Ministry of Defence

When Peace falls to Pieces: Prospects for Military Policing in Turbulent Times

Prof. Dr. Monica den Boer

Inaugural Address
Acceptance of the Chair on Military Policing Operations,
Netherlands Defence Academy

Breda, 22 June 2022

Curriculum Vitae
Monica den Boer

Monica den Boer assumed the Chair on Military Policing Operations (MPO) at the Netherlands Defence Academy (NLDA) in Breda on 1 June 2020. Prior to this appointment, she held a Parliamentary seat for the social-liberal party D66 from October 2017 to May 2020.

Throughout her career, she fulfilled several academic and managerial functions. In November 2003 she took a position as Director of Research and Knowledge Development at the Police Academy in Apeldoorn, The Netherlands (2003-2016), in conjunction with an extraordinary Chair of Comparative Public Administration at the VU University Amsterdam (2004-2012). Meanwhile, she held several co-positions, including vice-chairmanship of the Clingendael Institute of International Affairs (2006-2009), as well as membership of the Dutch Iraq Investigation Committee (2009-2010), the Defence Future Survey Group (2009-2010), and the Committee on European Integration of the Advisory Council on International Affairs (2002-2016).

Prior to these career developments, she obtained a PhD in 1990 from the European University Institute (EUI, Florence) and successively worked at the Department of Politics at Edinburgh University, the Netherlands Study Centre for Crime and Law Enforcement (NISCALE), the European Institute of Public Administration (EIPA), Tilburg University, and the European Institute of Law Enforcement Co-operation (EULEC). Before being elected into Parliament, she was Director of SeQure Research and Consultancy and Adjunct Professor at the Department of Security & Criminology at Macquarie University, Sydney.

She (co-)published over 200 articles, chapters and books on European internal security, home affairs, international police co-operation, and law enforcement ethics. The most recent book under her editorship is entitled "*Comparative Policing from a Legal Perspective*", which was published by Edward Elgar in 2018. Currently she engages in co-editorship of the *Handboek Koninklijke Marechaussee* (Erwin Muller et al. (Eds.), Wolters-Kluwer, forthcoming 2022) as well as a book project on Plural Policing and Security during the COVID-19 Pandemic (with Eric Bervoets and Linda Hak (Eds.), Palgrave, forthcoming 2022).

Within the Netherlands Defence Academy, she gives lectures in a variety of courses at Bachelor level, including Comparative Models of Policing, Border Policing, the Minor Joint Constabulary Operations, as well as occasional lectures within senior leadership courses. Moreover, she engages in the supervision of Bachelor theses, Master dissertations and PhD's.

When Peace falls to Pieces:
Prospects for Military Policing in Turbulent Times

Inaugural Speech

Delivered on 22 June 2022 on the occasion of the acceptance of the Chair on Military Policing Operations (MPO) at the Netherlands Defence Academy, Breda, The Netherlands

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Introduction: When Sleepwalking Turns Into a Rough Awakening[1]

Dear Colleagues, Family and Friends,

Dear Audience,

Not long ago, when we just started to breathe again in the wake of the COVID-19 pandemic, Europeans lived in peace without realizing that they might actually be asleep. With hindsight, Europe seemed insufficiently aware of the risk of another full-blown interstate war. Territorial conquest seemed to be a phenomenon of the past. In his book *The Weaponization of Everything*, Mark Galeotti argues that traditional wars become rarer, and argues that it has become important for states to avoid direct military confrontation or escalation[2].

> *"For decades, this kind of territorial conquest seemed to be a thing of the past. It had been more than 30 years since one country had tried to conquer another internationally recognized country outright (when Iraq invaded Kuwait in 1990)".*[3]

Borders were, in the words of Fazal, by and large "sacroscanct".[4] We have now realized that Europe's beauty sleep has been roughly interrupted by a loud wake-up call in the form of Russia's expansionism, dressed up as an unprovoked invasion of a fellow sovereign state.

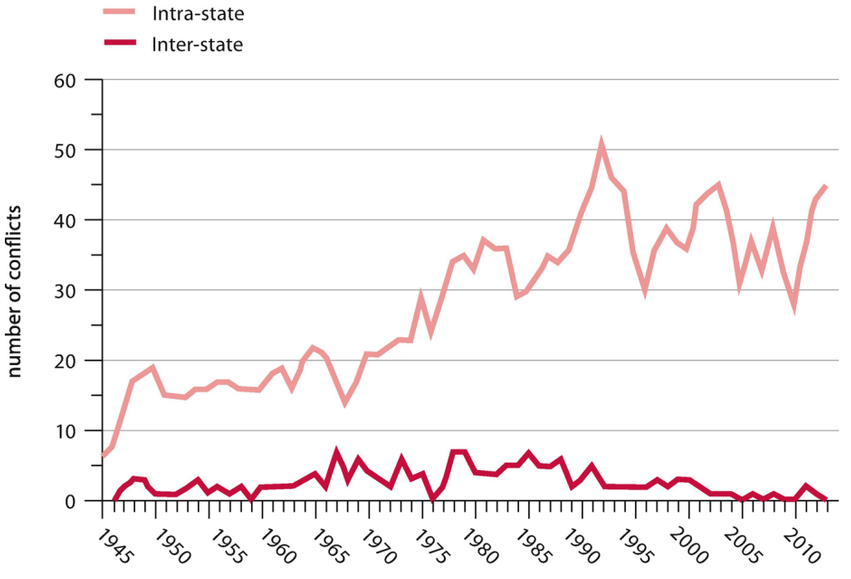

Figure 1: Intra- and inter-state conflicts 1945–2013: the decline of inter-state conflicts (dark red line).[5]

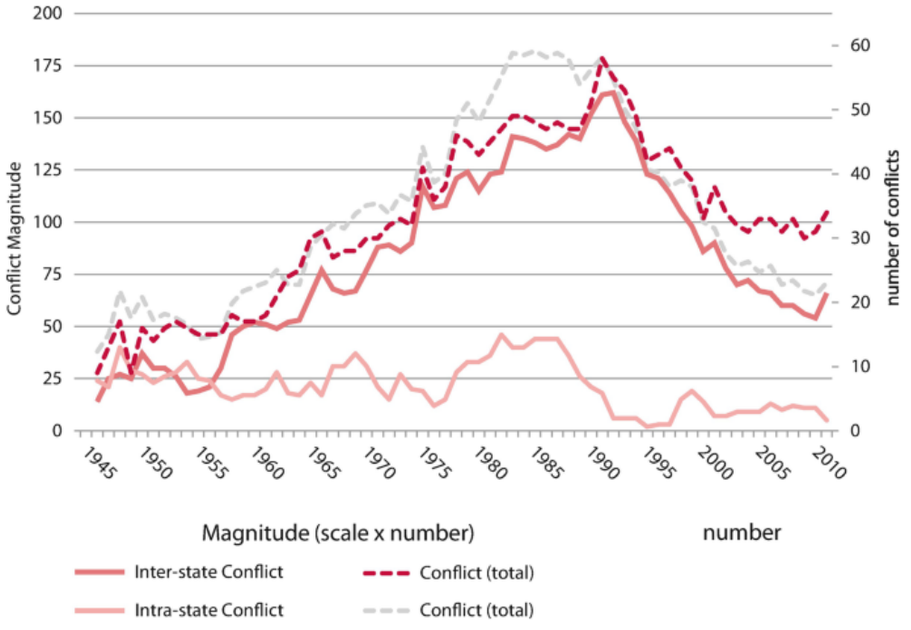

Figure 2: Trends in conflicts: 1946–2012, total magnitude (number and scale) and numbers of inter-state and intra-state conflicts worldwide: general decline of inter-state conflicts.[6]

It reminds Europeans that they should not have stopped taking long and deep looks into their moral mirror. In his address during the National Remembrance Day, Hans Goedkoop used the metaphor of collectively tumbling through the net of history: suddenly we have been propelled back to 1939.[7]

Hannah Ahrendt, who published her book *Eichmann in Jerusalem: A Report on the Banality of Evil* in 1963, opined that Eichmann was a "terrifyingly normal" bureaucrat, who carried out his murderous role with calm efficiency, apparently in the total absence of moral reflection. She warned us for this phenomenon: if we fail to be mindful, evil principles may gradually emerge to become the new normal. Have we lost the ability of defending our common moral values, because we consider them "normal"?[8]

In the spate of only four months, we have witnessed the onslaught of war, in combination with the wide-scale application of hybrid warfare[9]. Moreover, we have witnessed the emergence of a crime scene of formidable proportions: a mounting number of testimonies has come to light about the arbitrary execution of innocent Ukrainians, wide-spread sexual violence against women and girls, and the stealing of private property from ordinary citizens.

The deliberate blurring of the boundaries between war and peace[10] has seen many different expressions, such as the coerced deportations of Ukrainians to Russian territory: 500.000 Ukrainians have been forcibly removed to Russia, resembling the deportation of the Tatars towards the end of World War II to Russian detention camps and factories.[11] De-population of sizeable areas in Ukraine, goes along with the dis-appropriation of property, democratic rights, civil entitlements, governmental substitution with pro-Russian autocratic regimes, fake referenda, and wide-spread cultural heritage destruction. Active starvation[12], reminiscent of Stalin's deeds, reminds us of the millions of deaths[13] during the Holomodor.[14] A destructive system of annihilation, leading to the destruction of human integrity. Is *state death*[15] is the ultimate objective, one may wonder?

As we have seen over the last couple of months, Europe's security has been affected directly and significantly by the Russian invasion of Ukraine. However, given the many other conflicts that are going on in the world the international community should be mindful of the risk of myopia. Let us not turn our backs to the now seven-year old civil war in Yemen, sending it straight into a humanitarian crisis said to be among the worst in the world, due to widespread hunger, disease and conflict inflicted on civilians. This civil war has involved non-state combatants including militant Islamist groups and separatist backed by the United Arab Emirates (UAE), leading to the displacement of over a million people.[16]

Let us not turn a blind eye to a range of potential or semi-dormant conflicts such as the risk of a China-Taiwan conflict. Libya, Iraq, Afghanistan are prone examples of countries that subject their citizens to perilous living circumstances, with fragile situations that contribute to the overall deterioration of human existence.

Let us not forget the worldwide increase of the number of forced displacements, the weaponization of migration, increasing the pressure on EU border security. Rapid deterioration of human existence is caused by the sheer perpetual security deficits in regions like the Sahel, further worsened by climate change.[17] In 2018, UNHCR reported that "War, violence and persecution uprooted record numbers of men, women and children …". Currently, the worldwide number of refugees stands at a terrifying record of 100 million people.[18] In its Global Trends Report, UNHCR analyses that several major crises have contributed to the massive displacement over the past decade, and the numbers include people who were displaced multiple times, as a consequence of e.g. the outbreak of the Syrian conflict early in the decade, continuing today, South Sudan's displacement crisis; the arrival of refugees and migrants in Europe by sea; the forced displacement of stateless refugees from Myanmar[19] to Bangladesh; the outflow of six million Venezuelans across Latin America and the Caribbean…[20]

More than ever, the international community experiences an urgency to take concerted action and to build shared resilience: citizens are increasingly in need of protecting themselves against the exposure to risk, perhaps even along the lines of Total Defence

doctrine: this strategy was introduced in Finland and Sweden[21], implying that all sectors of government and economy engage in defence planning and integrating responsibility to all ministries for planning their operations during a crisis.[22] Moreover, the international community should be aware of the interconnections between the various risks.[23] Security deficits and security provision tend to be strongly interconnected, in the form of a nexus.[24] In this inaugural address, I propose to share a relatively wide conception of military policing, namely the performance of military police functions by a diverse range of security actors, including the traditional defence forces, gendarmerie organizations and public police organizations.

Integrity Under Threat: A Multi-Dimensional Perspective

The analytical focus on military policing is primarily on the performance of policing tasks at the higher end of the violence spectrum, particularly targeted at soft and hybrid security threats against state integrity and the violation of human security. The assets enjoyed by the military police organizations include the capacity and capability to exercise their monopoly of violence across different security nodes, in particular land borders, maritime borders and aviation borders, at the nexus of high mobility and hubs of intensive economic activity.

While European countries have experienced relative peace and prosperity for a continued period of time, a certain amount of ambiguity may be observed with hindsight. While on the one hand, Europeans may never have experienced such high security levels, the integrity of the post-World War II security architecture may be under threat, physically as well as digitally. Of prime concern should be that system integrity needs to be secured at all times, hinging upon a set of interrelated dimensions. As I consider this as a crucial dimension in the positioning of military policing as a function, the paragraph below seeks to reflect on integrity in some more detail.

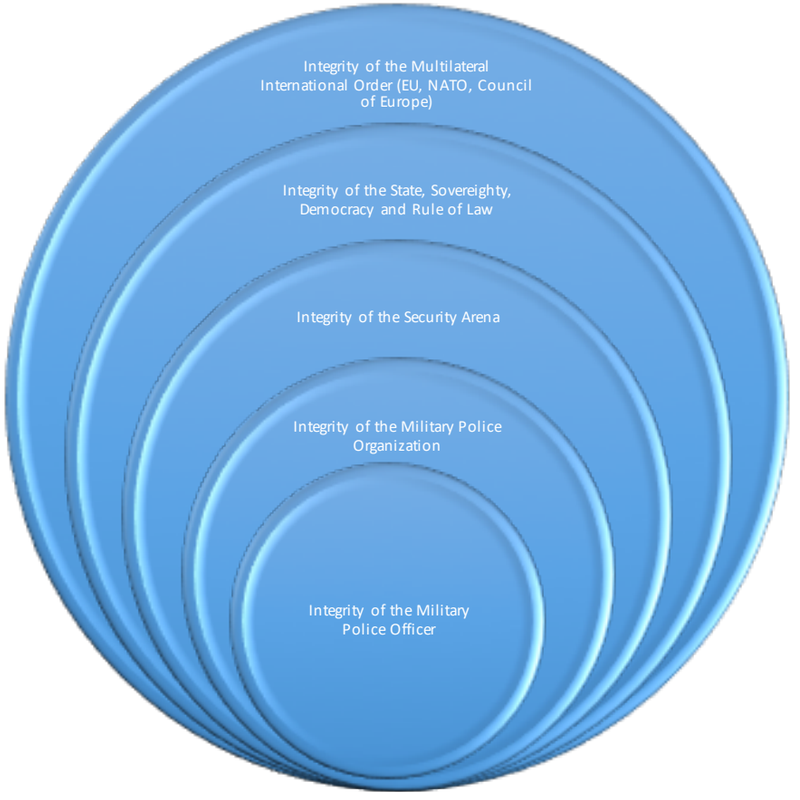

Figure 3: Military Policing Functions: Securing Integrity

From the perspective of the military policing task, the main threats[25] are considered to be a whole range between internal and external security risks. For instance, the integrity of our vital interests is subject to protection, e.g. physical security, economic security, ecological security and social and political stability.[26] The integrity of the security architecture rests on the robustness of an interdependent layering, ranging from the individual level of the military officer to the integrity of our multilateral security order. Military policing as a function contributes to securing the integrity at the level of these different layers, in cooperation with other security providers.

The integrity of our multilateral (security) order represents the outer layer. Multilateralism and multilateral institutions operate in a context in which nations have become increasingly interdependent, amongst a series of other phenomena, such as the eruption of conflicts

and civil wars, the emergence of threats of a transnational nature such as organized crime, and an unprecedented rise of powerful non-state actors, including crime syndicates.[27] This requires collective efforts to combat these threats. In recent times, the cohesion of the multilateral international order has been profoundly tested, raising the question whether states are prepared to step up a shared form of sovereignty by entrusting one another or as a form of mutual solidarity in times of crisis?[28] From a military policing point of view, the integrity of the multilateral security order within the European Union includes securing the integrity of the EU external border: for instance, the Royal Netherlands Marechaussee carries a common responsibility for monitoring the safety and security of the external borders of the EU. Moreover, a shared responsibility is carried for maintaining the integrity of the Rule of Law, also within the multilateral context, as was recently demonstrated in the collection of evidence of war crimes committed in Ukraine in close cooperation with the International Criminal Court (ICC).[29] Within the context of stability policing and capacity building, post-conflict policing hinges upon a balance between democracy and effectiveness. As observed by Alice Hills[30], integrity-building is about structural reforms that aim at strengthening institutional independence, increase the responsiveness of the security system, and discourage abuse of police powers.

The protection of the integrity of our national sovereignty and of our state authority[31] is a core task of our defence forces, and includes the protection of the territorial integrity of the alliance, as well as the integrity of our overseas territories within the Kingdom of the Netherlands.[32] While taking into account the mutual defence clause of the EU[33] and the less well-known solidarity clause in the Lisbon Treaty of the EU[34], this also covers the defence of the integrity of our (vital) interest(s), the integrity of our common territory, in the physical world as well as the digital world, and the integrity of Member States of NATO[35].

Securing the integrity of the (national or internal) security arena implies that security actors within the national security theatre perform their functions effectively as well as legitimately, on the basis of a well-defined political, legal and social mandate, explicitly endorsed by democratic and transparent decision-making about the demarcation of powers. This requires permanent internal and external monitoring, assessment and evaluation of the functioning of our internal security architecture. For a military police organization and its relationship with direct stakeholders this implies being subjected to policy evaluation, audit as well as adjudication, with a view to improvement.[36]

From a military policing point of view, the integrity of the military police organization itself is to be taken into account seriously. Breaches of integrity can be plentiful, ranging from the abuse of power, discrimination or sexual harassment within the organization, leaking or even selling of confidential information to criminal organizations, the misuse of organizational assets, nepotism or corruption (e.g. the breach of rules on procurement).[37] One could argue that these integrity infringements potentially apply to all organizations,

however, for a military police organization they are of considerable weight, given its investigative powers.

Within the military policing environment[38], every individual professional must have integrity as well as pride to serve his or her country in an honourable manner. Integrity can be gained and guaranteed by reflecting on mistakes and working on self-improvement. Moreover, police and military professionals are supposed to assume moral leadership[39] within their team or direct environment, in the sense that they break through the "blue wall of silence" by being capable to initiate and discuss moral dilemmas, including recent issues concerning racism and ethnic profiling.[40]

Positioning Military Policing Functions Amidst Shifting Security Risks

With the advent of organized crime and terrorism, Europe has faced considerable presence of soft and even hybrid security risks. In its adjacent surroundings, such as in Libya, the state monopoly of violence has fallen prey to rapid erosion, turning some countries into fragile states and transforming sizeable territories into "black holes", where warlords are increasingly in charge of sizeable territories.[41]

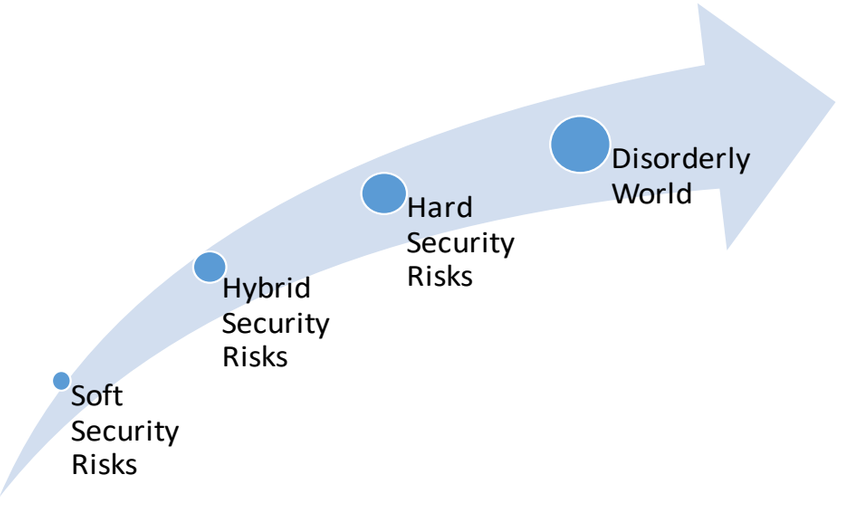

Figure 4: Escalation of Soft Security Risks into a Disorderly World

With the Russian military intervention in Georgia, Crimea (Ukraine) and Ukraine, a hard security threat has propelled itself with vigour on the European security agenda, exposing the EU as a relatively vulnerable, weakly organized, soft regional security actor - perhaps even ill-prepared. With its European Neighbourhood Policy, which has served as the "European Security Strategy's regional sub-set for the neighbouring countries to the east and the south if the Union's borders, the EU has sought to contribute to the containment of frozen, simmering and boiling conflicts across the common external borders of the EU."[42]

Military police organizations such as the Royal Netherlands Marechaussee, the *Carabinieri* and other Gendarmerie-type forces have positioned themselves in order to provide security responses to this range of different threats. Naturally, this positioning is performed in combination with soft and hard security providers, which is to say, the civil police organizations on the one hand, and the defence forces on the other.

Plural Security	Phenomena	Threats	Security Provider
Soft security issues	-Organized crime -Subversive Criminality -Crime-terror-nexus -Violent extremism	-Corruption -Weakening Integrity of Democracy, Society, and Economy	-Public Police Organizations / Law Enforcement -(Civil) Border Control Authorities -Military Police
Hybrid Security issues	-Weaponization of Migrants -Warlordism -State terrorism -Imported conflicts (wars)[43] -Simmering conflicts or return to conflicts (50% recurrence[44]) -Foreign political influence, e.g. on diasporas: spying, sabotage and infiltration	-Deterioration or even absence of the Rule of Law -Loss of (state) monopoly of violence: parallel power structures, no go areas -Competition and rivalry between non-state security providers -Human security at risk due to failed security provision -Large-scale disruption -Regional instability -Spill-over effects -Crimes against humanity, war crimes, orchestrated sexual violence against women and children	-Military Police -Gendarmerie Organization -Border Control Authorities -Intelligence Agencies
Hard security issues	-War -Cyber attacks -Border infringements	-Destruction -Humanitarian crisis -Food, energy and critical infrastructure -Total impunity, lack of justice being done.	-Defence Forces -Military police (assisting Defence Forces) -Intelligence Agencies (Military and Foreign)
Disorderly World	-Anarchy	-Implosion of state authority -Failure of security provision -Imploding multilateral system	-All state security providers to the extent that they are available and capable, including defence forces, military police and public police -Non-governmental support in crisis management

Figure 5: Security Provision by Military Police, Together With Other Security Providers

Among military as well as police actors there is a trend to adapt their capacity and capability to newly arising security threats. What does this mean in terms of actorness: will different security providers start to compete or are they capable of acting in a complementary manner?

Blurring Police and Military: The Myth About Security Androgyny[45]

In order to answer this question we should focus on the question: what is the actual subject of analysis in military policing? As traditional uniformed and hierarchical organizations, police and army share several commonalities, including the use of coercive power.[46] Both carry the core task to guarantee safety and security on behalf of state and society, and they are both crisis management organizations with the capacity to act effectively and efficiently in crisis conditions.[47] At the organizational level, one can find that the "traditional view on the role and position of the police in society implies that the police are being managed as an army.[48] This may lead to characteristics such as army officers in command, military rank and hierarchy, military discipline, military training, military culture, and the restriction of right and liberties of personnel." This traditional view has however gradually been questioned.[49]

The intricate nexus between internal and external security has rendered the classic division of policing and military tasks less sharp.[50] Conflicts far beyond our borders have potential effects for internal security.[51] Hence, military forces have shifted some of their focus on internal security, while police services also have to shift their focus to the international dimension.[52] The merging between internal and external security, the emergence of non-state actors and the abolition of national border controls has thus been a significant lever for the fading frontier between blue and green.[53]

The stark division between police and military may have been left behind. In the past, it was always thought and accepted that civil violence was a matter for the police to resolve, whilst it was a military matter as a matter of high exception. In the meantime, we have witnessed the creation of hybrid units, such as the *Dienst Speciale Interventies*, which is a mixed police-military unit under civil command.

The use of the war metaphor may also have contributed to the militarization of policing: the "war on drugs" and the "war on terrorism" are military frames for security challenges normally dealt with by civil police forces, implying a transformation from (preventive) crime control to war on crime as well as a more exclusive, exceptional, crisis-oriented focus, and it may imply the interruption of regular routine activities. In response to high-profile organized crime and terrorism, the demand for forces capable of responding at the higher end of the spectre of violence – nationally as well as internationally – has infused a trend in which the public police takes recourse to armed response.[54] The rise of paramilitary policing has happened in particular in the USA, for instance in response to the terrorist attacks during the Boston marathon.[55] Police Paramilitary Units (PPU's) have proliferated across the US. In the wake of a terrorist attacks in Belgium (Zaventem), the army was called to assist in the maintenance of public order. "SWAT-isation" (Special Weapons and Tactics) has occurred through the strengthening of anti-terror units. Training, armament and operational action in Special Weapons and Tactics (SWAT) teams of police represent a growing involvement

of the organizational concepts and military technology in controlling illegal migration and drugs criminality, including the emphasis on intelligence and interoperability.[56]

Militarized forms of policing have emerged and grown since the 1970s, such as the riot and counter-terrorism units that have been established in police forces, creating national and international networks of paramilitary squads.[57] While the "war on terror"[58] has provided some justification for the militarization of policing, the roots of the militarizing trend may lie deeper, such as in new security threats.[59]

Hence, the complexity and seriousness of security problems seems to have reaffirmed the need for a militarized response by police forces. Public police organizations increasingly take a role in international policing investigations as well as recourse to military technology and have expanded their scope to cross-border activities and international law enforcement, whilst defence forces have been demonstrated more prominence in the national theatre of internal security.[60]

As security problems not only involve more violence but are also increasingly international in character, the militarization of policing may be a logical response. Evolutions in organized human trafficking, the trade in weaponry and drugs, criminality and terrorism require collaboration that implies the crossing of the existing boundary of internal security and the use of special methods, techniques and of 'adjusted' violence. The military-bureaucratic police model that contains organizational and operational elements from military policing is deemed suitable for managing international security problems: for instance, the American Drug Enforcement Agency (DEA) and Federal Bureau of Investigation (FBI) enjoyed a significant presence in Afghanistan.[61]

Meanwhile, border policing has also become a subject of militarization, given the rising access to heavier equipment (e.g. helicopters, patrol ships) and surveillance technology.[62] Border control has evolved in a security continuum, "in which questions of borders, terrorism, crime and migration have become intertwined", contributing to the "fortification and militarization of borders" [63] and the use of pre-emptive logics.[64] This may render the dichotomy between police and military obsolete and we may want to think more in terms of a continuum.

How about the opposite transformation? Do military functions transform into constabulary functions (also called constabularization)? Already in 1960, Janowitz claimed that the role of the military was changing from an absolute into a pragmatic focus oriented on practical conflict-resolution.[65] This transformation is also referred to as the "policization" of the armed forces.[66] Under the influence of several developments, the boundaries of postmodern military organizations have been subject to change. This is based on the need for new proximity roles and new relationships with civil society.[67] Transformation from a "modern" to a "postmodern" military, involves more ambiguous constabulary work, but

also diverse participation.[68] Also the performance of national tasks of the military come into view, such as in the field of terrorism, and disaster and crisis management. [69]

The growing domestic role of the military has been controversial, particularly as it may undercut democracy:

> *"executive decisions can be made by governments to call out the armed forces, without effective parliamentary scrutiny, constitutional constraint or legal challenge. Once soldiers are deployed, they have sweeping powers, which may include authority to use lethal force, shoot down civilian aircraft, issue orders to civilians, interrogate people, raid premises and seize documents."*[70]

A European example of these trends is France, which mobilized 10,000 troops in Paris in response to a terrorist attack, and which introduced emergency legislation to granted far-going coercive police powers to the military.[71]

The Netherlands defence forces have even been regarded by some as developing into the direction of a constabulary force[72], given their growing expeditionary role in peace supporting operations.[73] In any case, this parallel trend of constabularization domestically as well as externally may lead to a blurring of police and military functions, but may be more obvious in international interventions than in the domestic division of responsibilities.[74] Other experts have even claimed that the Western armed forces are subject to a "radical restructuring", [75] as they have become constabulary forces no longer specialized in war (inter-state violence), but in crisis management, both inside and outside the borders (). Military was a total organization; one was trained to become a "warrior" or fighter, but no longer are members of defence organizations synonymous with fighters, also given the low number of combat functions.[76]

"Constabularization" would be the official acknowledgement of a doctrinal transformation, at least in part, but this poses several challenges.[77] Such a doctrinal change would demand new professional skills[78] and competencies from the military.[79] Except for the potential need for a paradigmatic shift, the concept of constabularization demands a change in organizational design, training and education, culture and thought, as well as discretionary space. The question is whether this paradigmatic shift has been subject to wide acceptance and if so, whether it will have consequences for training, education and curriculum, among others at our own Netherlands Defence Academy.

Hence, are we prepared to speak about the defence forces as constabulary forces[80] or do we continue to speak more narrowly as defence forces that perform constabulary tasks, among other tasks? Additionally, we may wonder whether constabularization of the military is actually a desirable change? As argued above, the use of constabulary powers by the military may endanger fundamental civil and democratic rights. Such trends raise several legal and constitutional issues. Finally, the military themselves may actually be

less keen on the performance of constabulary tasks as there is a perceived incompatibility between strong combat orientation and a constabulary mission.[81]

> *"Military forces are reluctant to engage in confrontations with civilians because, with the exception of constabulary or military police units, they are generally not trained in the measured use of force, control of riots, negotiating techniques, or de-escalation of conflict. As noted above, CIVPOL is not capable of handling violent conflicts, either."*

It may be concluded that no full convergence will be realized, as *police and military are different*, for instance because there are different organizational cultures; military is top-down, with uniform leadership, military discipline, drills and central command with marginal space for self-discretion at the basis.[82] Police tends to be far more transactional in their culture: as an organization, the police is primarily locally or regionally embedded with an emphasis on direct contact with citizens. Moreover, police organizations tend to operate at individual or small group level, with relatively higher margins for self-discretion in their professional activities. Finally, police organizations are expected to act at the lower end of the violence spectre, namely with the aim to prevent or minimize violence: the use of firearms is a matter of last resort. Its organizational structure tends to be far more decentralized than that of the military. Police often needs to improvise and respond to unpredictable crisis situations.

In the face of social legitimacy, the two organizations occupy different positions.[83] As civil police organizations act at the frontline of society, it frequently engages with its citizens.[84] But, surprise, the question about social legitimacy is beginning to assert itself stronger in the context of the military, which itself is drawing nearer civil society.[85] At the individual professional level, there are clear differences between police and military, as informal rules and the culture of police constables are at work. Moreover, the dogma is that: Police is responsible for internal security (law enforcement) and defence forces for the safeguarding external security.[86]

Amidst the evolution of plural policing – meaning that policing functions can be fulfilled by a range of different public and private security actors – military policing finds itself particularly at the higher end of the violence spectrum. For instance crowd and riot control, as a backup for civil police in national circumstances[87] within the entire territory of the Kingdom of The Netherlands and as a dominant function in the context of expeditionary crisis management operations. But also in the control of counter-terrorism and the control of non-state violent actors as well as the delivery of humanitarian assistance in treacherous circumstances, as happened in the aftermath of Hurricane Irma at St Maarten.[88]

Full convergence between police and military can therefore be referred to Dreamland: they are trained and educated for different tasks; that military units would primarily of not merely be effective against a military counterpart; and they are deemed less effective in managing public order disturbances.[89] The deployment of military forces for this type of task is always the second best option. The performance of these tasks have to remain temporary and exceptional and have to be transferred to the civil police as quickly as possible.[90] In addition, objectives of police and military in transnational law enforcement operations may diverge.[91] Their strategies may even be incompatible, as military responses may involve some transgression of law, while law enforcement objectives are identification, detention and prosecution of offenders.

Acknowledging the scarcity of capacity, the future deployment of military policing capacity rests on strategic priorities, in consideration of different obligations, commitments and options. Military policing capacity as a specialist strategic asset may deployed in a flexible manner, for certain periods of time, but depends on the balance between strategic needs, available resources as well as the formal mandate.

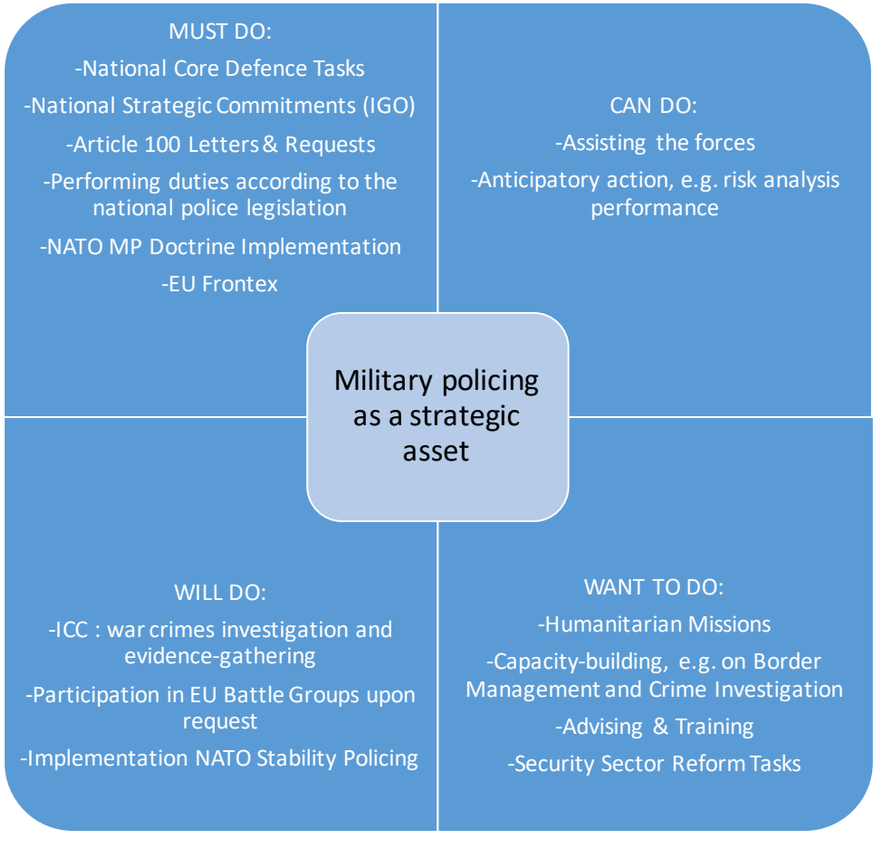

Figure 6: Military Policing as a strategic asset

Taking account of the progress that will be made with European defence cooperation, the EU may consider the transformation of the European Gendarmerie Force into a more permanent pool for enhanced cooperation in the EU.[92] Moreover, in order to enable this, a shift is required from reactive response to proactiveness and smart intervention, in the form of foresight analysis and risk assessment.[93]

A military policing strategy should include geographical priority setting. From the MENA-region, the EU experiences spill-over effects from destabilization, irregular migration, and the crime-terror nexus. Lack of control and consensus on the management of refugees and migration spurs on social and political tensions in the EU.[94] States in East Europe directly experience the consequences of the Russian invasion of Ukraine, spurring on political instability and conflict, and making it more difficult to overcome fragile institutions, corrupt political elites, and dependable economies.[95] In the adjacency of our own Kingdom, spill-over effects are experienced from drug-producing economies and unstable governments, leading to border and sovereignty infringements, irregular migration flows and danger to the physical integrity of individuals.[96]

Unfolding a Research Agenda on Military Policing

Above, we have identified a number of domains for the performance of military policing activities, ranging from an internal to an external security perspective, as well as from a "soft" security perspective to a "hard" security perspective. We consider them as leading research perspectives for the Chair on Military Policing Operations.

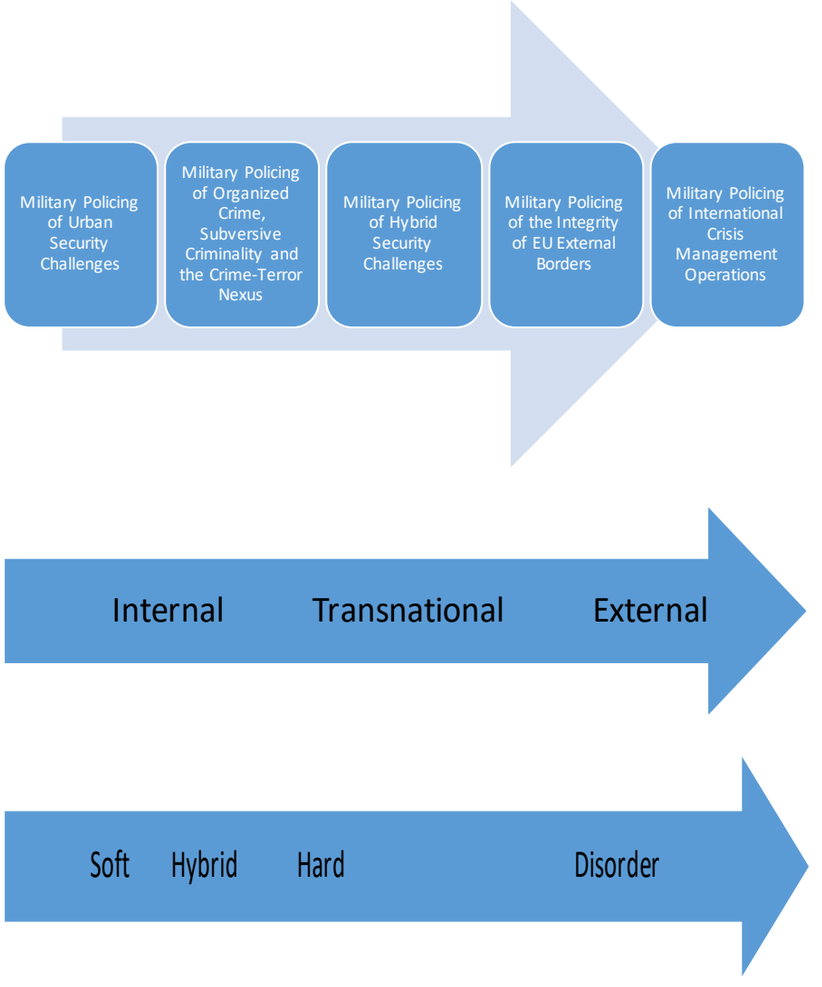

Figure 7: Towards A Research Agenda on Military Policing

Research Ambition 1: The Role of Military Policing in Managing Urban Security Challenges

Although the mobilization of military forces against other states has been infused with new life since the invasion of Russia into Ukraine, high degrees of urbanization demand new perspectives on urban security needs. With over half of the world's population living in cities, the pressure on cities is already enormous. It is expected that by 2050, more than two-third of the world's population will live in urbanized areas.[97] In Europe, the number of citizens living in cities amounts to 75% of the total population, i.e. around 563 million (out of 750 million citizens[98]).[99]

Indeed, a series of terrorist attacks across Europe and abroad, such as in Mumbai, has demonstrated the transformation of peaceful urban spaces into urban battlespaces.[100] As the distinction between internal and external security gradually erodes, the eye is increasingly turned to the urbanized space, where many social issues come together, including huge disparity of income, influx of foreign capital, and resulting social inequality.[101] The pressure on the city is vast, already dense with citizens and frequented infrastructures, with high-risk events such as political summits, global sporting spectacles or large-scale demonstrations.[102] Cities magnify climate change and will act as prime locations for "eco-dissent", making the policing in an era of climate change even more relevant.[103] Cities are subject to high-tech urban warfare, with intensive levels of electronic surveillance, for instance because of the use of drones and the use of (biometric) checkpoints (e.g. in public transport). The vulnerabilities of western states and liberal democracies all come together in cities and fall subject to considerable exposure, where armed criminals, anti-state agitators, insurgents, and terrorists find both cover and interaction.

Global cities keep growing and transforming, and they are sites in which all sorts of inequities manifest themselves. Tensions are increasing in cities, due to rapid urbanization and neoliberal forms of globalization: this puts a tremendous strain on cities. Within cities, new practices of security, policing and "pre-crime" control emerge blurring the lines between the military and the market, e.g. in the context of supply-chain-security. Policing is pushed offshore, while military tactics are pulled inward.[104]

Cities – "key nodes in a globalized world"[105]- may not only be the target for hard-core military aggression, but they are on the cross-roads of several other security issues, including issues concerning energy, food and infrastructural security. In its Agenda on Security, the EU aims at strengthening the tools that the EU provides to national law enforcement authorities to fight terrorism, organized crime and cybercrime. Moreover, the EU adopted an Action Plan to support the protection of public spaces (COM 2017 612)[106], which calls for increased cooperation. Furthermore, EU Member States have an implementation agenda when it concerns a number of directives and international conventions that provide a legal and policy framework to address minimum standards on the rights of victims of crime, e.g. of the trafficking in human beings (Directive 2012/29/EU). City inhabitants themselves may fall victim to bystander injury, arbitrary killings, hostage-taking, extortion and other forms of security deprivation.[107] In actions that are positioned at the higher end of the monopoly of violence, governmental authorities and public police organizations may take recourse to military police action by requesting assistance.[108]

Illustration 1: Special police assistance on the occasion of hostage-taking incident at Apple-store, Dam, Amsterdam, 23 February 2022[109]

Illustration 2: Special police assistance on the occasion of the tram-attack, Utrecht, on 18 March 2019.[110]

Urban security challenges can emerge fast as they tend to be hyper-connected. The security arena i.e. the range of security providers is multidisciplinary in nature: they act as first responders (police, fire fighters, health service, civil protection units). Except for smooth cooperation based on security scripts and scenarios, urban residents need to be prepared and be trained in resilience.[111]

Hence, cities are increasingly a problem for western military powers. Eventually, the presence of violent gangs and social disorder may give rise to increased activity by paramilitary police units. Cities may thus turn into the "achilles heel" of national and international security architectures.[112] Where the doctrine demands avoidance of military conflict in cities[113] (even in the post-Second World War Soviet discipline) as they lead to high numbers of casualties, there are plenty of examples, including recent ones, where cities have turned into chronic battle-spaces, ruining social and economic life, depleting citizens of essential supplies, gradually turning them into grey-smoked graveyards or tombs where only the half dead keep stumbling around. Remember the battle of Stalingrad in World War II, the ultimate example of a depleted, exhausted, devastated and destroyed city, but also the *Blitz* on London, the fire-bombing of Dresden, the destruction of Hiroshima, Nagasaki…. Rotterdam, Grozny, Baghdad, Mosul, all of which fell prey to unimaginable damage.

As we have seen in Ukraine, urban combat may be challenging, particularly in the long run, when the number of ammunitions and other supplies run out quicker than they would otherwise do in other environments. In terms of training, this means operational, tactical and strategic preparation for urban combat; new preparations and military doctrines[114] are required to prepare for (minimally) a century of urban wars. In the meantime, highly relevant doctrines and studies have been released, for instance by NATO.[115] Additional research should contribute to the identification of knowledge-gaps on the performance of military security in urban environments. Technical and communication support are deemed essential to identify combatants or to avoid lethal incidents as a consequence of friendly fire.

Except for crisis response mechanisms, even cities that thrive under relatively peaceful and prosperous circumstances may occasionally be under siege by terrorist, criminal organizations, youth violence, football hooligans and rioters. The militarization of civil spaces[116] – as analyzed previously - contributes to an increased demand for militarized policing activity in the form of SWAT-gangs, special forces of the police, arrest and seizure teams. More knowledge and research is required of how battles are conducted in urban spaces, in the understanding that modern military police professionals may need to be trained and prepared for assuming leadership positions in increasingly complex environments.

Research Ambition 2: The Role of Military Policing in Countering Organized Crime, Subversive Criminality, and the Crime-Terror Nexus

The Netherlands, and Europe more widely, are targeted by criminal organizations, that seek to launder their illegal profits by gaining access the so-called "upperworld". In its annual assessment, Europol considers organized and serious crime are considered as threats to European citizens as:

> *"Parallel underground economies deprive governments of income needed for investments in public services such as health, education and infrastructure. Crime has a direct negative impact on the quality of life of citizens in the EU and manifests in the shape of social exclusion, unemployment, inequality, sense of insecurity and the increased vulnerability of some groups to exploitation or recruitment."*[117]

A large majority of all organized crime groups engages in corruption, ranging from petty bribery to large-scale multi-million-euro corruption schemes, thereby fundamentally eroding the Rule of Law and the integrity of our state and society. A major source of criminal organizations is still drug-trafficking, however, also the trafficking in human beings serves as an important source of income.

Illustration 3: Manifestations of Organized Crime in The Netherlands[118]

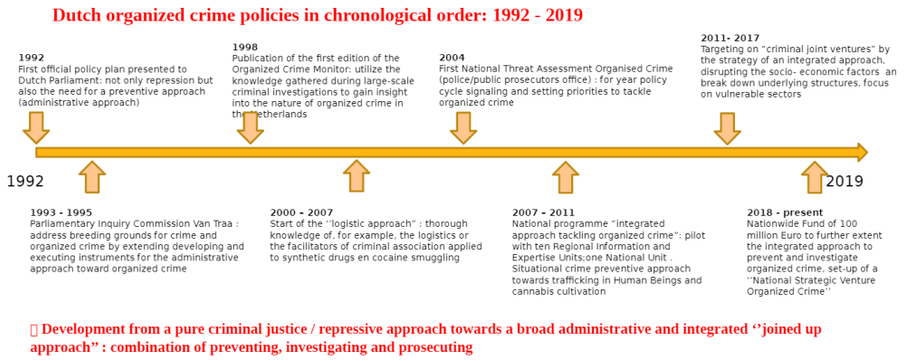

Figure 8: Organized Crime Policies in The Netherlands, in Chronological Order 1992-2019[119]

Moreover, the use of violence by criminals has increased in terms of frequency as well as severity. In the Netherlands the growing criminal potential among youngsters and their access to lethal weapons has been subject to recent debate. Europol argues that criminals use violence indiscriminately and target victims without regard for their involvement or standing, often accepting harm to innocent bystanders. The threat from violent incidents has been augmented by the frequent use of firearms or explosives in public. Hence, the costs to European lives, societies and economies are impressive[120]:

> *"In 2019, criminal revenues in the main criminal markets amounted to €139 billion, or 1 % of the EU's GDP. Organised crime groups (OCGs) increasingly engage in several categories of criminal activity, rather than just one. As of 2021, 80 % of OCG activities involved drug trafficking, organised property crime, various types of fraud, and crimes exploiting people as a commodity. OCGs have become more violent: over 60 % use violence as part of their modus operandi. The rapidly evolving nature of crime brings new threats, and this prompts renewed debate on how the EU – in cooperation with Member States and relevant EU agencies – should respond."*[121]

A significant side-effect of subversive criminality is the pressure that is imposed on governmental authorities, politicians, entrepreneurs and journalists by criminal organizations, leading to augmented threat-levels in the form of online and physical threats, intimidation, aggression, blackmail, and also attacks that materialize. Military police organizations carry a heavy responsibility in assessing, preventing, controlling and countering eventual threats against publicly known individuals.

An important by-product of these threats is that several public servants and VIP's need to be taken into protection programmes[122], increasing the demand for specific police performance (i.e. Close Protection Units). Inside the Netherlands but particularly also abroad, the Royal Netherlands Marechaussee provides protection to persons and buildings that are of crucial importance to the Dutch state, such as the Royal Family, the National Bank of the Netherlands.[123] High Risk Security Platoons, which were created in 2016, are primarily composed of Royal Netherlands Marechaussee security professionals, which are capable of rapid upscaling and downscaling in the event of an increased risk.

Illustration 4: High Risk Protection in front of Parliament[124]

Organized crime has demonstrated a high level of resilience, agility and adaptiveness to circumstances like the COVID-19 crisis.[125] Not only do they engage in poly-criminality, but also are they capable of stirring on parties, leading to a concerted and higher consumption of drugs, as was contended by Professor Kolthoff on Dutch radio on 12 May 2022. Moreover,

> *"the way conflict parties attach themselves to other interest groups – their hybridity, in other words – appears to exert a powerful centrifugal force in organized violence. (…) The trend towards smaller, flexible groups has been prominent in the field of organized crime for two decades, and fragmentation in armed conflict may well be obeying the same logic.(…)."*[126]

Of increased importance is the existence of the crime-terror nexus[127], contributing to the erosion of democracy.[128] There may be a number of common drivers that support and facilitate both terrorism as well as organized crime, such as globalization, urbanization, and informatization.[129] Terrorism and organized crime are similar in the sense that terrorists and (organized) criminals are rational actors: they demonstrate a routine engagement with violence, they use similar tactics, they both act in an underground fashion, they are both opposed to the state (unless the state is complicit), and they both know the consequences of exiting the group or network. Questions that may be relevant to our research agenda includes the analysis of criminal career paths of individuals which may help to identify the presence of precursors that lead to radicalization and eventually terrorism; the nature of the crime-terrorism opportunity context has to be understood; the potential organizational resemblance or overlap between terrorism and organized crime; or even the existence of a systemic overlap between terrorism and organized crime, for instance in the context of patterns of mutual dependency, helping each other out with routes, markets, and profits, with pervasive effects for relevant societies, economies and governments.

Since 2019, the control of subversive criminality has featured prominently on our national security agenda, which was marked by a nation-wide fund for the control of subversive criminality as well as a political motion[130] leading to the establishment of a nation-wide multi-disciplinary cooperation NSOC (Nationale Samenwerking tegen Ondermijnende Criminaliteit), in which the Royal Netherlands Marechaussee participates together with other security actors.

International police efforts are paramount in the control of organized crime, as 65% of the criminal organizations are composed of members of multiple nationalities and non-EU criminal groups also operate within the borders of the EU. Hence, information-sharing, intelligence-cooperation, joint investigation play an increasingly significant role in tackling organized crime, state subversion and terrorism – amounting to the systematic, intentional and invisible or subterraneous activities of non-state and armed non-state actors (ANSA's) to compromise, weaken, undermine or sabotage the political and social system of the Netherlands.[131]

Research Ambition 3: The Role of Military Policing in Controlling Hybrid Security Threats[132]

> *"Over the past ten years, hybrid threats have proliferated within the international security environment and altered our understanding of conflict."*

From a military policing perspective, hybrid threats may be of increasing concern. " They are "typified by their complexity, ambiguity, multidimensional nature and gradual impact."[133] In the *Global Security Pulse* hybrid threats are understood as "conflicts between states, largely

below the legal level of armed conflict, with integrated use of civilian and military means and actors, with the aim of achieving certain strategic objectives." [op cit] Examples of military hybrid threats are military exercises near borders, aerial and maritime intrusions, or the use of proxies by state actors in third party military conflicts. Hybrid conflicts are increasingly recognized as a threat to the national security of states. [134] Think of proxy wars and (internationalized) intra-state wars."

Meanwhile, the EU defines hybrid threats as:

> *"Hybrid threats refer to when, state or non-state, actors seek to exploit the vulnerabilities of the EU to their own advantage by using in a coordinated way a mixture of measures (i.e. diplomatic, military, economic, technological) while remaining below the threshold of formal warfare.() Examples are the hindering of democratic decision-making processes by massive disinformation campaigns, using social media to control the political narrative or to radicalize, recruit and direct proxy actors."*[135]

Furthermore, "(H)ybrid conflict entails gaining influence, with all possible visible and invisible means, below the threshold of armed conflict. Not only great powers use hybrid instruments, skirting the boundaries of full-blown conflict, but increasingly also smaller states and non-state actors. This injects additional risks of misinterpretation and escalation into the already complex arena of international relations and conflicts." [136] Worryingly, there is also reference to the use of lawfare, e.g. through the weaponization of Interpol by Russia:[137]

> *"With allegations of criminal or terrorist activity, the Kremlin and others allegedly abuse Interpol to extend their reach. Often, Russia uses ad hoc charges to brand people criminals and gain assistance from international law enforcement."*[138]

Russia has instrumentalized migration to a higher degree through disinformation campaigns that aimed at undermining democracy in the EU. In the Autumn of 2021, Belarus artificially provoked an influx of refugees into the EU, possibly masterminded by Russia. A report on the weaponization of migrants stated aptly that

> *"The Kremlin's ability to unleash millions of migrants gives Putting strategic leverage over Europe since even the threat to unleash mass migration may destabilize already fragile EU and NATO alliances without direct conflict."*[139]

Additionally, it has been stated that Russian deployment of private military companies (like the infamous Wagner Group: Russian militias) supports the insurgent Libya National Army (NLA) in the Kremlin's ambitions to gain access to critical energy supplies and establish military bases. It is argued that with Russian support, the NLA controls roughly 75 per cent of Libyan territory[140], giving Russia control over potential routes for mass migration from Africa and the Middle East to Europe.[141]

During the Winter of 2021-2022, Belarus orchestrated a cynical ploy in which thousands of migrants were freezing near the Polish border.[142] While recently, there have been several allegations about the forced displacement of Ukrainians to Russia, in the past, we witnessed the engineering of forced displacements of sizeable populations, during the Second World War, but notably also during the Kosovo War, when then Yugoslav President Slobodan Milosevic, sought to deter and compel NATO to stop its bombing campaign by taking recourse to a counter-coercion by forcibly displacing people: political and military weapons of choice. These coercive actors simply opened their borders that are normally sealed. In general, one could argue that these moves were based on the politics of fear, starting from the assumption that European societies have turned into anxiety societies.[143]

Illustration 5: Polish officers at the Polish-Belarusian border on November 8, 2021.[144]

The President of the European Commission pointed to the "hybrid nature" of this move. This frame is interconnected with the further exploration of the security in EU's neighbourhood, where continued tension and protracted tensions have the potential to flare up (e.g. Nagorno-Karabach 2020) and the permanent presence of Russian troops in Belarus. According to a recent EU Risk Analysis report, the "risk of (non-intended) full-scale conflict is growing, as Russia multiplies conflicts in the neighbourhood of the EU, leading to insecurity spillovers.[145] Under the EU Strategic Compass[146], representing the most recent EU's long-term strategic vision, the development of capabilities will be bolstered. It is clear that the EU needs to enhance its resilience against aggressive cyber activities[147] and hybrid warfare[148], the latter including the instrumentalization of migration.

The recent Versailles Declaration[149] provides long-term guidelines aimed at – among other objectives – strengthening European sovereignty in security and defence. Meanwhile, the EU has increased its cooperation with NATO. Already in 2016, NATO Supreme Commander General Philip Breedlove observed Russia and Syria were using mass migration to create divisions in Europe and Europe with a view to underlining and destabilizing the continent.[150]

This brings us to another side of this discussion, which is whether the EU and NATO[151] may have deliberately framed migration in the form of organized trafficking in human beings as wielding a hybrid weapon, as is contended by some. At least, his move has also been characterized as a form of grey-zone aggression.[152] Two East European EU Member states erected fences and responded with a martial, military backup. Lithuania was the first EU Member State to activate the EU Crisis Response Mechanisms (ICPR).[153] Poland received an offer from Great Britain and Estonia to send troops to Warsaw. Hence, indirectly, the weaponization of migrants has culminated in its framing as an external security issue, reaffirming the potential need for a military response. The question was raised openly how one should respond to hybrid threats and some EU Member States demanded a change in the Schengen rules in the event of a crisis such as a strong migratory pressure at the external borders of the EU.[154] Already in 2016, the European Council urged the creation of further synergies between civilian and military security and defence policies, including in the areas of „irregular migration, hybrid threats, border management".[155] This could potentially also involve the agencies Europol and Frontex as well as the non-EU European Gendarmerie Force.[156]

Acknowledging that hybrid threats have become a permanent part of the security environment, the NATO Centre of Excellence on Military Policing convenes trainings on countering hybrid wars. The training is targeted at MP/gendarmerie forces (GTF) as well as other SME's, to offer situational awareness in order to share MP-related experience and LL with partners, simultaneously looking for different approaches and solutions to enhance MP-capabilities, national resilience and preparedness to counter hybrid threats:

> *"Countering Initial Hybrid Incursions. In the face of a rapidly developing hybrid attack, military units may be ill-prepared or lacking sufficient direction or authority to react. Therefore, MP may be one of the few organisations that is armed, equipped and able to act immediately. Resilience Against Information Operations. MP, as in the case of all troops, are vulnerable to being targeted by information operations intending to distract, weaken resolve, and ultimately to incite defections. Protection of Civilians. In all conflicts civilian populations are at the risk of being attacked, or they might suffer reprisals and collateral damage, however, in terms of hybrid conflicts civilians are often used by the aggressor to distract, mask or even perpetuate hybrid attacks. Military Police have specific capabilities that could be utilised in the protection of civilians in a hybrid conflict."*[157]

Research Ambition 4: The Role of Military Policing in Protecting the Integrity of EU External Borders

Borders have been subject to strong politicization, but definitely also to militarization. For instance, the US-Mexican border has been turned into one of the most militarized zones in the Southern Border region.[158] In Europe, we should definitely draw lessons from what is happening over there, for instance, while the size of the border force increased significantly, the average number of apprehensions per annum went down. In view of the several real and potential border conflicts in the vicinity of the European Union, security actors should be mindful of issues between Belarus and Poland, Greece and Turkey, the Balkan countries, and Northern-Ireland, we should be mindful of increased securitization of border control, inter alia leading to a blurring of security roles.[159] Moreover, close scrutiny is required concerning the use of powers to stop, search, arrest or even return people who seek to cross the borders, in response to the absence of appropriate legal documentation, not always recognizing the tragic humanitarian situation they seek to get away from.

It has been argued[160] that the recent EU policy of militarizing border security is partly built on the lobbying by the European military and security industry, which is reflected in the funding for border security research and development projects, leading to innovation such as the application of biometrics in border control. As part of the *European Border Criminologies* project, Lemberg-Pedersen argued back in 2015[161] that an entire high-tech, integrated border control infrastructure is geared towards a militarized control of unwanted aliens and irregular migrants, but that such a border control policy fails to differentiate among different flows of people, their individual motives and trajectories. In any case, the militarization of border control contributes to a further blurring between internal and external security, as well as between traditional police and military mandates. The militarization of the EU external borders is part of a larger securitization process: the EU Border and Coast Guard Agency FRONTEX has strongly evolved its mandate, surfing on the waves of crisisification of migration to the EU, which was predominantly framed as an existential threat to the EU, leading to a consolidation of securitization of migration.[162]

The European Union ought to contemplate the potentially different role that Frontex plays in protecting the external borders of the EU in the age of war. The intelligence-driven agency has responded with a mix of surveillance and humanitarian aid, but the numbers of deployed staff may be considered low. The ambition of a full-fledged Standing Corps is in the process of being realized. The first signs are there as Frontex Standing Corps officers have been deployed to assist Moldovan authorities in processing the high numbers of people fleeing the war in Ukraine and crossing the border with Moldova, and perform tasks related to border control when needed.[163]

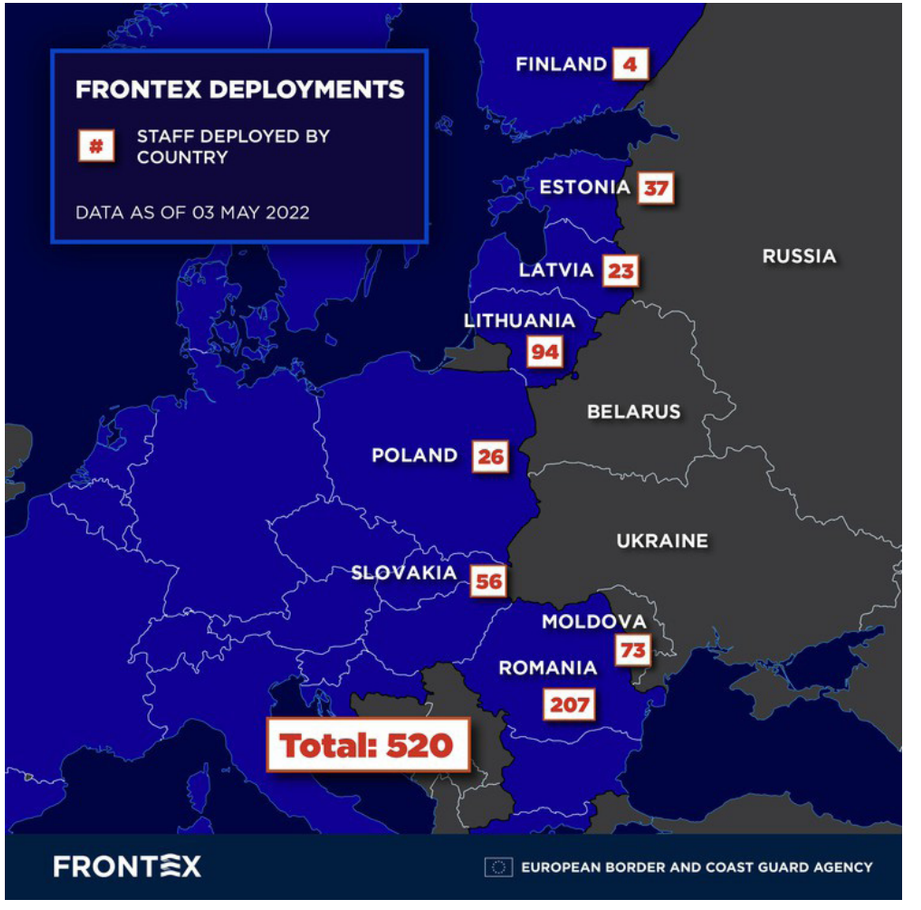

Illustration 6: Frontex Deployments, as of 3 May 2022[164]

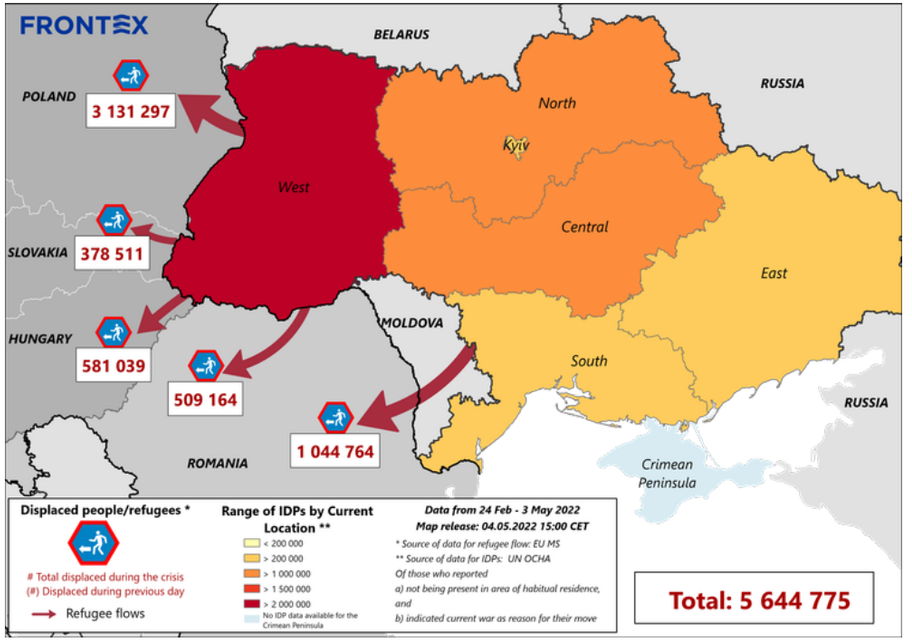

Illustration 7: Frontex, Overview of Displaced Persons from Ukraine 24 February-3 May 2022[165]

The new external situation calls into question whether fresh emphasis should to be placed on (particularly) East European border security, and whether this could or should be the interlude to the introduction of additional military technology and surveillance, as well as deployment of militarily trained border personnel who are professionally equipped to deal with potentially complex and dangerous situations at the external borders of the EU.[166]

Meanwhile, the geopolitical significance of borders[167] has been further amplified by global climate change, which for instance contributes to the retraction of the polar ice mass above the Arctic Circle.[168] Military strategists are overtly aware that this will lead to increased maritime access to Arctic sea routes. It also leads to the increased exposure of coastal borders, driving military activity, setting the scene for the Arctic region to play a more prominent role in geostrategic competition.[169] How will border security be affected by the combination between Russia's military aggression in its vicinity and the impact of climate change? A potential maritime delimitation dispute was resolved between Russia and Norway in 2010.[170] With Finland and Sweden potentially joining NATO, border security in the Arctic region may be more strongly emphasized my multilateral fora. From the perspective of The Netherlands, there may be no direct security effect. Nevertheless it is anticipated that the Arctic region may be subject to militarization, particularly Russia which will want to safeguard its 4,000 km long Artic coastline, which will impact on Northern Europe's security atmosphere.[171]

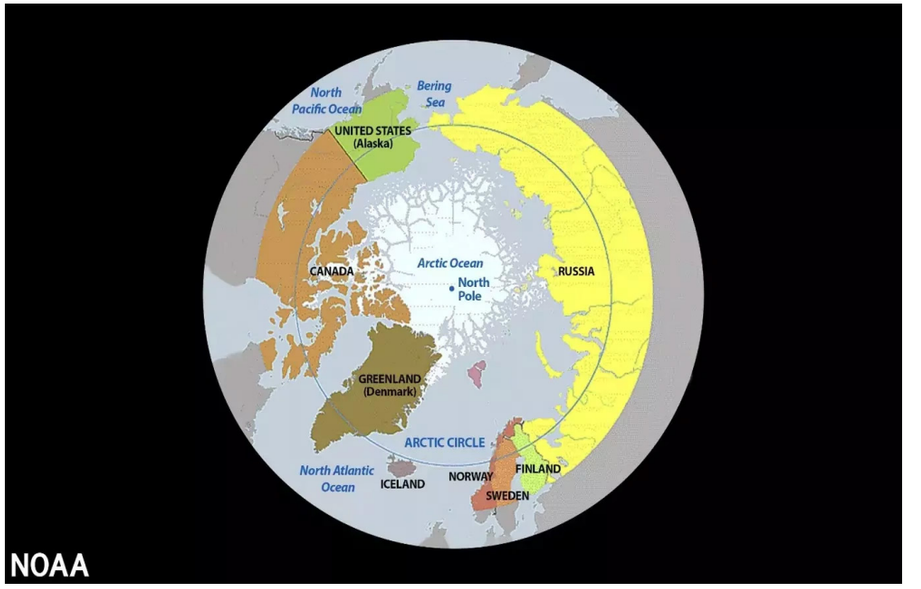

Illustration 8: Border Security in the Arctic[172]

Back in 2016, border security in Eastern Europe was discussed within a NATO-context, notably with Ukraine serving as the host country for this meeting. It was stated by Michael Gail, Senior Advisor at NATO's Emerging Security Challenges Division that:

> *"NATO is certainly not primarily known as a border security organisation but border security matters for nearly all the asymmetric security challenges which cannot be addressed by purely military means. And at the end of the day, NATO is also affected by political and security developments beyond its borders".*[173]

In a special report addressed to NATO's Parliamentary Assembly, Lord Jopling argued that border management should predominantly remain a law enforcement responsibility. In his view, "the involvement of armed forces must be considered a last resort." Moreover, he argues, military deployment "at the borders may send a strong public relations signal, but soldiers are not necessarily trained to deal with an influx of unarmed people."[174] Lord Jopling is of the opinion that over time, Frontex may act as the main provider of European border security. The advantages mentioned by him include a coordinated response to transnational crises and a higher degree of reassurance that border and coast guards will respect fundamental human rights in their actions. The effective protection of Europe's external borders is a necessary pre-condition for the existence of open borders among EU member states. That said, Frontex is under some pressure as a result of scrutiny by the

EU Anti-Fraud Organization OLAF[175], the deadline for implementing the strategic ambition of the Standing Corps in 2027, and retrieving its moral compass amidst allegations of infringements of the principle of non-refoulement.[176]

Within this context, NATO cooperated with Frontex, in the recent past:

> *"NATO's Standing NATO Maritime Group 2 (SNMG2) is conducting reconnaissance, monitoring and surveillance of illegal crossings in the territorial waters of Greece and Turkey, as well as in international waters with its maritime and air assets. It is sharing whatever relevant information it finds with the Greek and Turkish coast guards and authorities. NATO is also sharing this information in real-time with Frontex so that it can take even more effective action. Since NATO's ships are larger than Frontex vessels, NATO sensors and radars have a broader reach and complement Frontex assets".*[177]

Hence, depending on their mandate, some military police organizations may take their share in the policing of Europe's external borders, such as the Royal Netherlands Marechaussee or the Spanish *Guardia Civil*, that carry out border control as part of their mandate.[178] Meanwhile, the Royal Netherlands Marechaussee initiated the concept of the Border Security Teams (BST's).[179]

Another matter, is whether Frontex – by some called a "Sleeping Beauty"[180] - should be regarded as a form of integrated, communautarian security cooperation in the EU *avant-la-lettre*, which could form a benchmark model for future forms of EU Defence Cooperation.[181] For instance, in line with the EU externalization of internal security efforts, the EU Integrated Border Management concept opens up ample space for Frontex to engage in different forms of cooperation with third countries or non-EU countries, including the deployment of team members with executive powers to any third country (not limited to third countries neighbouring the EU), involving operational activities such as joint operations or rapid border interventions.[182] In any case, if Frontex were to serve as a blueprint for future forms of EU Defence Cooperation, the obvious preconditions include compliance with international human rights and good governance standards, with a firm emphasis on accountability requirements.[183]

Research Ambition 5: The Role of Military Policing in International Crisis Management Operations

Stability policing is a crucially important doctrine[184] within NATO Allied Doctrine on Military Police[185] and may be regarded as an important dimension within security provision.[186] NATO defines stability policing as "police-related activities intended to reinforce or temporarily replace the indigenous police in order to contribute to the restoration and/or upholding of the public order and security, rule of law, and the protection of human rights."[187] This capability has normally been provided by NATO's Gendarmerie-Type Forces (GTF); () however, "Military Police are also a potential source (...)".[188]

Illustration 9: International Co-operation in the Context of Stability Policing Operations

After the identification of a security gap, local police forces maintain their full mandate; international police may act as a temporary and subsidiary assistance and supporting partner, which comes down to the classic CIVPOL-concept. (Military organizations can however not escape the security gap and the need to adapt and eventually transform.[189]) Potentially, whenever local police forces are unable to exercise their task properly, to the extent that the security of citizens cannot be guaranteed, the local police may even be temporarily substituted and the international civil police mission may execute community policing responsibilities. This requires, however, that an international police presence needs to demonstrate the capability to act across the full spectrum of violence, ranging from peaceful community policing to large-scale performance in the event of public disorder and the control of local organized crime.[190]

Peace missions often take place under the flag of the UN, taking place under the auspices of the UN Security Council Resolution, "with a stated intention to: (a) serve as an instrument to facilitate the implementation of peace agreements already in place, (b) support a peace

process, or (c) assist conflict prevention and/or peace-building efforts. SIPRI employs the UN Department of Peacekeeping Operations description of peacekeeping as a mechanism to assist conflict-ridden countries to create conditions for sustainable peace-this may include monitoring and observing ceasefire agreements; serving as confidence-building measures; protecting the delivery of humanitarian assistance; assisting with the demobilization and reintegration process; strengthening institutional capacities in the areas of judiciary and the rule of law (including penal institutions), policing, and human rights; electoral support; and economic and social development."[191]

In 2010, the Iraq Inquiry Committee analyzed the interpretation and the application of the principle of the Responsibility to Protect, the so-called R2P principle.[192] Aiming at extremely serious international crimes, such as genocide, war crimes and crimes against humanity, R2P is based on three principles, namely the responsibility of states to protect their citizens; the duty of the international community to support states in this effort and the duty of the international community to act to protect citizens against international crimes, when the state fails to do so or does not want to do so. The demand for police performance in the protection of citizens has grown exponentially: NATO and EU have initiated several police missions under the aegis of the United Nations Police, establishing an integral part of UN operations. However, we are faced with a knowledge gap concerning the security provision that is performed by these missions and the extent to which local communities experience an improvement of their security situation.[193]

Peacekeeping is often also labelled as the performance of crisis management operations.[194] The definition used by SIPRI is to facilitate the implementation of a peace agreement; to support a peace process; and to assist in conflict prevention and/or peace-building efforts, and the provision of customized solutions:

> *"More than was previously the case, peacekeeping operations will have to focus on combating terrorism and crime, (...)"*[195]

Illustration 10: EU CSDP Missions and Operations, 2020[196]

In the recent past, several police missions have been performed and evaluated, including EUPM in Bosnia-Herzegovina, which was a police mission supporting police reform process and develop capacity and regional cooperation against organised crime (as of 2003). Other examples are EUPOL Proxima, FYROM, 2003-2005, which was a police mission advising police on fighting organised crime and promote European policing standards; EUPOL Kinshasha, DR Congo, as of 2003, which was a police mission advising the Integrated Police Unit (IPU) and ensure that it acts according to international best practice; EUJUST Themis, 2004-2005, Georgia, which was a Rule of Law Mission supporting authorities in addressing urgent challenges in the criminal justice system, and developing a coordinated approach to the reform process[197]; and naturally also the EUPOL COPPS police operation to the Palestinian territories, EU Border Assistance Missions EUBAM to Ukraine/Moldova, etc.[198]

In the wake of the Russian invasion of Ukraine, the EU has provided 1,5 billion euros assistance to the armed forces under the European Peace Facility.[199] Despite the growing demand for police presence in expeditionary contexts, the number of peacekeeping missions has dwindled, despite ISAF.[200] For instance, UN/EU cooperation and complementarity may be problematic, but it has been recommended that common training and education modules are established, that lessons and experience in the field of SSR are exchanged,

that cooperation is fostered, and that possibilities for enhancing police coo-operation are explored.[201]

In view of the recent developments in Ukraine, which has been turned into a huge crime scene, military police has been take recourse to in order to retrieve, collect and secure evidence of war crimes, which is a crucial requirement to bring the perpetrators of these crimes to justice.[202]

Illustration 11: Investigators exhume bodies from a grave in the yard of a home, in the village of Stepanky, near Kharkiv. PHOTO: AFP[203]

These tasks may fall within the remit of stability policing, but may otherwise also involve the fixing of cross-jurisdictional complexities (for instance with regard to the investigation into the downing of MH17) as well as extraterritorial policing[204] in the context of extraterritorial jurisdiction, e.g, the Lockerbie case, ICTY, prosecution of extraterritorial crimes and the formerly mentioned MH-17.

Final Words

Arriving at the end of my lecture, I would like to express my gratitude to a number of people. Among the hearing and reading audience are several experts whose knowledge about the military policing far exceeds mine. I am deeply grateful to them for discussing their insights and ideas with me, and for sharing the knowledge which they already recorded before my arrival. I have strongly benefited from their knowledge, experience and insights!

In its strategic ambitions, the Royal Netherlands Marechaussee has chosen a path of close cooperation with the Netherlands Defence Academy, particularly with a view to consolidating academic education of its future officers, evidence-based research on military policing, and creating an academic body of knowledge and innovation. I am deeply grateful for the responsibility that has been entrusted upon me in assuming the Chair on Military Policing Operations, in the closest possible cooperation with other Departments and Chairs within the Netherlands Defence Academy.

Many thanks to SWOON[205] and WAR[206] for formally endorsing my appointment to the Chair. In particular, I would like to thank our Dean, Professor dr. ir. Patrick Oonincx, as well as my Head of Department of War Studies, Air Commodore Professor Dr. Frans Osinga, for their support and encouragement. I would also like to thank all my colleagues for their warm welcome and constructive cooperation, in particular my close colleagues within the section on Military Policing Operations: Dr. Erik de Waard, Lcol Mark Helgers MA, Lcol Drs Bruce Rinsampessy, and other staff members. Together we have been able to create a several new courses, a dynamic area of research with several activities such as Masterclasses, symposia and publications: I am proud of you as members of my team! Lcol Mr Roel de Winter MA, Thania Patrick and our two student trainees from Leiden University: many thanks for your wonderful assistance before and during this inaugural lecture! I look forward to an interesting international conference on Policing Border Spaces as well as an international Round Table of Border Control Experts.

On the private side, I would like to thank my father - whose spirit is still around - and my mother for shaping me into being an individual who continues to be curious as well as critical, always in search of improving my understanding of complexity and chaos, a journey that has been far from completed. My latest (edited) book on *Comparative Policing from a Legal Perspective* was dedicated to my “blond but smart general”, Lieutenant-General Dr. Leijtens. Dear Hans, together we have faced several changes and challenges. I am grateful for your never-ending support and much-appreciated reflection. This time, the booklet evolving from this inaugural lecture will not be dedicated to you, but to my two sons and your two daughters, and respective partners. Anouk, Inge, Paul, Leander, Anne and Florian: as you represent the future generation, you bear a huge responsibility on your shoulders to protect the integrity of our planet, our democracy, our well-being, and our security. I wish you courage and strength in undertaking your personal and professional mission.

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