers. Thanks to the early warning, the attack was avoided through a combination of tactical positioning and reinforcement of the troops in the area. It was only after several weeks of intense presence and continuous interaction between the French, Spanish and Moroccan peacekeepers on one side, and the local population on the other, that normality was restored and life could continue in Mostar.

1 This anecdote was referred by Brigadier General Zorzo Ferrer in an interview to Atenea Magazine online. See the full interview in original Spanish here: http://www.revistatenea.es/revistaatenea/revista/articulos/GestionNoticias_1340_ESP.asp

2 Although allegedly in charge of public order until local law enforcement units were ready, the IPTF was not prepared nor equipped for events of such magnitude. They were unarmed, their mandate was too limited, and they operated separately from the UN/NATO military element. (Wisler, 2007; Hills, 2001)

This anecdote is a good example of the complexities of contemporary PSOs. International troops are no longer a passive interposition force between two well defined belligerents, but an active agent in a complicated and delicate context in which military force is not the only, and often not even the most important dynamic present. In contemporary PSOs, the famous 'blue helmets' are just a part of a more complex and far-reaching endeavour, and the security challenges found in such settings are far from the reach of traditional military forces. As the events in Mostar show, only a small fraction of the actions undertaken by international troops were purely military. In normal conditions, actions dealing with organized crime, riot control, liaising with local populations and authorities, searching for weapons and other illegal trafficking, arranging public security measures, restoring public order, mediating between different communities and some types of intelligence should be the responsibility of separate institutions, mainly law enforcement agencies, and not the military. In the context of the weak, fragile or failed states in which PSOs take place, it is not uncommon to see that there are no local law enforcement agencies ready to perform these policing functions. This policing vacuum needs to be restored as soon as possible, but the situation does not allow deploying international or local police forces able to deal with it in a fully effective manner. The only present effective forces are military, and they assume law enforcement duties despite the fact that they are poorly prepared to fulfil them properly.

This situation has been called by scholars and practitioners the *security gap* between the military and the police, and several solutions have been proposed to solve this problem. One of these solutions, which will be discussed in this paper, is the use of gendarmeries or other 'intermediary' forces between the police and the military fields to tackle the law enforcement challenges in peacebuilding contexts too risky for civilian police forces. The aim of this paper is to shed some light on the specificities of modern European gendarmeries, and to what extent they are capable of filling the *security gap*. The approach will be mainly theoretical. To do so, first the debate around the security gap will be analyzed, in order to provide a framework for the discussion. Second, the process of militarization of police forces and how it affects peacebuilding will be discussed. Third, a distinction will be drafted between different forces designed to operate in the 'grey' area between police and military during PSOs, including but not limited to gendarmeries. Fourth, gendarmerie forces will be further explored and the European Gendarmerie Force (EFG) will be examined as a case study of a gendarmerie model oriented to PSOs. The EGF operational definition of gendarmerie[3] will be defended as the most appropriate conceptual approach to these forces, and holds key features with crucial implications in PSOs, as it will be explained. The purpose of such analysis is to postulate an ideal gendarmerie model and assess its potential in PSOs. Finally, conclusions and recommendations will be presented.

2. FRAMEWORK: THE SECURITY GAP

In what have been called '*third generation peace operations'* or peacebuilding operations, an absence of active fighting is clearly not enough; in a context of fragile or failed states, rule of law, social justice, economic development and multiple other factors are seen as necessary if the country or region is to remain stable and peaceful in the

3 EGF definition of gendarmerie: 'a force with an all-encompassing jurisdiction in its homeland and towards its community, tasked with judicial and administrative policing and crime prevention, and whose members possess policing and basic military skills.'

long term. Compared with previous generations of PSOs, namely peacekeeping and peacemaking operations, a greater amount of military enforcement is often required in the initial stages of peacebuilding operations. Nonetheless these operations also face a wide array of challenges that military forces are not designed or prepared to address. The military component is just one part of complex operations that include economic, social, legal, law enforcement, humanitarian and political aspects. The international community has developed civilian tools and mechanisms to face these realities. (Tranca and Garon, 2007)

One of the biggest challenges for peacebuilding operations is the previously mentioned *security gap*. During a post-conflict setting, the initial PSO deployment will be mainly military, such as putting an end to the fighting, neutralizing hostile elements through action or deterrence and supervising and enforcing a ceasefire. They are all intended to provide the basic security environment for the following civilian phase of the mission, tasked with state-building duties. Once the military forces have provided reasonable levels of stability, new security demands appear, related to the lawlessness that typically follow a conflict. Organized crime, war crimes, lootings, illegal trafficking, submerged economies, riots and public insecurity tend to prosper in a setting in which local law enforcement agencies have disappeared or are heavily undermined. The need for stability for the local population after cessation of hostilities is critical. However, the security situation may still be too hostile and dangerous for the civilian component to perform their normal duties, including law enforcement, despite the fact that formal combat operations have ended. Thus, the whole mission is jeopardized, not only physically, but also by harming its reputation and effectiveness. The only force capable of acting under those circumstances is the military, which is not intended to carry out law enforcement, but sometimes has to undertake such a role in absence of any other means. (Agordzo, 2009; Hill, 2010; den Heyer, 2011)

A deeper analysis of the security gap and the attempts to overcome it, based on the experience of PSOs in the last two decades, shows three different sets of issues to be solved: deployment, enforcement and institutional sustainability. (Dziedzic, 2003) The deployment gap refers to the usual delay in the arrival of civilian police units (CIVPOL). CIVPOL contingents are slower to mobilize for several reasons: there are not many standing police units ready to deploy, police forces are not usually prepared or designed to act outside the state and there are fewer numbers of policemen available since they are needed in their own countries. The enforcement gap has to do with the nature and amount of use force required in the immediate aftermath of a conflict. The military has well-known difficulties adapting their confrontational and lethal use of force into a deterring non-lethal one. This was clear in Afghanistan and Iraq, where there was no contingency law enforcement plan, and the military were dragged into policing with no previous preparation, or simply left the security gap open with pernicious consequences for the overall stability of the country. (Perito, 2007; Barton and Crocker, 2003) CIVPOL, on the other hand, falls short in the amount of ‘muscle’ needed to cope with the potential levels of violence, to the extent that their activities are hampered and they face considerable personal risk. Experiences in Timor Leste and Sudan confirm this point, when the CIVPOL component had to conduct their daily activities escorted by the military. Military escorts turned out to be counterproductive for the policing efforts for a number of reasons: they affected the confidence of the local population in the UN mission, they diverted military resources from other responsibilities and their presence projected a misconception that

military participation is inherent to policing duties. (Agordzo, 2009; Goldsmith, 2009) Police agents are not deployed in units, but in individuals or patrols, which further weakens the impact of CIVPOL in the overall situation and makes it even more difficult to coordinate between different elements of the mission. The institutional stability gap is related to the capacity (or will) of the local authorities to sustain the rule of law, and it has longer lasting effects. Even if the international mission succeeds in providing a secure environment, a whole set of rule-of-law institutions must be established, including police, judiciary and penal. (Eide, 2000) Furthermore, they should not only be established, but trained, supported and monitored until they become truly effective. An effective coordination must be implemented, not only between the different components of the mission but also with local authorities, which should have an increasingly important role in law enforcement. This means that achieving stability is not sufficient: a gradual transition should be undertaken from a strong military presence to a smaller, more flexible police component. This process is complex and requires very different skills and capacities that neither the military nor civilian police master completely. (Hills, 2001)

From the analysis of this topic in the consulted literature, some conclusions on the ideal features and capabilities of a force or forces meant to fill the security gap in PSOs can be drawn.[4] In summary, these requisites are:

- To have full understanding and awareness of their mission as law enforcement units. This relates to training, mandate, equipment and strategic and tactical ambits.
- To be robust enough to survive a highly hostile environment. This does not only mean stronger armament and self-defence capacity, but also a low dependence on local infrastructure and logistics, and a certain degree of flexibility to respond to swiftly changing circumstances.
- To be easier and faster to deploy than regular civilian police forces.
- To be present all throughout the mission, and to be able to adapt to the demands of changing contexts. To do so, a wide arrange of skills are required, from riot control to training local forces.
- To be able to interoperate and coordinate with civilian and military authorities, both local and international. In addition, readiness to migrate from a military chain of command to the control of civilian authorities and vice versa according to the circumstances of the mission could be an asset, but may not be strictly necessary.
- To be ready and able to interact with the local population in a positive manner as soon as possible. This facilitates their mission in several ways, such as improving intelligence gathering and fostering acceptance among the population.
- To act in units rather than individually or as small groups, in order to have a critical impact in the security situation and better strategic responsiveness.

4 These conclusions are a personal reformulation and compilation of several recommendations and suggestions found in the following literature: Friesendorf, 2010; RAND, 2009; Hovens, 2011; de Weger, 2009; Agordzo, 2009; den Heyer, 2011; Field and Perito, 2003; Johnston and Corbin, 2008; Hills, 2001; Sullivan and Weston, 2006; CoESPU, 2005

- To have some level of autonomous investigative and intelligence-gathering capacity, not just policing the local population but also to investigate possible war crimes or crimes against humanity.

These basic requirements can be found with minor variations throughout most of the academic literature and practitioner experience on security gap issues. However, the basic consensus on these features is countered by an intense debate on how to achieve them. Although this controversy is complex and rich, and provides the framework for the present discussion, an exhaustive account of how it has unfolded is out of the scope and intention of this paper. A simplified explanation will be sufficient to frame the present work into the overall debate.

There are two main, and non-homogeneous, positions surrounding this topic. The first defends a strict separation between the military and the civilian spheres, and tries to fill the gap by extending and adapting existing military and civilian capacities, while avoiding confusion between them. (Greener and Fish, 2011) On this side we can find mainly, but not only, authors from Anglo-Saxon, German and Scandinavian traditions. These countries have allegedly had a clearer view of the separation of military and police as a cornerstone of democracy throughout their history, directly linked to the strong influence of the liberal tradition in their political cultures. Among practitioners, the EU and the UN are the most important organizations advocating for a strict separation between civil and military affairs. It is significant that the UN Police component, today known as UNPOL, originally was simply called CIVPOL. The most significant UN reaction to the security gap, the Formed Police Units (FPUs), is an example of this perspective. Purely civilian police units specialize in more robust tasks such as crowd control or protection, and are meant to operate under civilian command. (UN, 2006; UN, 2010)

On the other side of the debate, Continental European scholars initially took the lead, but an increasing number of voices from the Anglo-Saxon world, especially a sector in the US, have joined it. They defend the creation of hybrid or intermediate agencies between the military and the civilian areas, combining the abilities of both and serving as a bridge or nexus to make the transition possible. It is interesting to note that most of the attention paid by US academics is grounded on the experience of PSOs over the last two decades, and more specifically in the operations involving US troops. Interventions in Afghanistan, Iraq, Haiti, Panama or the Balkans have confirmed the importance of filling the security gap from the earliest stages of the mission. (Cockayne and Lupel, 2009) Practicality and immediate necessities prevail over more abstract long-term institutional goals, such as the separation between military and civilian ambits. This has raised a strong wave of concern, as it has been argued that militarizing police forces compromises civilian policing, delays transition to normality and undermines the transparency and democratic functioning of law enforcement institutions. The predominant role that the military conception of security has compared to other areas in US operations is a relevant factor in play. (Las,t 2000; Hill et al., 2007; Greener and Fish, 2011)

There are multiple visions regarding how such hybrid forces would be shaped. Most of them derive from the idea of extending military tasks and capabilities through training and equipment to deal with the security gap, having a predecessor in the military constabulary authorities that transitionally exerted control over the occupied territories

in Germany and Japan after the Second World War. (Eide and Holm, 2007) Between 1946 and 1953, the US Army Constabulary were the occupation troops tasked with internal security, monitoring the incipient local security forces and enforcing the rule of law; they proved successful in that task. (Gott, 2005) Again, US scholars are representative of this position. Since it is now acknowledged that a fully military administration is neither possible nor desirable in a contemporary multinational operation, most of the suggestions in this sense advocate for a more modest military involvement in law enforcement. (Johnston and Corbin, 2008)

Advocates for this position argue for the creation of specialized units, called Stability Police Units (SPUs),[5] which would be formed and tasked with dealing with public security demands as soon as they arise. This model is not a reality yet, although it is being seriously considered by sectors of the diplomatic and military establishments in the US. It also faces opposition from academics concerned with militarization of security and military commanders reluctant to get involved in non-military duties. The idea is heavily influenced by US field experience, and hybrid police-military forces serve as inspiration in many senses. Personnel for US-SPUs would be drafted from the military, especially the military police, as well as from some law enforcement agencies such as the US Marshalls. They would be trained in crowd control and high-end policing skills and have a strong civil-military (CIMIC) component including liaison agents and advisors. (Kelly et al., 2009; Jayamaha et al., 2010; RAND, 2009) The main flaw of this approach, as presented by its advocates, is that it is considered from the 'military end' of the police-military spectrum. In other words: police duties are seen as a component of the military mission, corrupting the ultimate end of the civilian police presence by subordinating it to military interests. (USIP, 2004)

A different approach is the one taken by Continental Europeans. Gendarmeries are the centre of their proposal to fill the security gap. These law enforcement corps located between the military and civilian spheres are seen with suspicion from the Anglo-Saxon academy for the reasons previously mentioned. (Wiffen and Edmonds, 1989) Gendarmeries have also some influence on other authors, especially American, that defend a hybrid civil-military solution to plug the security gap. Defenders of ISPUs in the US and elsewhere, often present gendarmeries as an example of how a hybrid force should be. (CoESPU, 2005; Perito 2007) When the demands around the security gap in PSOs were formulated, several countries with gendarmerie-type forces, such as France, Spain, Italy, Portugal, Chile, Jordan or Argentina found in these units an appropriate asset to face the challenge. Many of these forces had already been present in international operations, but accomplishing other types of missions such as military policing for their national troops deployed overseas, training and monitoring local forces or supervising ceasefires. This changed with the rise of third generation peace operations in the 1990s, when law enforcement became a requirement, and gendarmeries started restoring order overseas. Since then Haiti, Somalia, the Balkans, East Africa, and Timor Leste are among the places where gendarmeries have contributed to the law enforcement component of international missions in some way, with an uneven

5 US authors tend to use the term SPU for any kind of police unit meant to deal with the security gap during international deployments. This includes NATO MSUs, United Nations FPUs, European Union IPUs and their own nationally projected SPUs. Since one of the goals of this work is precisely to analyze the differences between these units, the term US-SPU will allude to the US model, while ISPU (International Stability Police Units) will be used to refer all units in general.

record up to date. They have faced several difficulties, such as their relatively small numbers, (Johnston and Corbin 2008) a lack of understanding and suspicion from both civilian and military PSO commanders about their nature, (Friesendorf and Penska, 2008) and inadequate mandates including rules of engagement and directives of use of force. (Friesendorf and Penska, 2008; Vianna Braga, 2010) At the same time, they have performed reasonably well in PSOs, fulfilling their mandates in delicate situations such as Bosnia, Kosovo, Haiti or Timor. Doctrinal evolution in the use of gendarmeries has led to two institutional responses to the security gap problem: NATO Multinational Specialized Units (MSUs) and the European Gendarmerie Force (EGF). Both models will be explained in detail later on.

Upon examination, the majority of the literature generated in countries with no gendarmerie tradition shows only a superficial understanding of gendarmeries. This happens equally within critics and advocates of gendarmeries. (Barton and Crocker, 2003) Authors from the predominantly Anglo-American tradition, embedded in the liberal political philosophy, understandably tend not to trust any institution that fall in between the *a priori* separate areas of military and police. Furthermore, they are not familiar with the nature and work of gendarmeries, and tend to include them in a broad category of hybrid police-military units, without considering their specificities. (Lutterbeck, 2004) The 'grey' field between military and police has expanded considerably during the last two decades for two main reasons. The first one is the aforementioned security gap in PSOs. The second one is the blurring between internal and external security brought by international terrorism, transnational organized crime, illegal trafficking and non-state threats to security. (Lutterbeck, 2005) A variety of new security agencies with remarkable military features have been created, while the involvement of the military in internal security issues is increasing. This dynamic of the militarization of security, seen by many with justified concern, means that the number of hybrid forces around the world is rising, and that their range of action is enlarged. (Friesendorf and Penska, 2008) Nevertheless, one of the ideas defended in this paper is that considering all these different units in the same category of hybrid military-police, with no further distinction, is insufficient and misleading. A deeper understanding of the different forces and agencies that fall in this 'grey' area, including gendarmeries, could be useful in order to deal with the security gap in PSOs.

It is this whole discussion that provides a framework for this paper. As we have seen, the ways in which security gap issues are tackled have a paramount influence on the design of specialized law enforcement units, the strategic planning of PSOs, tactical responses in the field as well as in theoretical and practical aspects of state-building efforts. Without mentioning the implications for internal security, although that topic will not be considered here. The fact that gendarmeries are not deeply understood by some authors and practitioners, while they are both mentioned in the literature and deployed in the field, is a sign of what can still be improved in this area of research. The intention behind this work is not to defend a purely gendarmerie solution for the security gap, but rather to shed some light on gendarmeries and enhance the understanding of their potential contribution to PSOs.

3. THE GREY AREA: MILITARIZATION AND HYBRID POLICE-MILITARY FORCES

There are a number of very different forces that, in some way or another, fall between the ambits of military and police or internal and external security of the state. In

the literature, they are broadly categorized as paramilitary police units (PPUs), and are generally seen as anomalies, when they are not seen as threats to the traditional separation between military and police areas. (Hill et al., 2007; Lutterbeck, 2005) Globalization, transnational crime, international terrorism, failing states and other rising challenges are shaping security responses in the entire world, and policing is not an exception. (Greener, 2011) The levels of violence faced by police have increased to the point that SWAT (Special Weapons and Tactics) teams and military special-force like units had to be formed. (Sullivan, 2002) Aspects like intelligence are increasingly a shared asset between military and police: the evolution of the US intelligence services is a perfect example of this phenomenon. (Jones and Newburn eds., 2006) Border control has been traditionally a very sensitive issue for national security, and in recent years it has evolved towards militarization in equipment, armament, technology and training, for instance in the border between Mexico and the US, or in the Straits of Gibraltar. (Lutterbeck, 2004) At the same time, armed forces are increasingly involved in tasks beyond their established functions, not only in PSOs as we have seen, but also internally. From emergency relief during natural disasters, such as hurricane Katrina, to assistance in immigration control in the southern coasts of Europe (Lutterbeck, 2005), the military have been involved in efforts far beyond their natural limits.

The reality is that the principle of separation between the civilian and military aspects of security has very rarely been completely fulfilled, even by countries from Anglo-Saxon or Scandinavian traditions. This does not only apply to the post 9/11, or even the post Cold War years; it has rather been a constant along the 20th and 21st centuries in Europe and North America, albeit in very different fashions. It has been widely accepted that the military have a marginal presence in very specific tasks, such as guarding strategically important facilities, VIP protection and assistance during exceptional circumstances such as natural disasters. But the military involvement goes beyond that, and sometimes goes unnoticed, as will be seen now.

Such is the case with coast guard duties. Coasts guard duties can be undertaken by civilian, gendarmerie or military forces; in many cases the forces that carry out coast guard duties have double ministerial affiliation with the ministry of defence and the ministry of interior (sometimes also transportation or finance). Oddly, in both Norway and the US, known for a strong separation between civilian and military forces, the military option is the one present. The US Coast Guard has even participated in full scale conflicts, the most remarkable case occurring during the Second World War, where it escorted convoys in the Atlantic and the Pacific and took active part in the invasion of Normandy by providing rescue ships and manning landing crafts.[6] Similarly, the Italian *Guarda di Finanza*, or Fiscal Police, engaged in naval battles against the Allies during that conflict. (Cotichia and Giaccomelo, 2009; Lutterbeck, 2004) Border management is another good example: during the Cold War, several border control forces on both sides of the Iron Curtain were militarized, being regarded as another force in the eventuality of war. This also granted them the status of prisoners of war in case they were captured. An example is the German Frontier Police: the *Bundesgrenzschutz*, which was military until 2005, when it became the German Federal Police. In other countries, such as Italy, France or Spain, border control is in the hands of gendarmeries, also with some military status. Even when border control has been the responsibility of civilian polices, it is not uncommon to find occasional

6 According to the official US Coast Guard Website: http://www.uscg.mil/history/normandy_index.asp

military support in the form of surveillance airplanes, search and rescue assets, or other capabilities. Under exceptional circumstances, such as natural disasters, the armed forces are often entitled to intervene inside the state. This is perfectly understandable, and strong civilian control is normally required to allow these interventions. When such catastrophes occur, international relief efforts often include some form of military resources, presenting armed forces as controversial humanitarian actors. In sum, the boundaries between the civilian and the military are trespassed more often and in more situations than might seem. A myriad of exceptions to this rule can be found if European and North American countries are examined in detail: from fighting wild fires[7] to ceremonial duties, not forgetting the already mentioned constabularies in Germany and Japan after Second World War, and also in Northern Ireland.

On the other end of the spectrum, the militarization of police forces is older than it may appear. The first thing that must be said here is that most contemporary civilian police forces have a strong military component in their origins. Such is the case of the London Metropolitan Police, the paradigm of a modern civilian police force and one of the first to see light. It was created by Home Secretary Sir Robert Peel (hence the popular name of '*bobbies*') in 1829. A military officer, Colonel Charles Rowan, was responsible for the organization of the new police, and the new agents would be retired non-commissioned officers from the army. (Keegan, 2004) Meanwhile, in Continental Europe, the legacy of the Napoleonic Wars meant that the gendarmerie model of policing was predominant. Gendarmeries could be found in Austria, Greece, Russia, Denmark, Belgium, several German *Länder* and Hungary, just to mention a few. (de Weger, 2009: p.41) During the second half of the 20th century several European gendarmeries have disappeared or turned into civilian organizations. From this we can conclude that the separation between civilian and military is more the result of an institutional evolution rather than a reflection of the inherently different nature of both fields. Since then, police forces progressively fell out of the influence of the military in a process of 'civilianization'. This process seems to be antithetical to the militarization of policing that can be witnessed today in a number of internal security forces. (Hill et al., 2007)

A large number of the existing civilian law enforcement agencies have undergone processes of militarization in one sense or another. An often cited example is the growing number of SWAT and anti-terrorist units within civilian police forces. (Hill et al., 2007) The first SWAT unit was created by the Los Angeles Police Department to tackle situations for which regular agents were neither trained nor equipped. Their roles quickly expanded from facility security to more reactive intervention.[8] Similar units can be found in the majority of urban areas in the US today. It has been argued that SWAT units introduce 'a culture of paramilitarism' in the police, since their equipment, training and appearance is very similar to the one presented by the armed forces. Body-armour, automatic weapons, training alongside elite military units and a more

7 For instance, the Ala (Wing) 43 of the Spanish Air Force is entirely dedicated to aerial firefighting. The more recent UME (Unidad Militar de Emergencias, Military Emergency Unit) is also fully designed to deal with natural disasters and other hazards and public calamities. http://www.ume.mde.es/que-es/ http://www.ejercitodelaire.mde.es/ea/pag?idDoc=5864A9DE5E87B418C12570DD0042998E&idRef=4A49821B8E6B267EC125745900263B9B

8 From the official LAPD website http://www.lapdonline.org/metropolitan_division/content_basic_view/849

reactive and confrontational policing style have contribute to the 'culture of paramilitarism', now spreading throughout most law-enforcement agencies. (Hill et al., 2007; Lutterbeck 2005) Some parallelism can be found in the creation of special anti-terrorist units in other countries, particularly European ones. Between the 1960s and the early 1980s a wave of terrorist attacks struck Europe by the hand of secessionist, revolutionary or international groups. Law enforcement agencies of the time were not prepared for the level of violence displayed by those organizations. They were not only challenging public security, but also the sovereignty and capacity of the state. This was clear in events like the massacre of the Munich Olympics of 1972, in which the German law enforcement bodies were totally unprepared to deal with that situation, leading to the fatal outcome of the crisis. Another case is the seizing of the Iranian embassy in London by an Iranian secessionist group: the lack of appropriate police means to address the crisis led to the decision of the British Government to use a military option, the SAS, instead. As a consequence of these events, specialized anti-terrorist units were organized throughout Europe. These units are not always civilian in nature: for example, the UK, favouring a military solution, appointed the SAS for counter-terrorist actions. In countries with militarized police forces, these bodies were initially responsible for anti-terrorism units. For instance, the GIGN (Gendarmerie intervention group) in France belongs to the *Gendarmerie*. Similarly the German GSG-9 was born as part of the German the *Bundesgrenzschutz*. This has not stopped civilian police bodies in these countries from having their own intervention units. For example, in Spain the *Guardia Civil* special intervention unit coexist with the special operations group (GEO) of the *Policía Nacional*.[9] Another symptom of the blurring between internal and external security aspects besides their increasing numbers is the fact that these units can intervene both inside their countries and overseas in different tasks, from protection to intervention, with little effective attention paid to their status.

Gendarmeries and other military law enforcement units have seen their influence gradually expanded: they are the only military forces in Europe that have increased in numbers for the last twenty years (Lutterbeck, 2004; Bigo, 2006) and they have risen within the EU to find a place in the European security architecture, sometimes colliding with other countries and policing styles. (Maillard and Smith, 2012) Militarization can refer to many different processes that cause police forces to resemble the military in terms of equipment, behaviour, institutional dependence, roles and public perception. According to a study on militarization of police forces in South America, this process has six different aspects that do not necessarily happen at the same time or to the same degree of intensity. (Costa and Medeiros, 2002) These are:

- Organization: adoption of military symbols, language and structure.
- Training: use of military weapons, manuals, rules of engagement and equipment.
- Deployment/Tactics: military tactics and behaviours are incorporated to police duties.
- Control/Strategy: the military dictates the police strategy, how they are geographically distributed, their equipment purchases, their roles in the security complex, etc.

9 According to the Policía Nacional official website: http://www.policia.es/org_central/dao/geo/presentacion.html

- Intelligence: information and intelligence processes are controlled or influenced by the military
- Justice: police forces are accountable to military authorities and tribunals.

According to this work, law enforcement agencies with civilian status, such as US police forces, tend to militarize more in the first three fields: organization, training and deployment/tactics. On the other hand, police forces with a military status, such as gendarmeries in Europe or South America, show more signs of militarization in the last three areas: Justice, Intelligence and Control/Strategy. Consequently, a 'militarized' status of the police can mean different things; depending on the degree of militarization, the areas in which this militarization takes place and the specific tasks assigned to a police unit. The institutional framework of the country and the security context in which these forces develop their activities also play a role. It seems bold and inaccurate to compare, for example, Iraqi police and its counter-insurgency efforts with the motorway patrols of the French *Gendarmerie*, or the riot control units from Chilean *Carabineros* with the anti-smuggling operations of the American DEA. Nevertheless, the term 'paramilitary' is often used in the literature to describe them in an indiscriminate way. (Hill et al., 2007) Furthermore, 'paramilitary' is not merely descriptive, since it has a series of negative connotations; paramilitary groups in places like Colombia, former Yugoslavia, Rwanda, Sudan or Central America earned a dreadful reputation for committing atrocities, often sponsored by their governments. Although paramilitary literally means 'around the military', this does not accurately describe most of the law enforcement units with some degree of militarization, and completely fails to distinguish them from illegal or illegitimate paramilitary groups. Some French authors argue that the use of the word 'paramilitary' alone reveals a conceptual bias in the English-speaking academy against gendarmeries and other militarized police units. (Grobinet, in Hoyens and van Elks eds., 2011) In this work, the terms 'hybrid forces' or 'militarized police forces' are proposed as more appropriate in describing them.

Two of the most common concerns raised around the process of militarization are the lack of democratic control of the police forces and the degradation of civilian community policing derived from the progressive adoption of military behaviours. (Last, 2000) The first one refers to issues such as a lack of transparency, impunity, interference of the police forces in the normal political life and consideration of police resources as a political tool, regardless of the authorities being civilian or military. The second one has more to do with the interaction between the law enforcement agency and the population, and is concerned about abuses, disproportionate use of force, violation of civil and human rights and more generally a shift from a preventive, community-based approach to a reactive and repressive law enforcement style. (Greener, 2011; Greener and Fish 2011; Costa and Medeiros, 2002) Both problems are inextricably linked. As we have seen, militarization is a complex and multifaceted process, very dependent on the security, institutional, social and historical circumstances of every state. This is why despite the fact that those two sets of problems can be linked to the process of militarization, a direct correlation cannot always be found, and a more nuanced analysis is required.

Examples of how the military nature of a police force does not necessarily lower democratic standards can be found throughout the globe. For instance, in Buenos Aires, Argentina, the metropolitan police force, entirely 'civilianized' since 1983, was

responsible in 1998 of more than 10% of all the homicides committed in the city that year. The Jamaican Constabulary, which despite its name is an entirely civilian police force created after the English model, was responsible for 22.3% of the killings in the country. (Costa and Medeiros, 2002) In the US, local police forces alone have killed between 300 and 400 people each year between 1994 and 2007.[10] Civilian police forces can have strong tendency to abuse and excessive use of force due to different reasons. In the US, the progressive blurring between internal and external aspects of security has led to a proliferation of federal agencies (more than 40) with wide executive powers, different affiliations, overlapping mandates and institutional rivalries. On top of that, there legal architecture is insufficient to procure transparency and coordination, often blocked by considerations of national security. (Jones and Newburn, 2006) This blurring of the civilian and military aspects represents a real threat to democratic policing.

On the other hand, countries like France, Italy, Portugal, Spain, Canada, Chile, Netherlands or Germany have successfully integrated different types of militarized police forces in their security architectures without diminishing at all their democratic standards. This was achieved thanks to the provision of high levels of professionalization, a solid and clear legal framework and continuous control over the security instruments of the state. Even when militarized police forces in some of these countries have operated under non-democratic governments in the past, they have completed their transition to democratic policing standards with more than acceptable levels of normality. Such are the cases of Spain, Portugal and Chile. Considering these facts, we can conclude then that militarization is not automatically equal to a lowering of democratic standards. (Hoogenboom, in Hoyens and van Elks eds., 2011) Despite the fact that increasing militarization can be a worrying phenomenon, further research on how such militarization process happens and how it affects the separation between police and military is required in order to assess all these issues in an accurate and faithful manner. (Weiss, 2011)

This whole debate about the boundaries of military and police forces has remarkable incidence on peacebuilding operations. Not only it determines one particular model of state in the process of state-building pursued by an international intervention, but it also has an incidence on the international response to security issues like the security gap, studied here. Security Sector Reform (SSR), one of the cornerstones of any state-building endeavour after conflict, is designed to match certain international standards that are assumed indispensable for a democratic state. SSR objectives, as they are currently set out, include democratic control of the security forces and clear-cut differentiation between internal and external security. (Agordzo, 2009) Furthermore, they aim for specific models of armed forces, police agencies and democratic control institutions based on the model of developed democratic liberal countries, including the Anglo-Saxon model of community-based policing. (Greener and Fish, 2011) This is done with little regard to the security situation, the culture, the resources of the country, and the composition of the international forces conforming the PSO. Independently of how sensible they might seem, these objectives can often collide with other state-building efforts or immediate security necessities. (Bellamy, 2003)

10 USA Today, (2008): “FBI: Justifiable homicides at highest in more than a decade”, published online 10/15/2008 http://www.usatoday.com/news/nation/2008-10-14-justifiable_N.htm

A very clear incompatibility is precisely the security gap issue and how the international community respond to it. As referred before in the cases of Sudan and Timor Leste, and also as the anecdote in the introduction demonstrates, the paradigm of an unarmed civilian police patrolling the streets in small numbers while the military are kept aside of internal security has serious flaws. This can give the impression to the local population that such model is inefficient, thus undermining the confidence in law enforcement agencies, both the local ones and the international ones backing them. At the same time, resorting to the military to perform policing is counterproductive in a number of ways, not being the least of them the idea transmitted to the population that restoring order is a military business. Some authors also argue that this extends to hybrid police forces, regarded as incompatible with a completely civilianized police service due to their military nature and the high-end police tasks[11] that they are usually assigned in immediate post-conflict situations. (Hills, 1998) High-end policing requires less interaction with local population and higher levels of coercion, and can be easily mistaken with military functions, especially given the unstable and confusing security context in which PSOs take place.

When military perspectives of security utterly prevail over the police ones, law enforcement is considered by the commanders of the mission as just one more requirement to reach military objectives. This is more likely to happen in operations facing local insurgencies. In these cases, security demands cause local police forces to be trained with a strong focus on counter-insurgency, to the extent that they become an auxiliary fighting force for the international troops fighting the rebels. The consequence is the adulteration of the declared long-term SSR objective of raising a fully civilianized police force that provides community policing to the population. Instead, a combat force that only retains a few irrelevant civilian features is created. Additionally, common population concerns regarding insecurity due to common crime and insufficient rule of law are not addressed by the police, thus alienating the population from the authorities and even generating support for the insurgency. Afghanistan and Iraq missions have suffered this problem, demonstrating the difficulties of implementing SSR programmes in highly volatile environments. (Sullivan and Weston, 2006)

4. FILLING THE SECURITY GAP: POLICE, MILITARY AND HYBRID RESPONSES

Having seen some of the implications of the security gap and the blurring between military and civilian components in PSOs, we will now focus on how the international community has responded to these challenges. As can be observed from the previous pages, several factors have incidence in how the responses to the security gap are shaped, from the type and quantity of resources available to the mentality of the planners of the intervention. In this chapter, the main forces or units intended to fulfil the particular security needs of post-conflict settings will be examined. The intention here is to refine the distinction between them and assess their strengths and weaknesses in order to extract useful conclusions that may be useful for both peacebuilding professionals and scholars researching this subject.

11 The term high-end policing refers to police activities that require a greater display of coercion, such as riot control, anti-terrorist interventions or protection of facilities and personnel. On the other hand, low-end policing includes functions like crime prevention, investigation, administrative duties, engagement with the community and so on.

It must be said that this area has been already explored in academic literature. What is intended to be done here is to provide a new perspective or framework to approach the subject. The first chapter of this paper, regarding the security gap controversy, shows that several authors and organizations see this issue through the lens of the separation between civilian and military: the capital concern is not to confuse them so the expected democratic outcome of the peacebuilding process is not put at risk. Anglo-Saxon and Scandinavian traditions are predominant here. From this perspective, the classification is simple: law enforcement units with or without military status. It is fair to admit that these authors and practitioners are more prone to defend the civilian option. (UN, 2003: pp 83-100; UN, 2008; Greener and Fish, 2011) Again, opposed to this view we can find those who, adducing past experiences and practical necessities, opt for higher degrees of military participation in restoring the rule of law during a post-conflict setting. This effectively trespasses the theoretical dividing line between policing and military. One of the proposals coming from this side of the debate is the extension of capabilities of the military component of the mission to cover the specific internal security demands. (Kelly et al., 2009) While other authors suggest the use or creation of proper standing hybrid forces with a degree of autonomy within the military structure of the mission. (de Weger, 2009)

Findings on the topic of militarization pointed out in the second chapter suggest that the process of militarization is complex and nuanced. Militarization can happen in many different ways; depending on which aspects we look at, nominally civilian police agencies can sometimes be more militarized than forces with a formal military status. Furthermore, under certain circumstances, the military nature of a law enforcement force is not that relevant when it comes to determine democratic control and quality of the internal and external security agencies. (Costa and Medeiros, 2002) Such circumstances are a well established legal framework, clearly defined competencies, appropriate force equipment and doctrine for the intended tasks to perform, high levels of professionalization and training, sufficient transparency, and popular acceptance as a legitimate law enforcement agency.

With these considerations in mind, this chapter will try to assess the responses to the security gap under a different perspective. The capacities and features of the forces employed to fill the security gap will be the main focus of the analysis, moderating the importance of the police-military divide in it.[12] Such analysis will reveal the strengths and shortcomings of the different units studied, providing valuable information on how to employ these different resources in a more efficient and less conflictive way. The specialized units organized to tackle the security will be generally called ISPUs, but not every unit in the analysis falls into this category. It should be reminded that in a PSO, the idea of police work evolves with time: while in early stages of the mission the main focus is on stability in a broad sense, as the mission advances the importance of a developed institutional rule of law increases. The security gap is often found in the early stages of the mission, when ISPUs have a protagonist role; they step back to a support role as the rule of law is established and CIVPOL becomes operative. Since in

12 This exercise does not imply that the division between military and police tasks is of no relevance in peacebuilding efforts, or in fact in any democratic system. Following some of the arguments presented in the chapter on militarization, sufficient democratic standards can be fulfilled with the correct legal and operational framework, and a clear and appropriate division of the security labour between military, hybrid and police forces.

reality this process is rarely straightforward, but rather subordinated to circumstances on the ground, the truth is that the policing tasks of ISPUs and CIVPOL in general are selective and somewhat artificial. Subsequently, the specific tasks, strength and operational framework of ISPUs is defined on a case-to-case basis, depending on diverse factors, such as changing security levels, capacities and mindsets of the different national contingents, weakness of local law enforcement bodies and attitude and acceptance of the local population, to mention a only a few. (Hills, 2001) The following ISPU case studies will be studied and compared now to provide a more practical approach to the subject: military police, US-SPUs, EU IPUs/UN FPUs and NATO MSUs.

4.1. MILITARY POLICE

Military police are a troop in charge of policing the military. They have the same deployment and self-defence capabilities than other troops and are an integral part of the military force. The role of military policemen role cannot be considered as public law enforcement: their mandate is to enforce military laws within the military. Some of the duties the carry out, such as facility protection, might be useful in the security context of a PSO. Nevertheless, their full military nature means that they share the military ethos, and that they can only operate under military chains of command. They are not trained nor equipped to interact with the local population or to accomplish most basic public policing. Military policemen are not themselves subjects of the same laws they should enforce if they were to perform public policing. Also their procedures are different from those required in a civilian police, which makes them unsuitable to monitor or operate with local police forces. In sum, military police units are only a little less unprepared than regular combat troops to deal with public law enforcement duties.

That being said, military police can be useful under certain circumstances. When given appropriate training and equipment in aspects like riot control, searches, road controls and other high-end police tasks, they can add valuable capabilities to the military forces. In a rapidly changing security environment for a purely military component, having a military police riot control unit quickly available is much better than confronting protesting civilians only with assault rifles and armoured vehicles. In addition, useful and simple tasks like traffic regulation are also within their reach. In early stages of the operation or facing swift emergencies, the flexibility gained by including this type of units can be crucial. The Polish military police riot company deployed by the UN mission in East Slavonia illustrates this point and shows a way in which military police can contribute to fill the security gap. (Last, 2000) This does not mean, however, that they are suited to cover every aspect of the security gap; other types of units are required. (den Heyer, 2011) Military police cannot be considered an ISPU, but rather an extension of military capabilities towards the area of internal security.

Tactical success of military police has inflated the expectations surrounding these forces. Several voices, particularly in the US, defend the idea of using military police to develop units tasked exclusively to deal with the security gap, such as the projected US-SPUs. (RAND, 2009; Jayamaha et al., 2010) These views overstate the advantages and potential role of military police in the security gap and denote some lack of deep understanding of both the security gap and the military police.

4.2. STABILITY POLICE UNITS: THE US CONCEPT

In the chapter regarding the security gap controversy, the US proposal for SPUs has been already introduced. As previously mentioned, these units are still not operational, but their advocates have a growing influence in the academy, the military and the diplomatic service. Even among their advocates there are disagreements in areas like size, staffing, recruitment, functions and equipment; additionally, the cost of forming these units is capital in this internal debate. One of the most detailed and realistic US-SPU proposals, is the one presented by the RAND Corporation. It will be used as a template for our analysis. (RAND, 2009: pp.155-165)

In brief, a US pattern SPUs consist of battalion-sized units deployable in 30 days, able to perform high-end police tasks such as criminal investigation, SWAT, riot control, facility protection, intelligence gathering and training of local police only in high-end police duties. The manpower for these units would be preferably drawn from Federal law enforcement agencies, although the military police option is still on the table. This option is favoured for three reasons: law enforcement agents have some key skills that can only be acquired by regular practice; cooperation and collaboration with civilian police and administrations would be easier; as well as internal regulatory frameworks.[13] Two types of agents will integrate the unit: those formed in sub-units, dedicated to SWAT, protection and riot control, and those agents who would be deployed individually, dedicated to training, investigation and liaison.

The RAND proposition is practical, clear and well thought, but it has severe shortcomings. The first one is the lack of available civilian personnel due to the high demand of law enforcement agents for their normal duties. This is a common problem to all the cases presented in this work. The second one is some lack of clarity regarding its strategic use and how it will fit institutionally within the US (internally), and also in the structure of an international mission (externally). This problem is probably the most relevant because no matter how capable and well-designed a unit is, an inappropriate use of resources can invalidate any advantage the force might have and even threat the whole PSO in which it is embedded. Unfolding this problem of use and planning, the external aspects refer to the interoperability and relations with other international organizations and local actors, the ability to be under international command and other tactical issues. Currently there is no internationally agreed doctrine for ISPUs (CoESPU, 2005) and sending to the field a force with an unclear doctrine is very unlikely to improve the situation. The internal have to do with the doctrines of use and the specific niche of these forces within the security apparatus of the state. The strong national debate around SPUs in the US suggests that the role of these forces is far from being clear. The tactical acknowledgement of new security needs that led to the presentation of different US-SPU projects clashes with a lack of understanding and familiarity with such concept in the decision-making levels. The fact that, for the US, military security considerations have been far more influential in the design of SPUs than state-building or police perspectives (Jayamaha et al., 2010; Johnston and Corbin, 2008) could serve as an indicator of the subordination of US-SPUs to national military objectives. This position leaves aside broader state-building considerations in the strategic employment of US-SPUs, and stands in the way of cooperation with other states and international

13 The Posse Comitatus Act, that prevents the military from taking internal security duties unless exceptional circumstances apply.

organizations. A third problem, common to other ISPUs with military components, is that the majority of roles for which US-SPUs are conceived are mainly high-end policing: highly confrontational, potentially violent and with low levels of interaction with the locals. Combined to the adscription of the unit to the military component, a 'culture of paramilitarism' can be spread within local law enforcement agencies (Hill et al., 2007) and presenting law enforcement as a military-related task to the eyes of civilian population. This can undermine state-building and SSR efforts. (Hills, 2001)

4.3. CIVILIAN ISPUS: UNITED NATIONS FPUS AND EUROPEAN UNION IPUS

Much more concerned with the separation between military and civilian affairs, and with a stronger civilian orientation in their peacebuilding interventions, UN and EU have designed their own responses to the security gap in PSOs. They did so by extending the capabilities of the civilian police component with the incorporation of formed units trained in high-end policing to complement CIVPOL contingents, as opposed to the US perspective of complementing the military. These units are by no means prepared for combat duties, beyond self-protection in low intensity combat. They both fall under civilian control and only under exceptional circumstances and for brief periods of time can they be under the orders of local military commanders. UN FPUs are usually company-sized (140 agents)[14] while IPUs can vary in numbers and sub-units. Both can include specialized support units, depending on the specific requirements of the mission. As stated previously, their objective is very similar, with little variations between them: providing high-end policing skills to CIVPOL and local police forces, such as riot control, force protection, counter-terrorism and response to major public disorders. Training of local counterparts, some level of criminal investigation and basic intelligence gathering can also be counted among their duties. UN FPU doctrine can be summarized in "*Cover-Control-Clone*", standing for population protection, maintenance of public order and training of local forces respectively. The EU classifies the possible uses of IPUs in Substitution and strengthening of local law enforcement bodies. Both units are supposed to be robust, able to operate in hostile environments, rapidly deployable and able to interoperate with other PSO components. According to the official FPU description:

> *"FPUs are rapidly deployable, well equipped and trained to act as a cohesive body capable of responding to a wide range of contingencies. They are self-sufficient, able to operate in "high-risk" environments and are deployed to accomplish policing duties such as crowd control rather than to respond to military threats."*

The EU Nice and Feira conclusions regarding IPUs say something very similar. (CoESPU, 2005) Political and strategic doctrine has been established in both cases. UN FPUs doctrine is developed in several guidelines for the use, training and selection of FPUs, along with directives of use of force and rules of engagement. (UN, 2006; UN, 2010) The EU is less prolific, and the IPU concept is included in broader directives guiding European police operations in general. (CoESPU, 2005)

Some differences in capabilities, composition and employment exist, as a reflection of the different idiosyncrasies of the UN and EU. For example a UN police contributing

14 The description can be found in UNPOL official website: http://www.un.org/en/peacekeeping/sites/police/units.shtml

country will usually offer an entire unit. On the other hand, IPUs can be composed of sub-units and support elements of different nationalities, probably as a reflection of the smaller manpower available. Although further research on how effective is the existing cooperation between FPUs and IPUs with other mission components, especially the military and organizations outside the UN, experience has shown that this model works so far. (Hills, 2009) This is a direct consequence of the different manners in which both organizations engage in PSOs: while the UN tries to cover the full spectrum of issues in peace-building and provides an umbrella for other participant organizations, the EU relies to a larger extent on cooperation with other actors for its peacebuilding involvement; particularly relevant are the security links between EU and NATO. Interesting is to note that, despite the insistence on the civilian nature of IPUs and FPUs, on occasions they include gendarmes within their ranks; (Coticchia and Giaccomelo, 2009; Goldsmith, 2009) a fact that does not challenge the civilian nature of the unit.

These units have some shortcomings. Besides the shortage of available trained police officers, they have limited intelligence capacity. Intelligence gathering is a basic component of police tasks like investigation or crime prevention and a useful resource in any international deployment. However, this aspect has been largely left unattended. The traditional UN reluctance to get involved in intelligence activities (Dorn, 1999) can be noticed in the little attention paid to the subject in the guidelines for FPUs: only one broad mention in this sense can be found. (UN, 2010: p.6) EU IPUs can have slightly stronger intelligence gathering capacities, related to crime investigation and tactical awareness mainly. (CoESPU, 2005) The different national origins of these units, in particular within UN FPUs, can bring along different police styles. Harmonization can represent an obstacle for international law enforcement, and minimum standards in professionalism must be demanded before deploying FPUs. The UN has implemented detailed training and recruitment guidelines for contributing countries after some negative experiences in early deployments. (Hansen, 2011) With the exceptions of Timor Leste and Kosovo, FPUs have no executive authority, which means they normally cannot arrest criminals. (Hansen, 2011) High-end civilian law-enforcement units, to a lesser extent than military ones, can also transmit ‘paramilitary culture’ to local police forces, as the previous chapter demonstrated. FPUs are cheaper per agent than the CIVPOL component, as a consequence of their training and relative logistic autonomy. (Hill et al., 2009) However, this may tempt decision-makers to expand their use beyond their original goals and invade the field of action of CIVPOL; diminishing FPUs effectiveness and incrementing the risks associated with the excessive use of high-end police units.

Some countries have also modelled deployable civilian units on their own. Such is the case of the Australian International Deployment Group (IDG) and the similar New Zealand International Service Group (ISG). (Greener, 2011) The IDG, active from 2004, reflects the Australian experience in regional PSOs, and has two deployable components: one in charge of regular community-police oriented CIVPOL and one response group specially prepared for high-end policing in unstable environments. IDG is a national asset, but it is conceived to be deployed under UN or regional organizations flags too. In fact, IDG personnel can be found in a dozen regional and UN missions throughout the globe fulfilling different roles.[15] Initiatives like IDG should

15 A factsheet with the basic features of Australian IDG can be found in the Australian Federal Police website: http://www.afp.gov.au/policing/international-deployment-group.aspx

be welcome, since they can provide skilled agents in short-notice to the UN and other international organizations in a way that minimizes operational incompatibilities.

4.4. NATO MSUS AND THE PRESENCE OF GENDARMERIES IN CIVILIAN ISPUS

The consecutive and sometimes overlapping international missions in the Balkans, first by the UN, joined later by, OSCE, NATO and UE, have been the proving ground for a whole series of responses for the new challenges that third generation PSOs pose for the international community, being the security gap one of the most relevant. The anecdote reproduced in the introduction may serve as a token: neither military units nor CIVPOL were able to properly fill such gap. (Call and Barnett, 1999) As the situation evolved, different reactions and responses to the changing environment were tried. Since there was little previous experience on dealing with the security gap problem, solutions had to be improvised in a short notice with the resources available. The military component of the different missions during the 1990s was clearly predominant over the civilian one; this combined with the faster response and deployment capacity of armed forces and the short-term nature of the security challenges meant that the first response would come from the military. Some of the countries with military participation counted with hybrid forces and gendarmeries that were considered better prepared to undertake this new role. Several gendarmeries, such as the French, Italian or Spanish, already had extensive international experience in PSOs, although always in both ends of the security end: never in the middle grey area, but rather as part of CIVPOL or integrated in their national military contingents. After experiencing several incidents involving rioting crowds, in 1998 the first Multinational Specialized Unit was formed under the auspices of NATO with Italian, Romanian, Slovenian and Argentinean gendarmes. (Lutterbeck, 2004)

MSUs are not meant to replace civilian and local police forces, and their objective is to enable NATO forces to tackle public order situations such as riots and lootings, and enhance coordination with local population, CIVPOL component of the mission and local authorities. Hence they act as force multipliers for NATO military units. They are deployed within NATO contingents and act under the same rules of engagement and operational procedures, including combat duties if necessary. Consequently they have the same self-protection, deployment and logistic standards than the rest of the military detachment. Occasionally they can operate for limited time under the command of other international organizations such as UN or EU, as well as local authorities when considered necessary.[16] The doctrinal evolution has been branded by field experience and the flexibility they are supposed to add to the military component. This means that there are no specific strategic guidelines; when deployed, their use is highly discretional and depends to a great extent on the mandate of the forces and the situation on the ground. For their tactical use in emergency situations, the '*green box/blue box*' doctrine has been formulated, improving flexibility while avoiding misunderstandings in their employment. (Greener and Fish, 2011; CoESPU, 2005)

A typical MSU can vary in size, from 200 to 600 agents, depending on the mission requirements and support sub-units. Any NATO nation or partner can contribute with troops and sub-units to man the MSU. Besides the high-end policing they add to

16 MSU factsheet in SFOR website: http://www.nato.int/sfor/factsheet/msu/t040809a.htm

NATO formations, MSUs have limited investigative capacities, in and out the military component. Intelligence gathering, both for military and policing purposes is among their recognized duties. They are part of the military intelligence chain of command, and also integral part of the NATO approach to the security gap. In theory, this means there is not only intelligence gathering, but also intelligence sharing with other PSO components outside NATO. As inter-agency cooperation has a heavy influence, liaison officers are abundant within the ranks of MSUs. (CoESPU, 2005)

MSUs have been very active in Bosnia-i-Herzegovina and Kosovo, with hundreds of interventions in intelligence, liaison, training and public security, ranging from negotiation to riot control. (Greener and Fish, 2011; Friesendorf and Penska, 2008) NATO considers MSUs a success, and the model has earned its place in the operational planning of the Alliance, despite the fact that the concept has its critics. Witnessing such relative success after the frustrating Balkans experience, the MSU model was replicated by the UN in Timor Leste and Kosovo. These would later evolve to the previously explained FPUs. Similarly, EU founded IPUs on the grounds of MSU experience. The Timor Leste case is paradigmatic: when general unrest burst, the UN was forced to admit the incapacity of CIVPOL to address it, and deployed an MSU-style unit in response. Although in theory an FPU, it was integrated entirely by Portuguese and Jordanian gendarmes and its mandate was exceptional in a number of senses: it was wider, it included executive policing, and it allowed more autonomy and flexibility in the use of force. For these reasons, the Timor FPU case is included in this section of the chapter. Some authors take the same approach to this case. (Lutterbeck, 2004) Again, combined FPU and military support to CIVPOL managed to stabilize the situation. (Goldsmith, 2009) It is interesting to note that, in the literature consulted about the Kosovo and Timor interventions a great deal of criticism is directed towards the hybrid nature of the gendarmes, while leaving aside other explanatory factors like legal and operational frameworks, tactical considerations or the mandate issued to the unit.[17]

The MSU model has probably been more criticized than other ISPUs, due to its hybrid nature and strong military origins and orientation. It was also a pioneering experience for ISPUs, driven mainly by tactical necessities and only later incorporated to a global strategy. The civil-military separation, central in SSR and state-building efforts, is perceived at risk with implementation of MSU. They have also been accused of introducing into the country paramilitary and non-democratic policing styles, as we have previously seen. This point is backed to an extent by testimonies of excessive use of force and appearance of combat troops rather than policemen. (Hill et al., 2007; Goldsmith 2009) What is argued here is that these facts should be attributed more to the high-end policing carried out by MSUs in a volatile environment, their inclusion inside the military component,[18] and to a lack of UN, NATO or EU legal and operational provisions for the use of MSUs, rather than to the military adscription of its components *per se*. The main difference between MSUs and US-SPUs when it comes to their military bias is that MSUs have higher interoperability capacities, rooted in the fact that, in theory, they are conceived as multinational, and in practice they have tried to link law enforcement

17 Examples of these criticisms in: Hill et al., 2007; Goldsmith, 2009; Lutterbeck, 2004; Friesendorf and Penska, 2008

18 This means: having military rules of engagement, being under military command and being generally considered a military asset.

efforts of different international organizations. (Brosig, 2011) While US-SPUs are a national resource to provide US troops with 'grey area' capabilities, MSUs are truly multinational from the beginning, and possess a larger tradition of cooperation, both institutional and inherent to the gendarmeries that form their ranks. Another disadvantage of MSUs is the lack of understanding of their nature and role, inside and outside NATO. Commanders from countries with no gendarmerie tradition are not aware of the exact potential of gendarmerie-type assets, and regard them with suspicion. This is extensive to other partner organizations such as UN agencies and CIVPOL, and translates into underutilization, being limited to little more than bailout resources for CIVPOL. Flexibility at all levels is one of their highlights, but this is achieved through a lack of strategic doctrine on their utilization in favour of tactical agreements between actors on the ground. (CoESPU, 2005) Such strategic doctrine is difficult to elaborate due to the high number of states and organizations that should be involved in its development and the very different attitudes that they display towards hybrid forces, security gap issues and state-building. This relative uncertainty, added to already listed circumstances,[19] increases the opportunities for MSUs to operate under only light supervision. (Friesendorf 2010: p.128) These circumstances augment the risk of excessive use of force, military-like behaviours in law enforcement and undermining CIVPOL efforts due to lack of coordination.

5. GENDARMERIES AND THEIR POTENTIAL IN PSOS

As previous sections have exposed, there is a lack of understanding among certain groups of scholars and practitioners. Two very simple approaches are considering gendarmeries either every armed body holding the title of gendarmerie, or any militarized law-enforcement institution. Both can be misleading. Several units with the title of gendarmerie, for example the Polish Żandarmeria Wojskowa, are fully military police units for their own armed forces, with only exceptional and subsidiary competences in law enforcement.[20] The second perspective encompasses every hybrid law enforcement agency, but it does not clarify the difference between a gendarmerie and other forces, such as militarized border police units, military coast guards or special anti-terrorist units. The discussion on the process of militarization in this paper has revealed that militarization can happen in different ways, but even if we only take into consideration the structural factors, such as discipline, ministerial affiliation, role in case of war or use of military ranks and units for internal organization, the term gendarmerie is still not sufficiently accurate. Therefore, a more refined and accurate definition of gendarmerie is required. The working definition selected for this study is the one formulated by the EGF to determine what forces can be granted membership status. (de Weger, 2009: p.44) As seen in the introduction, EFG defines a gendarmerie as *'a force with an all encompassing jurisdiction in its homeland and towards its community, tasked with judicial and administrative policing and crime prevention, and whose members possess policing and basic military skills.'*

This definition not only distinguishes between gendarmeries and other hybrid security forces, but it highlights a basic feature of gendarmeries often overlooked outside

19 Default military command unless specified otherwise, high-end police duties, weak local and international rule-of-law environment including control mechanisms and unstable operational environments.

20 A list of the duties assigned to the Polish Gendarmerie can be found in the official ZW website: http://www.zw.wp.mil.pl/en/205.html

their countries of origin. Low-end policing is one of their core values. Furthermore, their judicial and administrative policing skills not only complement the spectrum of civilian law enforcement, but show their full integration in a democratic state of rule of law. High-end policing and their connections with the military are only a small part of their activities from this perspective, and at the same time are overstated by the critics of this model of policing. (Wiffen and Edmons, 1989) Applying the previous discussion on militarization of security to this case, we conclude that the aspects in which the militarization of these units takes place are more easily regulated and less prone to produce non-democratic policing and excessive use of force.[21]

If we analyse gendarmeries in an individual basis, we can find important differences between them: double and even triple ministerial affiliation, being part of the military in peacetime or not, capacity to act as military police, internal organization and so on.[22] Said so, there are common patterns that can help to form a concept of gendarmerie (de Weger 2011): dual military-civilian affiliation; low-end policing performed on a regular basis, including criminal investigation; preparation for a number of high-end police duties, such as site protection, explosive teams or riot control, and finally policing in rural areas. As we can see, they match with the definition used by the EFG.

The suitability of gendarmeries for PSOs is related to the origins of these forces. After the Napoleonic Wars in Europe, modern nation-states started to emerge. At the same time, French *Gendarmerie*-style forces had been widespread throughout the Continent; they provided central governments with a unique tool to counter centrifugal tendencies, as well as exerting direct control over the unruly countryside. (Lutterbeck 2004) This is a feature of the gendarmerie-style of policing: it is more centralized than the community-based model. Gendarmerie forces were often the only visible side of central authority in remote areas, where gendarmes were deployed in small detachments of even just two gendarmes. These gendarmes did not only conduct police duties, but also basic administrative and basic judiciary ones in the absence of sufficient state resources. As a result, in the countries where the model has survived, gendarmes have developed a close relationship with the rural populations and earned legitimacy not only legally, but through practice. This brief history explains why gendarmeries are capable of covering the whole spectrum of police activities, from counter insurgency to judicial police and community engagement, which made the nation-state possible. Interestingly enough, these demands can be found with little variation in contemporary peacebuilding operations. Gendarmeries have also a tradition of overseas deployment to carry out law enforcement in colonies and territories and train local counterparts.

5.1. RECOMMENDATIONS FOR AN IDEAL MODEL OF GENDARMERIE INVOLVEMENT IN PSO

As we can see, the potential of gendarmeries in peacebuilding goes far beyond the plugging of the security gap. They can be deployed and interoperate with both military and civilian components of an international mission with minimal preparation. They

21 Militarization of gendarmeries happens in intelligence, justice and control, as opposed to organization, training and tactics, which have a bigger exposure to the population. See Costa and Medeiros, 2002.

22 A detailed account of these differences is out of the intention and length of this paper. For an extensive work on this topic, see annexes in de Weger, 2009.

have logistic and self-protection military standards, which means they can be inserted at any point in time during the operation. They can undertake the whole array of police missions, from community policing and traffic police to riot control and SWAT-like teams. Gendarmeries also have valuable expertise in a variety of technical issues, such as IT, border control, finance crime and so on. (de Weger 2011) And finally, and more importantly, despite their military features they have proven themselves as capable of being an effective and legitimate democratic police force, as long as the institutional framework they are embedded in is clear and solid enough.

The question then, is if a force that reunites all these capabilities together is really needed. There is no task that gendarmeries can undertake and others cannot. Their critical advantage is their flexibility and the ability to be present and active anywhere and at any time of the peacebuilding process, and to cooperate with almost any kind of organization and force, national or international, civilian or military with little previous preparation. They are a force multiplier, in the sense that they can supplement either end of the civilian-military spectrum with skills only found in the other in an easier manner than if both ends had to cooperate directly. In an ideal PSO setting, the security gap would be minimized through solid international strategic planning and fluent cooperation between military and civilian components on the ground, leaving little to no space for a force with this features. The reality is that the unstable security conditions and the difficulties in harmonizing the endeavours of the actors and organizations involved in peacebuilding, will generate unexpected eventualities. When such situations unfold, the flexibility and adaptability of gendarmeries can be crucial, in the form of a versatile rapid-reaction force able to carry out whatever mission is required regardless of the security environment and the commanding authority on the ground. They should not be used as a permanent substitute for military or CIVPOL, and it is very important that local and international commanders have clearly established and agreed procedures and directives on their use to avoid duplications, inappropriate use of force and overlap of efforts with other forces. In this sense, they fit well in an ISPU framework. Nonetheless, their capacities go beyond the high-policing associated with ISPUs, and subsequently the mandate of these gendarmerie 'fire brigades' should go beyond this type of policing to maximize the use of their skills. The number of gendarmeries with enough proven capacities to achieve such flexibility is rather limited, and gendarmes are in demand in their origin countries. This staffing shortage reinforces the model of relatively small dynamic units acting as force multiplier.

A clear legal and operational framework is required, not only to avoid conflictive relations with other components of the mission, but - more importantly - to guarantee a healthy separation between military and civilian to the eyes of the population. As the previous discussion on militarization and the history of gendarmeries point out, the hybrid nature of a security force is a minor threat to democratic law-enforcement compared to unclear legal frameworks, underdeveloped or corrupted political systems and other more subtle militarization processes within civilian police forces. Thus said, the Anglo-Saxon model of policing predominant in SSR is not questioned here as a long term goal, and it is true that an overuse of hybrid forces could send the wrong message to local authorities. This only reinforces the necessity of clear mandates and an integrated international strategy if gendarmeries are going to be used in such a flexible manner. In other words, making clear for everyone in which cases gendarmes

operate as civilian police agents and in which situations they are a military force.[23] Tactical arrangements resulting from field experience in the Balkans are a solid starting point. (Brosig, 2011) The next step is to achieve a better understanding of gendarmeries in the strategic-planning levels. This is the key for the elaboration of a doctrine that will allow the integration of gendarmeries in the SSR and state-building efforts while maximizing the democratic guarantees of the process.

Most of the obstacles for the establishment of a gendarmerie force of these characteristics can be found in political and high decision-making levels, and are rooted in an insufficient knowledge and familiarity with these forces. It will require a sincere effort from both gendarmerie sceptics and supporters at all levels to reach a degree of understanding that makes possible an optimal use of these forces in peacebuilding operations.

5.2. THE EUROPEAN GENDARMERIE FORCE (EGF)

The EGF is an international organization that aims to provide a common framework for European gendarmeries in multinational missions. It is an evolution of the FIEP (France, Italy, Spain and Portugal) gendarmerie force embedded in the EU EuroFor. Political divergences between EU members about the use of gendarmeries led to the creation of an international organization outside the EU, but closely related to it, in order to develop the peacebuilding potential of European gendarmeries beyond the traditional ISPU role. EGF can operate in different stages of a PSO, and with different degrees of intensity: from advising and monitoring to executive policing and ISPU. (Lalinde, 2005) In this sense, the EGF can be considered the next step in the trend initiated by MSUs.

The European Gendarmerie Force was officially operative in 2005, and has its headquarters in Vincenza, Italy. The five founding members, attending to the size of their gendarmeries, are France (*Gendarmerie Nationale*), Italy (*Arma di Carabinieri*), Spain (*Guardia Civil*), Portugal (*Guarda Nacional Republicana*) and the Netherlands (*Koninklijke Marechausee*); in 2008, Romanian *Jandarmeria Română* acquired membership. In addition, several other national hybrid forces that do not fit in the EGF definition of gendarmerie have status of observers (Turkish *Jandarma*) and partners (Polish Żandarmeria Wojskowa and Lithuanian *Viesojo Saugumo Tarnyba*). The two main obstacles for the expansion of the EGF are its exclusively European scope, closely linked to, but not determined by the EU, and its operational definition of gendarmerie, which has already been presented in this chapter. (de Weger 2009)

The objectives of the EGF are to provide the EU, and to other organizations such as NATO, OSCE and UN in a subsidiary way, with a force capable to perform the full spectrum of police work in a conflict area, including support to local law enforcement units. It can be present in any stage of the peacebuilding process, meaning that it can enhance crisis management and development capacities. For this purpose, special attention was paid during its creation, to make it compatible with political guidelines such as the European Security and Defence Policy (ESDP) and the shared NATO operational procedures. The EGF is rapidly deployable, self-sufficient, able to operate under civilian and military command, flexible and robust enough to be active in hostile

23 Exactly as it happens with their respective national legislations.

environments with minimum military support. EGF provides an 800-strong unit with its own HQ and any required support sub-units within 30 days after being requested, from a standing force of up to 2,100 gendarmes.[24] Gendarmes can also be deployed individually or in small specialized groups for missions such as training, crime investigation and liaison. Up to date, EGF has participated in two finalized international operations: in Haiti under the UN flag and EUFOR Althea in Bosnia under the orders of EU. EGF is also currently involved in Afghanistan, assisting NATO mainly in training missions.

EGF represents a valuable contribution to the international peacebuilding community for three reasons. First, the comparative advantages for the force it provides, already explained here. Second, it is a pioneering framework that can foster inter-organizational cooperation in PSO settings and set a precedent for institutional efforts to bridge the civilian and military spheres. Such harmonization can be beneficial for the ultimate achievement of peacebuilding objectives. And third, it can work as a channel to better explain the gendarmerie concept to those international actors traditionally alien to the concept. This comes through the improvement of the international projection and image of gendarmeries, and their normal integration in multinational operational structures. In a most basic sense, EGF provides a working definition of gendarmerie that differentiates the model in a qualitative manner from other militarized police forces and sheds light on its compatibility with high democratic standards.

6. CONCLUSIONS

In the first two chapters, this paper adopted more theoretical approach to the debates around the security gap and the militarization of police forces. This has provided a sufficiently clear framework to allocate this work in the general debate. Relying on this exercise, the practical responses to the security gap in PSOs have been classified and their pros and cons exposed. The discussion around militarization of police and the blurring between the traditional aspects of internal and external security have also brought surprising conclusions. The theoretical analysis in these chapters provide an alternative scope through which PSOs can be analyzed, challenging several assumptions given for granted in peacebuilding practice, and trying to open new space for improvement and better utilization of multinational resources.

In the last two chapters, the different existing responses to the security gap problem have been examined. The discussion in the first chapter set the different requirements that a force should fulfil to be able to close the gap. The second chapter, by offering a different perspective on the blurring between military and police applied particularly to international deployments, redefines some of the parameters employed to assess the security gap problem, opening the door for a more fruitful and less traumatic participation of hybrid law enforcement units. The findings after applying these two discussions to the case studies suggest that, particularly in early stages of a PSO, the dangers of militarization of both international police forces and local law enforcement agencies can be countered by efforts of coordination, legislation and strategic planning. Once deconstructed the misleading term of 'paramilitary police units', it has been demonstrated that certain types of hybrid forces, and more specifically gendarmeries as understood by continental European practitioners, can decisively contribute to peacebuilding efforts, even beyond the security gap.

24 See official EGF website: http://www.eurogendfor.org

Filling the security gap is eminently a cooperative task that goes beyond the security aspects and has implications in the wider state-building process. Cooperation is the key: military-police, local-international, and population-mission. Several actors with different mindsets, behaviours and agendas must join efforts to reach a common goal. A clear shared strategy that defines with no margin of doubt the roles of every actor is paramount. Security-wise, there is not a single agency that can cover the whole gap. Civilian and military units are required. Hybrid forces and ISPUs can provide some bridging and expand the capacities of both sides of the civilian-military spectrum, but cannot be a substitute under any circumstance, due to their limited capacity. Their optimal use should be as force multipliers. From all the options discussed in this work to fulfil that role, the one that presents better flexibility and interoperability is the gendarmerie one.

Criticisms regarding a possible 'culture of paramilitary' of law enforcement introduced by gendarmeries have been proven uninformed and exaggerated in this article. This does not mean that the possibility of militarization of law-enforcement does not exist, but that it can be addressed with a combination of professionalism and training of the force, clear operational procedures for the different law-enforcement and military units present in the field and familiarity of commanders, academics and policy-makers with this type of forces. When these are fulfilled, democratic policing is not at risk, despite the nominally military nature of gendarmeries. In this sense, the EGF provides a promising starting point for the full integration of gendarmeries in international crisis-response mechanisms. More importantly, the EGF offers a model of full-range hybrid law enforcement perfectly compatible with democratic standards that can help in assessing which forces qualify to be deployed in PSOs to undertake the complicated and delicate task of filling the security gap.

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