119 Research Paper

Stepping into the Void

Exploring the Concept of Military Policing within a Dynamic Security Complex

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NLDA Research Paper Military Policing

"Stepping into the Void: Exploring the Concept of Military Policing within a Dynamic Security Complex"

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“Security encompasses more than (just) the protection of the territorial integrity of the state against military aggression of another state.”

(WRR, 2017: 25).

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This Research Paper is published by the section Military Police Operations (MPO) of the Faculty of Military Sciences (FMW) within the Netherlands Defence Academy (NLDA), that develops education and research in the field of internal and external security tasks, the organization of military police organizations and gendarmerie forces such as the Royal Netherlands Marechaussee, as well as their cooperation with the other armed forces, security actors and private actors. Additionally, the research group analyzes the impact of the nexus between national and international security for the security sector, in particular the army, gendarmerie organizations, and public police organizations, including research topics such as stability policing, border policing, intelligence-led policing, policing in the Caribbean, urban security as well as public order policing.

Table of Contents

1. Introduction 9

2. Emerging Security Threats 11

3. Blurring the Boundaries 17

4. Constabularization of the Military 21

5. Militarization of the Police 27

6. Military Police Organizations 31

7. Military Policing Doctrines 37

8. NATO Military Policing Doctrine 39

9. International Military Policing 45

10. The Role of Gendarmerie Organizations in Military Policing 53

11. The Role of Gendarmerie Organizations in International Military Policing 57

12. Military Policing and its Impact for Training, Education, and Research 65

13. Conclusion and Outlook 67

14. Literature 69

1. Introduction

Against the backdrop of a complex and dynamic security arena, this exploratory Research Paper aims to contribute to a better understanding of the concept of military policing. **Military policing is usually defined as the performance of police-related tasks by the military.**

However, from the very start of this paper it should be clear that **definitions vary from one country to another**, as it may refer to a section of the military responsible for policing certain areas of responsibility ("provosts") of the armed forces against criminality by military or civilian personnel; it may also refer to a section of the military that is responsible for policing the armed forces as well as the civilian population (mostly known as gendarmerie forces such as the Italian *Carabinieri* or the Royal Netherlands Marechaussee), or to a part of the military that only polices the civilian population (such as the Romanian gendarmerie); and ultimately military policing may be conducted by so-called reserve forces of the Army that become active (for instance as a Federal Forces) during times of war.

In doing so, the paper seeks to position the **exploration of military policing in the context of the of the blurring lines between police and military, as well as the changing security landscape and the impact for the performance of the policing task**. While the paper refers to the NATO Military Police Doctrine (AJP 3.21) (NATO, 2019) and the NATO Stability Policing Doctrine (AJP 3.220) (NATO, 2016), it does not aim to repeat the contents of these doctrines. Several defence forces within the NATO-member states and beyond tend to be confronted with questions concerning the distribution of tasks among security providers. However, this analysis does not exclusively focus on military policing by NATO-members, but occasionally also look at other practices of military policing around the world.

This Research Paper starts with an analysis of **emerging security threats**: for decades we have witnessed an increasingly dynamic relationship between national and international security. There has been a proportionate decrease of interstate wars. Meanwhile the presence of violent non-state actors and insurgents has increased, in the physical as well as the virtual arena. The upsurge of fluid, asymmetric violence and insurgency as well as the long-term security deficits generated by genocide, civil war or suppression requires a strategic shift of all security forces, ranging from internal to external security, from national to international security actors, and from military to police organizations.

Hence, a reflection is required on the effects of emerging security threats on the classic division between police and military: on the one hand, civil police organizations increasingly have to turn their perspective towards the link between internal and external security, while on the other hand defence forces are increasingly asked to perform so-called "constabulary tasks" within the context of both national security as well as international military missions. The traditional boundaries are thus subject to a blurring process: "green goes blue, while blue goes green". **Constabularization**

of the military as well as militarization of the police are simultaneous trends in need of further analysis in the context of this research paper.

Meanwhile, **gendarmerie organizations seem ideally equipped to manage security challenges on the crossroads of internal and external security**: not only are they trained, educated and drilled in military operational action, they also carry a formal mandate to perform policing tasks, often complementary to public police organizations, and mostly positioned at the higher end of the violence spectrum. One of the objectives of this Research Paper is to enhance a deeper understanding of the current and future role of gendarmerie organizations in the context of the changing security paradigm

A parallel and pressing development is the **evolution of the NATO-doctrine on military policing**, which will have a binding impact on the relevant security organizations in all NATO-Member States. In the Netherlands, this development includes organizational and cultural challenges such as the implementation of the Mission Command[1], the training of the "officer of the future", and positioning the Royal Netherlands Marechaussee in view of national and international demands. As a consequence, this Research Paper also delves into the various elements of the military policing doctrine and seeks to analyse what will be needed in terms of training, education and research in order to ensure a smooth implementation of new doctrinal demands. Eventually, this results in sketching a typology of military policing.

In sum, the first objective of this Research Paper is to prepare a basis for **future reference in education and research**. It does do by offering a reflection on the changing security landscape, the blurring lines between police and military, as well as an analysis of consequences for the performance of the policing task. The written text is primarily based on a selection of authoritative literature on core subject matters. The target audience of this Research Paper primarily consists of Bachelor and Master Students at the Netherlands Defence Academy and relevant teaching and research staff, as well as the wider academic community of scholars on military policing, gendarmerie organizations and plural policing. In order to optimize academic access and stimulate educational reading, this publication will be distributed both in print as well as online.

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[1] *DP 19-56 Chapter 8 and DP 3.2.2 Commandovoering.*

2. Emerging Security Threats

We live in times of multiple transformative trends and events. Demographic changes, for instance in Europe, will have a profound effect on the way we organize our societies, our health system, our economy and our labour-market. Climate security, food security and energy security will have a deep impact on the stability of societies and democratic governance. The analysis of the evolution of military policing must be conducted in the context of these serious security concerns that continue to shift every day. Military policing is not a given, but a concept which develops along the lines of thought about the policing function with the objective to make the world a safer place and that develops along the line of common threat perceptions. A trend that has a **deep impact on security is the development that interstate wars become less frequent, and if they persist, they develop into long-time conflicts with several sub-conflicts and asymmetric threats in adjacent regions** (Colijn, 2012).[2]

> *"(H)istorically, conflict between states has been a predominant source of concern for soldiers and statesmen", but during the post-Cold War period, "it has been anarchic conditions within the sovereign state that have repeatedly posed the most acute and intractable challenges to international order." (Dziedzic, 1998: 4f)*

"New wars" are forms of violence in which the borders fade between war, organized crime and massive infringements of human rights (Kaldor, 1999, referred to in Moelker et al, 2009: 29). Nowadays, wars are generally being fought by non-state actors, mafia-like gangs, street gangs, terrorist groups and ethnic cleansing groups, militias, suicide commando's, separatist movements or insurgents, such as conflicts in the Balkan, Northern-Ireland, Rwanda or in Ukraine (Osinga, 2009: 55). **Traditional inter-state wars have effectively been supplanted by intra-state wars and identity-based conflicts, leading to the subversion of states from within** (Arlacchi, 1986). General Rupert Smith (2005) speaks about a new paradigm of war, namely war(s) amongst the people, characterized by confrontation and conflicts, and no longer by the dichotomy between war and peace:

> *"We are now engaged, constantly and in many permutations, in war amongst the people. We must adapt our approach and organize our institutions to this overwhelming reality if we are to triumph in the confrontations and conflicts that we face." (Smith, 2005: 415)*

The **sheer transition from war-fighting to crime-fighting is reflected in the concept of the "security gap"** (Den Heyer, 2011; Hovens, 2008): the focus has shifted from inter-war to intra-conflict. Factors such as terrorism, refugee and migration flows as well as transnational criminal activity are bordering upon these conflicts or are intermingled. Think for instance about the connection between criminal networks and corrupt political institutions. Van der Lijn et al (2005: 10) call this the "new dynamics of the process of fighting":

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[2] See also Colijn in https://historiek.net/100-jaar-oorlog-van-loopgraven-naar-labiele-vrede/45525/; accessed 6 January 2022.

> *“The main problems for the international community emerging from this most recent wave of conflicts – their intractability, the risk of an unpredictable spill-over of organized violence and the limited relevance of existing global security institutions –derive in large part from the evolutionary dynamic of modern organized violence, rather than the initial causes.”*

Effective preparation starts with a shared awareness of destabilising efforts as well as the acknowledgement to respond in a united manner.

Increasingly, the international community speaks of **hybrid threats** or **hybrid security situations** (Bekkers, Meessen & Lassche, 2018; Haaster and Roorda, 2016). These “new” and hybrid security threats present themselves in the form of widely different phenomena. On the spectrum of threats, a relatively high frequency of large-scale rioting, insurgency, civil war and uprise can be identified. These phenomena are situated between two extremes, namely on the one hand the stable Rule of Law, and on the other hand Interstate War. Countering these hybrid threats translates into “hybrid warfare”, which means the orchestrated usage of the wide(st) scale of instruments across the full spectrum from peace to war, including the influencing of the counterpart: diplomatic, information, military, economic and legal (DIMEL). A military unit such as a Stability Policing Unit may encounter hybrid threats in the form of fake news, image manipulation, orchestrated hostilities, personal influencing (e.g. hostile social manipulation; RAND, 2019), espionage (cyber and/or physical), and sabotage (cyber and/or physical) – or may be requested to deal with their negative effects. The use of hybrid warfare may undermine the effectiveness of the operation as well as undermine cooperative efforts and the social legitimacy of an operation. Below, a number of developments are discussed in further detail.

First, as argued above, the **emergence of “new wars”:** Kaldor (2013: 3-4) in particular speaks of new wars and defines this in four different strands, namely actors, goals, methods and forms of finance:

> *“Actors: Old wars were fought by the regular armed forces of states. New wars are fought by varying combinations of networks of state and non-state actors – regular armed forces, private security contractors, mercenaries, jihadists, warlords, paramilitaries, etc. () Goals: Old wars were fought for geopolitical interests or for ideology (democracy or socialism). New wars are fought in the name of identity (ethnic, religious or tribal). Identity politics has a different logic from geo-politics or ideology. The aim is to gain access to the state for particular groups (that may be both local and transnational) rather than to carry out particular policies or programmes in the broader public interest. The rise of identity politics is associated with new communications technologies, with migration both from country to town and across the world, and the erosion of more inclusive (often state-based) political ideologies like socialism or post-colonial nationalism. Perhaps most importantly, identity politics is constructed through war. Thus political mobilization around identity is the aim of war rather than an instrument of war, as was the case in ‘old wars’. ()”*

This claim by Kaldor has been contested by Kalyvas (2001) and Collier et al. (2009), the former arguing that while the act of war itself seems to have changed, the motives of war agents themselves have not been changed.

In "old wars", battle was the decisive encounter. The method of waging war consisted of capturing territory through military means. In new wars, battles are rare and territory is captured through political means, through control of the population. A typical technique is population displacement – the forcible removal of those with a different identity or different opinions. Violence is largely directed against civilians as a way of controlling territory rather than against enemy forces. Old wars were largely financed by states (taxation or by outside patrons). In weak states, tax revenue generally tends to fall, giving rise to new forms of predatory private finance include loot and pillage, and 'taxation' of humanitarian aid. The funding of new wars is also generated through diaspora support, kidnapping, or smuggling in oil, diamond trade, drug-trafficking and trafficking in human beings. It is sometimes argued that new wars are motivated by economic gain, but it is difficult to distinguish between those who use the cover of political violence for economic reasons and those who engage in predatory economic activities to finance their political cause. Whereas old war economies were typically centralized, autarchic and based on the mobilization of the population, new wars tend to be part of a decentralized and global economy in which revenue depends on continued violence. In Kaldor's view, **identity politics** are central in these post-modern conflicts (see also Osinga, 2009: 54-55).

Second, the apparent **erosion of the monopoly of violence** (Moelker et al. 2009: 32; 40) is particularly acute in so-called collapsed or failing states, although we have to reflect on the vastly different ways in which these terms are used (Call, 2008): in certain countries, the monopoly of violence lies not exclusively with nation states, but with armed groups and warlords who operate in "black holes". They are responsible for committing atrocities to the local population, for trespassing national and sovereign boundaries, for parallel societies, shadow economies, thereby undermining the legitimacy of the states where they are active as well as jeopardising the international Rule of Law. These groups flourish in the context of fragile states and corrupt the power of state institutions, among which the army, the police and the judicial authorities (Moelker et al, 2009; 40).[3] This trend has also been identified by Van der Lijn et al. (2005: 11), who argue that there is a trend of "horizontal splintering between fighting groups, and the lack of a central insurgent command." The presence of systematic, intentional and secret (subterraneous) activities of state and non-state actors / armed non-state actors (ANSA's) which can compromise, weaken, destabilize, undermine or sabotage the political and social system (AIV, 2020). In excess, perpetual subversion my culminate in the establishment of states within states (Arlacchi, 1986), in reference to parallel societies which are forced upon, enclaves, "no go areas", impenetrable communities, territories and spaces where authority is being structurally corrupted from within. This chronic weakening of official government structures – known in Dutch as "*ondermijning*" (subversive criminality) – erodes the strength and integrity of the state within. Arlacchi (id.) describes how the mafia has attained political autonomy through the corruption, intimidation, and murder of public officials. Mafia principles in the operation of its drug trafficking enterprise are similar to the rational principles of (other) capitalist enterprises, but the mafia operates under primitive predatory impulses, were economic conflicts become interfamilial wars and market competition is characterized by vendettas and bloody struggles. Such anarchy and barbarism spreads and undermines civilized socioeconomic structures, but it is particularly the state within the state that generates no-go-areas and enclaves of lawlessness.

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[3] Osinga (2009) refers to "the new age of warlordism" in his chapter in *Krijgsmacht en Samenleving*.

Third, the **omnipresence and pervasiveness of transnational organized crime** (Fijnaut, 2008: 11), causing connections between violent armed groups, warlords, guerrilla movements, diffuse terrorist and/or criminal networks, (international) crime syndicates, coalescing in the form of a crime-terror nexus which is hard to control. Van der Lijn et al. (2005: 11; see also Hoogenboom, 2011: 111) argue that "the way conflict parties attach themselves to other interest groups – their hybridity, in other words – appears to exert a powerful centrifugal force on 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.(…)". Transnational organized crime tends to manifest itself in many different ways, particularly drug-trafficking, arms-trafficking and trafficking in human beings, as well as alliances with terrorism (OSCE, 2021).

Fourth, the **large-scale violent disturbances and (future) urban wars** (Hills, 2004; Hills 2009: 3), demanding innovative types of military operations: the US Army and Marines have been preparing for these urban war scenarios for a while, given the urban nature of theatres in which many future conflicts may be set. Mitchell and MacFarlane (2016: 1) note that 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 (Hills, 2009; see also Manwaring 2005). 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 increasingly pushed offshore, while military tactics are pulled inward, so the authors argue, referring to Kraska (2001). Naturally, military policing can be conducted in urban environments ("urban operations"), which can be extremely challenging because of the highly complex environment.

Fifth, a security deficit in need of an intervention may be caused by a **toxic cocktail of elements** causing a long-lasting security deficit combined and pressure cooker effects, combined with elements of persistent fear and anxiety among the population. Moreover, in these situations one finds that the Rule of Law being systematically under pressure, that there are continuously raised emotions, with a potential return to conflict (in 50% of the conflicts, Dziedzic, 2020: 58). A long list of damaging phenomena presents itself: parallel power structures (id: 60), criminal patronage networks (id: 60), "predatory patronage networks"(id: 65), predatory (small) elites (Moelker et al, 2009: 30), a "fragmentation of armed groups", the "proliferation of non-state armed groups", as well as "decentralized multiplication of fronts and factions engaged in conflict" (Van der Lijn et al., 2005: 10). Another inventory includes phenomena such as nepotism, corruption, violent extremism, fragile states, states within states, enclaves, imported wars and conflicts (for instance Chechyans in France and their fight with Yezidi's); inter-mafia rivalry and ripoff deals; disruption; and criminal murders (WODC, 2021). AIV (2020: 8) refers to transnational crime, arms smuggling, drugs smuggling, migrant smuggling and terrorism as phenomena that generate substantial security risks, causing a glue of security deficits in which cause and effect are sometimes hard to distinguish (Smet, 2017; see also Hovens 2008: 665).

Together, these developments may be summarized as a wicked combination of **shifting security concerns** that demand the investment of new knowledge, capacity and capability from state security forces, including the combined use of instruments varying from criminal law, anti-terrorism legislation, emergency legislation and international legislation.

Generally, in order to control hybrid conflicts, states have begun to invest in their capacity and in government agencies, enhancing defensive as well as offensive capabilities. This brings us to several remaining questions regarding the potential existence of a capacity and a capability deficit, as well as a regulatory deficit, as the rules and regulations in the international legal order remain ill-suited for managing hybrid conflict situations.[4]

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[4] Within the European Union (EU), a discussion has been unfolding about the principle of solidarity and assistance in the event of hybrid threats, such as serious (terrorist) attacks or aggression in the context of trespassing. In the future, Article 42.7 of the Treaty on European Union could thus potentially be applicable to hybrid threats. The discussion about the wider application of this legal provision has been tabled by France during its EU-Presidency in the first half of 2022 (AIV, 2020: 6; 27).

3. Blurring the Boundaries

The nexus between internal and external security **renders the classic division of tasks between military and police less sharp** (Bruggeman, 2011: 60; Campbell and Campbell, 2009; Easton and Moelker, 2010: 19, quoting Bowling and Newburn, 2006; Hoogenboom, 2011: 115; see also WRR, 2017: 41). A blurring of organizational boundaries is triggered by events taking place far beyond our borders, and these events have potential negative effects for our internal security (Easton, 2012; Easton and Moelker, 2010). Before exploring the arguments on the convergence between military and police, let us look first at the differences between the two organizations (quoted from Greener and Fish, 2011: 5):

	Civilian Police	Military
Core Function	Controlling Crime and Public Order by prevention and, failing that, apprehension	Securing the State against external threat through deterrence, or, failing that, military action.
Focus	Internal	External
Source of Legitimacy	Representatives of the community / law	Agents of the incumbent government
Institutional Culture	Professional, value-oriented, individual responsibility high	Professional, value-oriented, hierarchical, responsibility allocated top down

Figure 1: Differences between Civilian Police and Military

Traditional defence forces experience a growing need to shift their focus to the nexus between internal or national security matters, whilst simultaneously, traditional public police forces have begun to include a focus on transnational policing (Bowling and Sheptycki, 2012; Hufnagel and Moiseinenko, 2020; Hufnagel, 2021), that is to say, in and between the national borders of their nation state (WRR, 2017: 217). Previously, the principle was that the use of civil violence is explicitly to be seen as a policing task, and not or only very exceptionally, a military task. The sharp division between police and military has been loosened, which has manifested itself from the establishment of hybrid units (WRR, 2017: 230).

Hence, **the merging between internal and external security has been a significant lever for the fading frontier between “blue” and “green”** (Dunlap: 2001). Transnational flows have intensified, there has been a fierce increase of non-state actors, and national border controls have been abolished within the EU, showing the interrelationship and interdependency between internal and external security (WRR, 2017: 51). The national security situation in the Netherlands is strongly interwoven with the international security context, also because we live in a network society (id., 2017: 58). For instance, public order management – and more specifically crowd and riot control - may be required to manage non-state violent actors (Hoogenboom, 2011: 107; Huiskamp & De Weger; 2009: 85).

The main reason for the blurring between the dividing lines between internal and external security seems to be that **military tasks involve supporting the police domestically or performing policing tasks in failed states,** such as observing truces and prevention of violence in or around elections.

> *"Peace-enforcing, peacekeeping, nation building, civil-military co-operation, humanitarian assistance, but also assisting civil authorities in situation of crisis and disaster, and battling terrorism are tasks of the military that result from the linking of internal and external security (...). The military no longer operates exclusively at (the high end of the spectre of violence but also at the middle (crowd and riot control, anti-terrorist squads etc.) and even at the low end (i.e. theft and violence by individuals). At this low end the tasks converge on the tasks of police officers." (Easton and Moelker, 2010: 26).*

However, can a consistent and systematic **pattern of convergence between police and military be established**? Huiskamp and De Weger (2009: 76) refer to Lutterbeck (2004) when addressing the convergence between the military and the police. Various examples underline forms of convergence, notably in terms of mandate and technology. Sutton (2017) for instance observes a convergence between police and military in Australia, i.e. between the Australian Defence Forces and the civil police (for a discussion, see also Greener and Fish, 2011). Historically, a close ideological and operational alliance between police and military has been associated with repressive regimes. Sutton (id.) refers to the Geneva and The Hague Conventions for the distinction between civilians and combatants. But these distinctions tend to fade away in a world where military efforts are increasingly staged against aggressive and violent non-state actors (insurgents, terrorists, domestic security threats) and police efforts against violent organized criminals domestically as well as across jurisdictional borders. Sutton observes a normalization of para-military policing with several consequences and even a weak or absent legal basis. In other words, this "deeply concerning development" in the civil policing culture should not evolve without proper accountability and legal safeguards. Moreover, police organizations have started to buy and apply military technology and ICT, with an increased focus on international policing. Foreign intelligence services increasingly often co-operate with police, criminal investigation and internal security and intelligence services; military forces increasingly tend to turn to internal security issues (Van der Vark, 2021).

Back in 1938, in his classic "Imperial Policing", Sir Charles Gwyn (1938) pointed at the challenge faced by military officers performing police duties, as they have to identify the minimum use of power. In a similar vein, Sion (2004: 296) wrote that "The military finds it difficult and even undesirable to make the demanded transformation to peace missions and to abandon its self-image as combat-oriented. Although peace missions are almost the only option left for the military, military people still follow the combat model and for them, combat is what makes the military relevant and legitimate, not peacekeeping." There is a **perceived "incompatibility" between strong combat orientation and a constabulary mission."** (Sion, 2004: 6), particularly in view of the current threat perceptions on Russia (annexation of Crimea and tensions mounting early 2022) and China (Hong Kong, Taiwan and cyber). Transformation from a "modern" to a "postmodern" military therefore does not seem to materialize. Nevertheless, a continued emphasis on expeditionary mission continues to involve "ambiguous constabulary work, but also diverse participation" (Sion, 2004: 2).

Previously, Rosenthal (2004) opined that the Dutch defence forces are developing into the direction of a constabulary force, given their role in peace supporting operations. Neuteboom (2009: 209), quoted above, stated that **military forces could no longer avoid the task to close security gaps and perhaps needed to transform themselves**. Hence, in this train of thought the western armed forces are perceived as forces that gradually evolve into constabulary forces no longer specialized in war (inter-state violence), but in crisis management, both inside and outside the borders (Resteigne and Manigart, 2019: 16). This way of thinking still gives rise to some controversy. It has been pointed out by Oakley et al. (1998) that military forces are reluctant to engage in confrontations with civilians because they are generally not trained in the measured use of force, control of riots, negotiating techniques, or de-escalation of conflict. Constabulary forces or military police units are however trained in handing violent conflicts, for instance in the urban theatre (Manwaring, 2005).

The term "police operations" "has often been applied to **violence and conflict other than war", or in the words of General Smith, "confrontations and conflicts", such as terrorism, insurgency and mass atrocities inflicted on the own population (such as genocide**) (Kilcullen, 2009; Westermann and Stoker, 2017: 6). "Policing" in this context refers to the performance civilian law enforcement functions, potentially by the armed forces, and may be conducted in the aftermath of an interstate war. To stress the differentiation, and to distinguish the police components from the military police (provost marshal[5]) units employed in the military forces, the United Nations coined the term "civilian police", or CIVPOL for short (Mobekk, 2005: 3), who are not to be deployed in areas of extreme conflict and instability. The acronym CIVPOL has been used in the UN context only since1964. Depending on the campaign theme (warfighting, security, peace support or peace time military engagement), the operations conducted by a military style police force would be located on the axis of conflict, among which public order and security disturbances, between people, particularly in the land domain, and can be seen as a continuous battle for power, chances and control. In a challenging security environment continuity of the operation and security for the unit as well as the local population must be guaranteed. Under high pressure, military policing units must be able to demonstrate the ability to mitigate risks concerning violent uprise amidst mass gatherings as well as to provide essential public order and security tasks.

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[5] Senior authority within the gendarmerie-type military policing units within an operation and together with his or her staff responsible for the coordination of all policing (MP) activities of the operation including giving specialist advice to the commander of the land component of these activities within the green box area of operations (AOO) and if applicable these activities take place within a blue box area of responsibility (AOR).

4. Constabularization of the Military

Several decades ago, Janowitz (1960) predicted that **western military organizations would gradually evolve into constabulary forces**. He argued that the role of the military was changing from an absolute into a pragmatically oriented focus and on practical conflict-resolution (op cit in Easton and Moelker, 2010: 21). The constabularization of the military may require a radical restructuring of the Western armed forces. In practice, they have evolved into constabulary forces no longer specialized in war (inter-state violence), but in crisis management, both inside and outside the borders (Resteigne and Manigart, 2019: 16).

Shifting security situations demand adaptation and flexibility from the security forces. In Dutch it is expressed it as follows: “Standstill is retrogression”. The increasing hybridization of conflict and war puts pressure on traditional warcraft and the “art of war”. Enemies, aggressors and insurgents are more often than ever not state actors or actors who act on behalf of the state, but more networked, ad hoc and lone entrepreneurs for whom the use of violence is instrumental for the expansion of their operations, modus operandi and territories, in virtual as well as physical space. In that sense, the pressure seems to be mounting on traditional defence forces, in particular ground forces, to supply effective and suitable responses to these volatile security threats. It raises the pressure to become more agile, to operate more often on a small and short scale, with fewer people and with a response that readily provides in the closure of immanent security gaps.

The traditional boundaries of postmodern military organizations are subject to a gradual transformation. Most military forces face new proximity roles and new relationships with civil society (Bronson, 2012; Bruggeman, 2011: 63; Easton and Moelker, 2010: 11-31, in particular 20-22; Resteigne and Manigart, 2019: 16). Last (2010: 33) argues that “(t)he blurring of police and military functions may be more stark and obvious in international interventions than in the domestic division of responsibilities.” ‘(...) it is increasingly necessary to see police, paramilitary and military forces as part of a single continuum of state instruments to provide for security – whether human security, national security, or international security.”

Moreover, Last (2007: 19) pointed out that police and military are part of the wider security sector within states, and that their mutual relationship has been subject to a certain evolution. As a population becomes more hostile,

> *“the higher up the security chain a government must be prepared to impose and maintain order: police forces become larger and more powerful, riot squads become more ubiquitous; military forces have become more inwardly than outwardly directed. Along with this, political intelligence services may become larger and more pervasive in their influence.” (Last, 2007: 19).*

In referring to Brodeur (1983), who distinguished between “low policing” (the community) and “high policing” (the state), Last arrives at the following diagram to explain the relationship between the evolution in the security sector and the factors size, violence and the law:

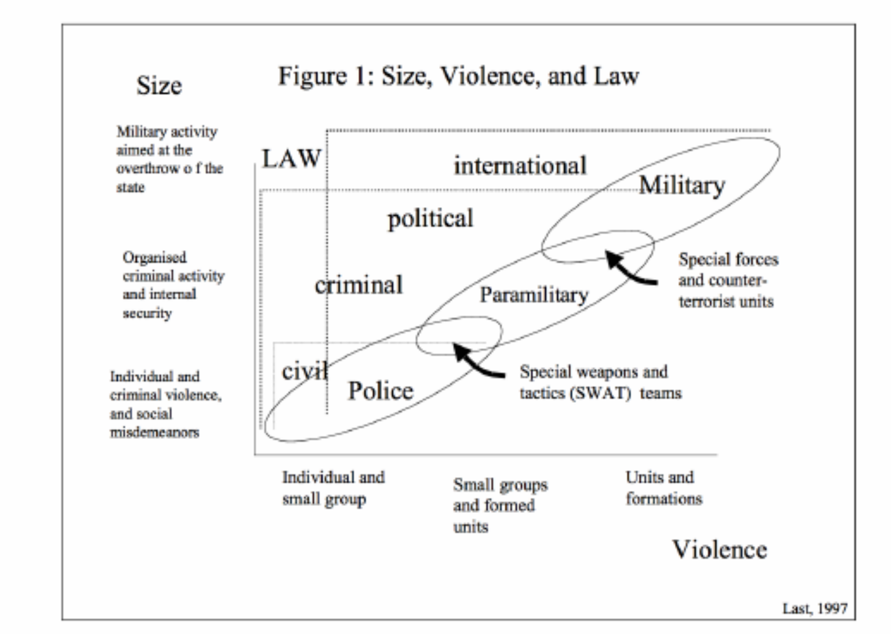
Size
Figure 1: Size, Violence, and Law
Military activity aimed at the overthrow o f the state
Organised criminal activity and internal security
Individual and criminal violence, and social misdemeanors
LAW
international
Military
political
criminal
Paramilitary
civil
Police
Special forces and counter-terrorist units
Special weapons and tactics (SWAT) teams
Individual and small group
Small groups and formed units
Units and formations
Violence
Last, 1997

Figure 2: Evolution of Security Sectors within states (Last, 2007)

Whilst Andreas and Price (2001) observe a **trend from war-fighting to crime-fighting**, Head (2018: 329) observes an **increased domestic role of the military**, which includes trends like police-military police co-operation, as well as the mobilization of the armed forces that cut across civilian policing. The use of military powers may however endanger fundamental civil and democratic rights. In this vein, Head (2018: 329) discerns the following developments: First, “troops have been deployed in public areas in major countries considered to be contemporary democracies”, including Belgium, France, Italy and the United Kingdom, this under the guise of counter-terrorism and the fight against organized crime. Second, there is an underlying trend in Western countries to deploy the armed forces for domestic purposes, e.g. through the creation of separate military commands. Third, Head argues, powers have been adopted that “authorize the calling out of soldiers against civilians” (…) “permitting troops to be used, for example to discourage or suppress political demonstrations (…)” (id: 329). Fourth, “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.” (id: 329). Fifth, “recent years have also witnessed increasing use of the armed forces in a broad range of domestic settings, from presidential inaugurations to political summits and major sporting events, as well as managing border control and the processing of asylum seekers (…)”. (id: 329). Also, in a rising number of overseas operations, “soldiers have been, in effect, policing civilian populations. (id: 329). Furthermore, “these developments come on top of the considerable strengthening of the powers and the resources of the police, paramilitary and intelligence units over the past three decades” (id: 329), particularly since the onset of the war against terrorism since “9/11”.

A European example of these trends is France[6], which mobilized 10,000 troops in Paris in response to a terrorist attack, and which introduced legislation to allow the military to search and “detain persons without warrant, close down peaceful protests, harass people and commit assaults” (Head, 2018: 332). Such trends, including the sustained application of executive emergency powers that remain largely beyond parliamentary control, raise several legal and constitutional issues. Head also describes the powers of the Australian Defence Force (ADF), and notes that “(M)any of these powers exceed those held by police officers, notwithstanding the expansion of police powers by the anti-terrorism legislation adopted by the federal, state and territory parliaments.” (id: 336). For example, some provisions “raise the possibility of soldiers, who are specifically trained to shoot to kill, being responsible for killing civilians in order to protect property.” (id: 337). **The (potential) exercise of such powers may infuse police-military conflicts.**

Neuteboom (2009: 209) is very explicit about the constabularization of the military: **military organizations cannot escape the necessity to close the security gap and to transform themselves**: It is not just a matter of changing the culture and the mentality or way of thinking, in fact, **a paradigmatic change is required**. The additional tasks demand an adaptation of the organizational concept that resembles that of police organizations. Neuteboom continues by arguing that the modern military officer requires training, diplomatic, social, cross-cultural, problem-solving, negotiating and communicative competences. The accent of the operational activities needs to be shifted towards small(er)-scale operations, away from large-scale organizational context. This shift requires more discretionary autonomy at the basis of the organization and more emphasis on the individual officer, in order to operate effectively and efficiently in rapidly changing security situations. Internal organizational processes, communication and information as well as military education need to be adapted as well.” (id: 209f). One could thus regard the military as a constabulary force (id: 191-214): after a major combat operation a situation may arise of instability, looting, deadly violence and serious crime, which is hard or even impossible to get under control. Within this security gap and the institutional power vacuum it may be necessary for the military to stand in or to deliver assistance to the local security forces (id: 192). Stabilization is in the interest of the international community, particularly the restoration of public order and security.

Military used to be regarded as a total organization. A military officer was trained to become a “warrior” or fighter, but no longer are members of defence organizations exclusively synonymous with fighters, requiring a lower number of combat functions:

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[6] For Belgium, see e.g. https://www.nieuwsblad.be/cnt/dmf20150116_01476889; accessed 6 January 2022.

> *“The concept of a constabulary force implies that the military is able to operate in a great variety of situations at the higher end of the continuum of military force, and at the lower end of the spectrum. The military thus has to be able to vary and fluctuate the intensity of its use of force. This requires competences to escalate and de-escalate in the application of force within a short period of time and within short intervals. A constabulary force also needs the ability to deal with a range of different environments and specific security scenarios.” (Easton and Moelker, 2010: 21).*

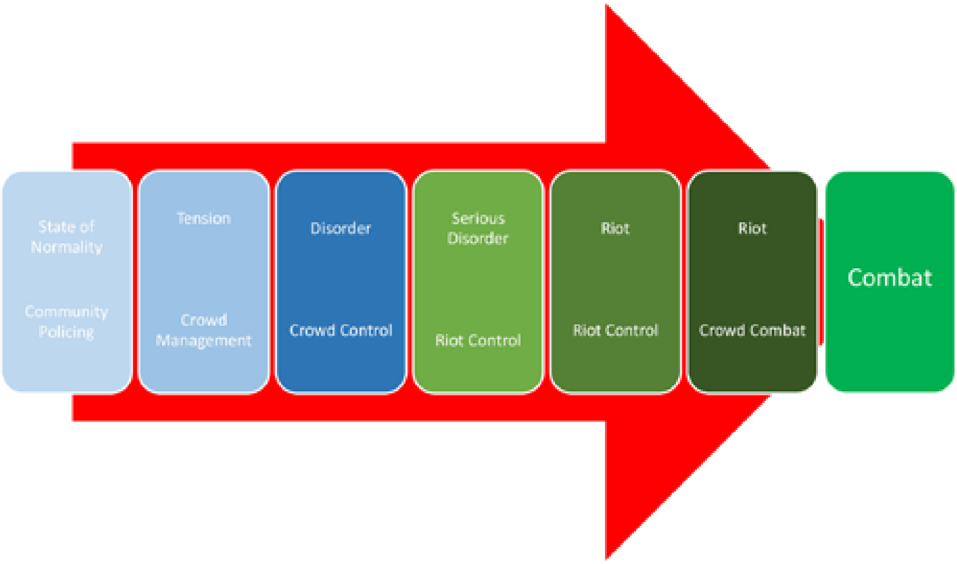

Figure 3: Escalation categories of public order violence and related combat functions[7]

A gradual constabularization of the military forces demands new professional skills and competencies from the military (see also Easton and Moelker, 2010: 20f; Gupta: 2019). Last (2010: 51) offers a perfect example of how those skills-requirements emerged in the course of one mission:

> *“The NATO-led coalition operations in Bosnia-Herzegovina had begun as a military mission, and moved progressively towards a civilian-led mission aimed at achieving European standards of community policing and human rights for minorities. As the transition from military to civilian priorities was effected, local leadership and priorities gradually eclipsed those of the international community, sometimes slowing and reversing the progress, but not necessarily accommodating the real fears of groups that perceived themselves to be threatened by the changes to policing and security” (Hills, 2007).*

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[7] Doctrine Publication 19-56 (DP 19-56), p. 5.63, chapter 5, section 7, figure 5.4. Violence categories 5 and 6 (riot control and crowd combat) are MP/SP Public Order tasks.

This transition process from military to civilian as well as from international to local also had an impact on skills that were deployed by international military and police forces. As Greener and Fish (2011: 10) argue, in the past, peacekeeping missions were labelled as constabulary missions, calling for gendarmes rather than military capabilities. Quoting Mendee and Last (2008), they refer to the Multinational Specialized Unit in Bosnia, where forces like the Italian Carabinieri and the Dutch Marechaussee were in demand to deal with the combination between organized crime and ethnic extremism.

"Constabularization" is about the official acknowledgement of the doctrinal transformation, at least in part. If adopted, it poses several challenges, as described by Easton and Moelker (2010: 25), who argue that the "constabulary concept rivals and seems contradictory to the professional identity of the military (...)," Moreover, they argue, "besides finding a balance between the soldierly and the constabulary aspect of the military profession, lies in the preparation and execution of the police-like tasks and the effect of the armed forces competencies." The required competencies would also qualify them for carrying out national security tasks, especially at the higher ends of police power. An example is the deployment of militaries in the management of violent and pervasive drug-related crime in Mexico (Pion-Berlin, 2017).

The **constabularization of the military is also visible in the assistance that is delivered by the military forces to the police and other security actors**, particularly in the context of the 'war' on terrorism, reconstruction of war-ridden countries, state-building, and the training of local security forces, demand a further constabularization of the armed forces." (Easton and Moelker, 2010: 26). In the wake of a terrorist attack such as in Belgium (Zaventem), the army was called to assist in the maintenance of public order, and their "green" presence in the public space lasted quite a while. In the end, however, deployment of military forces as a police force may be a second best solution. The role of the military in emerging security gaps may thus have to be limited to the absolutely necessary and needs to be handed over to the (international) police as soon as possible (Neuteboom, 2009: 199).

> *"Some military establishments already possess very significant constabulary forces -that is, units capable of maintaining public order by performing both law enforcement and light infantry operations." () "Constabulary forces are better suited for law enforcement functions and for interaction with CIVPOL than regular military forces. In circumstances where potential for violence is not high or has been greatly reduced, but there is continuing need for law enforcement, constabulary forces could be considered as a substitute for regular combat forces in peace operations" (Oakley and Dziedzic, 1998: 519).*

As already argued briefly above, in the context of Peace and Stability Missions, Security Sector Reform and Training Missions, **military forces have increasingly performed policing tasks**. Peace missions often take place under the flag of the United Nations (UN), 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.” (Dwan and Wiharta, 2005: 167).[8]

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[8] For an overview of EU CSDP missions, see: https://eeas.europa.eu/topics/military-and-civilian-missions-and-operations/430/military-and-civilian-missions-and-operations_en; accessed 26 February 2021.

5. Militarization of the Police

In the face of growing transnational and serious threats, such as organized crime, terrorism and cybercrime, public police agencies have started to redefine their core tasks and responsibilities. From the “plural policing” perspective, policing as a task and responsibility seems to shift from the public police sideways to special wardens, community support officers and neighbourhood watches, while at the same time it is shared between police, customs, border and immigration agencies and financial intelligence agencies. From a national perspective, security has become far more “liquid” (Michlin-Shapir and Padan, 2019). The problems faced by the police (such as terrorism and organized crime) are of a larger scale, are increasingly international in character, and involve violence more frequently. Moreover, there is a growing focus on international policing investigations and crime control (Bayley and Perito, 2010; Delaforce, 2019: 21).

> *“Evolutions in organised 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. Moreover, the braiding of organised crime and terrorism is increasingly seen as the ‘real’ police work.” (Easton and Moelker, 2010: 19).*

This evolution renders the military-bureaucratic police model - with the organizational and operational elements from military policing - more popular. The war metaphor, central in military policing and ‘used’ in the past to restore public order, appears in the struggle with the new security challenges.” (Easton and Moelker, 2010: 19). Examples are the **war on terrorism** and the **war on drugs**. This move implies **a transformation from crime control to war on crime**, and also reflects a transition of routine job to crisis mode (id, 2010: 19).

The **militarization of police** (Easton, 2002) takes place along several different dimensions, namely material, cultural, organizational and operational dimensions (Kraska, 2007: 7). For instance American police has moved up the militarization continuum. The justification in this evolution is found in the war on drugs and the fight against ongoing terrorism. In this context, Delaforce (2019: 34) refers to the requirement of dual skill sets for Australian Federal Police Officers, applicable for more traditional policing arrangements and military techniques suitable for “hostile, high risk arenas”. Neuteboom (2009: 203) mentions training, armament and operational action in Special Weapons and Tactics (SWAT) teams of police and a growing involvement of the military in controlling illegal migration and drugs criminality. “SWAT-ization” (Special Weapons and Tactics), has become manifest through the strengthening of anti-terror units. European examples include the Austrian GEK (*Gendarmerie-Einsatzkommando*), the German *Grenzschutzgruppe* 9, and the French GIGN (*Groupe d’intervention de la Gendarmerie Nationale*) (see also Easton and Moelker, 2010: 19).

In the USA, there has been ample discussion about the apparent militarization of the police (Westermann and Stoker, 2017: 5). For instance, Masera (2016) shows on the basis of statistics that although the use of military equipment and technology by police forces has become widespread (Haggerty and Ericson, 1999), the actual effects often remain rather vague. While the use of military technology and tools (e.g. UAV's, gunshot detection systems) may contribute to a reduction in violent crime, it may also increase the use of violence against citizens, adding to a potential erosion of trust between police and society.[9] More research is required in this area.

Militarized forms of policing such as paramilitary policing in the context of **crowd and riot control and the use of SWAT-teams** have emerged and grown since the 1970s. "Riot and counter-terrorism units have been established in police forces, creating national and international networks of paramilitary squads." (Head, 2018: 338), used in the USA for instance while the state of emergency applied. History seems to repeat itself, when Head (id.) writes that "In Ferguson, demonstrators and other residents soon found themselves confronted by heavily-armed police, who used military-style armoured vehicles, tear gas and stun grenades to break up protests." Protest policing – or rather public order management - has been subject of increased militarization (Wood, 2014).

While the **"war on terror"** has "provided the common justification for both the domestic and overseas militarization of policing, there are reasons to conclude that the roots of the militarizing trend lie deeper in growing socio-economic and geo-political tensions."(Head, 2018: 342). McCulloch and Sentas (2006: 92) analysed the killing of Jean Charles de Menezes in the aftermath of suicide attacks in London:

> *"The fatal shooting was in line with firearms tactics developed to deal with suspected suicide bombers after the September 11 attacks on the United States. Adoption of these tactics demonstrates the extension and consolidation of militarized law enforcement."*

Kappeler and Kraska (2015)[10] seek to understand and analyse the militarization of policing in the USA and refer to the terrorist attacks that took place in Boston on 15 April 2013.[11] It concerns state responses to "an array of social problems, including violence, terrorism and civil unrest." In seeking to understand a more "nuanced understanding of the contemporary state of policing" (Kappeler and Kraska, 2015: 268) is required, such as the functioning of Police Paramilitary Units (PPU's). In any case, in the USA, the PPU's have proliferated in large police agencies and their use has expanded across the country. Kappeler and Kraska performed empirical research in the collaboration between the military and the police, and between the government and corporations. Since the framing of local security issues as "surges" (Trump, 2020), a step was taken towards not just supporting, but even supplanting local police forces with US Federal Agents. Tackling the dichotomy between police and military (Kraska, 2007) offers some illustrative examples extracted from American practices, such as the steep growth and normalization of special police operations units, such as SWAT teams, that are modelled after (not identical to) elite military special groups.

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[9] For a discussion, see: https://www.charleskochinstitute.org/issue-areas/criminal-justice-policing-reform/militarization-of-police/; accessed 4 March 2021.

[10] Kappeler and Kraska write this article as a series of counter-arguments against an article by Den Heyer.

[11] https://foreignpolicy.com/2013/04/16/a-brief-history-of-terrorist-attacks-in-boston/; accessed 4 January 2022.

Border and immigration control have gradually become subject to policing (Pickering and Weber, 2013), and in turn **border policing itself is subject to a degree of militarization**. In reference to external border control within the EU, the trend of militarization may imply the application of military technology, surveillance equipment and weapons (firearms) (Head, 2018; see also Rasmussen, 2006). The militarization of border control reveals that policing and law enforcement at and around the border are subject to transformation. As we have seen in the context of Frontex, the expansion of the mandate involves access to heavier equipment (e.g. helicopters, patrol ships) and surveillance technology. Van der Woude (2018: 259) refers to this transformation in the context of a security continuum "in which questions of borders, terrorism, crime and migration have become intertwined", contributing to the "fortification and militarization of borders". Van der Woude uses the concept of "security assemblages", involving a variety of security actors, e.g. military, specialist units, border authorities, local police etc. In this frame, militarization is defined as the normalization of military paradigms, thought, action and policy":

> *"(…), border militarization is significantly more than the highly visible presence of military personnel and artefacts at the borderline, or the adoption of 'overtly' military tactics (…)". "It also encompasses the militarized pre-emptive logics embedded and operationalized through the architectures of de-territorialized borders. When militarization is operationalized as such, it is safe to say that all intra-Schengen borders show signs of militarization. Whereas there are differences in the extent to which countries are using military personnel or military artefacts while policing these border areas, inspired by the military logics of pre-emptive strike while increasingly making use of a broad range of technological devices and surveillance techniques to sort out the trusted travellers, one could say that the policing of migration in all intra Schengen border areas is militarized. (…)"(Van der Woude, 2010: 259).*

Within this evolving militarization of policing and the emergence of "plural policing" (Loader, 2000), the Royal Marechaussee ("Royal Military Constabulary") has also been subject to various developments. According to an elaborate historical reconstruction (Fijnaut: 2008, see also Koops, 2018), the existence of the organization occasionally came under threat. The policing role of the armed forces received an impetus during the years of civil unrest (id.: 34), shown for instance in the consolidation of the *Koninklijke Marechaussee* on the northern parts of the country in 1894 on the basis of existing legislation (id.: 35). The civil police organization can never be "a perfect instrument in the hands of the authorities" (Easton and Moelker, 2010: 16), which illustrates the position of a police force that primarily aims at protecting the interests of the state.

6. Military Police Organizations

Military police is generally defined as a disciplinary force, composed of military personnel, that exercises police and related functions in armies. Generally, their **principal duty is to maintain military order and discipline, prevent and investigate crime within the army, and operate confinement facilities**. They engage in combat as infantry when required.[12] Police with military skillsets include: gendarmeries, constabulary forces, civil guards, national guards, *carabinieri*, marechaussees, republican guards, intermediary forces, armed police, frontier forces, internal troops, civil defence units, special forces, hybrid forces, paramilitaries or militias (more in paragraph on gendarmerie organizations).

Police and military organizations show several similarities (Easton and Moelker, 2010). Most significantly, they share the monopoly of violence on behalf of the state which have endowed them with a formal mandate. They both carry the core task to guarantee safety and security, and they are both crisis management organizations with the capacity to act effectively and efficiently in crisis conditions (Neuteboom, 2009: 200). 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 (Easton and Moelker, 2010: 15; quoted Goldstein, 1977). This implies 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 gradually been questioned however.

Both police and military are uniform organizations: "postmodern military organisations, especially on their "hot side" (the operations), have become virtual organisations: they almost always carry out their constabulary-type missions in close cooperation with other organizations, military or not." (Resteigne and Manigart, 2019: 26). The "policization" of the armed forces and the military involvement in law enforcement (Oakley et al.: 1998) seem to be closely intertwined.

Another -opposing- view is that **military and police organizations are quite different from one another**, for instance because of their **organizational cultures**: military is top-down, with uniform leadership and central command with marginal space for self-discretion at the basis (Neuteboom, 2009: 201). Police organizations are regarded as far more transactional, locally or regionally embedded. As they generally act on the basis of consent and social legitimacy, police officers are in direct contact with citizens. Moreover, they operate at individual or small group level, with larger margins for self-discretion in their professional activities. In addition, police act at the lower end of the spectre of violence, with the aim to prevent or minimize violence. The use of firearms and less-than-lethal weapons is a matter of last resort for the police. Its organizational structure tends to be far more decentralized than the military. Police often needs to improvise and respond adequately to unpredictable crisis situations (Neuteboom, 2009, p. 202).

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[12] https://www.britannica.com/topic/military-police, accessed 16 February 2021.

A matter dealt with by Easton and Moelker (2010: 14) and already alluded to above, is **the quite different position that the two organizations (military and police) occupy in the face of social legitimacy.** As the police act on the frontline of society, the organization frequently engages with its citizens, and therefore, the police is continuously in pursuit of "finding the right balance between the rights and liberties of every individual, and the public interest and public order as a challenge for every democracy (quoting Keith, 1993, p. 228)." However, one could also argue, that as the role of the military has been subject to change, the question about social legitimacy becomes more manifest, especially in situations where the military either fulfils a policing role, such as in the context of foreign missions, or where it assists police forces. In these cases, the military is drawing nearer civil society (Janowitz, 1960; Easton and Moelker, 2010: 23 and 24).[13]

In order to acquire a comparative understanding of what is meant by "military police", we take a small tour around the world, describing the function of the miliary police in the United States, the United Kingdom, Canada, New Zealand and Singapore, ending with the Royal Marechaussee in the Netherlands, which is here defined as a traditional intermediary organization between military and police.

In the **United States**, military police[14] constitute a separate branch of the army. During and after the Second World War, the Military Police became a unified, centrally directed organization. Before that time and since 1776, they had a more irregular existence. The head of the Military Police in the United States is called a Provost Marshal General, who is the chief law enforcement authority on the staff of the Department of the Army.[15] The Military Police (MP) are separate from the Department of Defense Police Force (DoD), and are known as the Military Police Corps. The difference between the DoD and the MP are that the DoD consists of civilian law enforcement officers who attend the Federal Law Enforcement Training Center (FLETC) to work with the Department of Defense. These law enforcement officers work side by side with the Military Police Officers who are in the MP MOS or the Masters At Arms Rating (Navy), e.g. when investigating crimes. As opposed to the DoD police, Military Police are subject to deployment overseas and into battle, and they have expanded roles and responsibilities. When deployed MP's provide battlefield support, secure camps and outposts and assist in security details and dignitary protection. In occupied areas, they perform police functions and provide support and assistance to local police forces in maintaining order during and after wartime. MP's are both soldiers and peacekeepers, and thus carry a complex task.[16] The US Military Police lead, manage, supervise and perform force protection duties, including the potential use of deadly force to protect personnel and resources. Military police operate in several different field environments and carries out individual as well as team patrol movements, mounted and dismounted, and tactical drills, battle procedures, convoys, military operations other than war, law enforcement tactics, anti-terrorism duties, and other special duties.[17] In this sense, they are more than “just” police officers, for instance because they also protect nuclear and conventional weapons systems and other resources. Military Police officers also perform air base defence functions, with which they contribute to force protection missions. The MPs also controls and secures terrain inside and outside military installations. MP’s defend personnel, equipment and resources from hostile forces. Moreover, they issue base driving passes and ensure that only authorized personnel and their vehicles are allowed to enter the post. The base MP’s also respond to 911 calls and general complaints. The training of MP’s is focused on judicial learning, hand to hand fighting, use of weapons, shooting, driving vehicles (boats, trucks, jeeps). MP’s are alone in the Army and are taught to be the most professional soldiers at all times. They are taught to “set the standards” and may have to write tickets.

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[13] In reference to Lt. Col Kees Matthijssen and the "Dutch patrol approach" in Iraq, e.g. in the context of peace keeping missions, see e,g, https://www.nytimes.com/2004/10/24/world/middleeast/dutch-soldiers-find-smiles-are-a-more-effective-protection.html; accessed 23 December 2021

[14] There used to be a U.S. Constabulary in the aftermath of the Second World War. For more details, see: https://usconstabulary.org/; accessed 23 December 2021.

[15] https://www.britannica.com/topic/military-police, accessed 16 February 2021.

[16] https://www.thebalancecareers.com/military-police-job-information-974494, accessed 16 February 2021; see also: https://www.bits.de/NRANEU/others/amd-us-archive/FM3-19-1%2801%29.pdf; accessed 17 February 2021.

In the **United Kingdom** the military police are organized as a combat corps in the army. Since 1946 they have been known as the Corps of the Royal Military Police (RMP). At the head of the corps is the provost marshal, which is one of the most ancient appointments in the army. In addition to the regular functions that are performed by all military police, the duties of the corps include “unique operational tasks that have no equivalence in civil society”[18], the preservation of discipline outside unit bases, road patrols and traffic control, and escorts and antivice duties. In wartimes, the corps was responsible for information posts, care for refugees, prevention of looting, the control of prisoners of war and stragglers.[19] The tasks and functions of the RMP are carried out throughout the full spectrum of conflict, at home as well as abroad, during phases of conflict, conflict prevention and post-conflict operations.

Canada’s Military Police enforces laws and regulations on Canadian Armed Forces (CAF) establishments in Canada and abroad. They serve the entire CAF community, including Regular and Reserve Force members, civilian employees, cadets, and family members. Its primary responsibilities are to support CAF missions by providing policing and operational support; to investigate and report incidents involving military or criminal offences; to develop and apply crime prevention measures to protect military communities against criminal acts; to coordinate tasks related to persons held in custody (including military detainees and prisoners of war); to provide security at selected Canadian embassies around the world; to provide service to the community through conflict mediation, negotiation, dispute resolution, public relations and victim assistance; and to perform other policing duties, such as traffic control, traffic-accident investigation, emergency response, and liaison with Canadian, allied and other foreign police forces. Military Police are qualified to provide these services to the same standard as every other Canadian police service. They routinely work within the civilian criminal and military justice actors, such as the Royal Canadian Mounted Police (RCMP), and are recognized as peace officers in the Criminal Code of Canada. Military Police provide around-the-clock service to the military community in Canada or around the world, including areas of armed conflict or natural disaster.

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[17] For more details on training, see e.g. https://study.com/articles/Become_a_Military_Police_Officer_Education_and_Career_Roadmap.html; accessed 16 February 2021.

[18] See website RMP: https://www.army.mod.uk/who-we-are/corps-regiments-and-units/adjutant-generals-corps/provost/royal-military-police/; accessed 23 December 2021.

[19] https://www.britannica.com/topic/military-police, accessed 16 February 2021.

Most MP members work outdoors, on foot or in a vehicles, or in an office setting to take statements or complete documentation. It has over 1250 full time members.[20]

Also **New Zealand** has a Military Police: its responsibility is to protect the Defence Force, its people and resources from crime, and to keep them safe in New Zealand as well as overseas. Military Police in New Zealand are qualified and highly trained specialists, that provide police expertise to the Defence Force community and in combat environments.[21]

In **Singapore**, SAF Military Police Command upholds and enforces military law, order and discipline in the Singapore Armed Forces during peacetime and war. The formation is tasked with policing and security operations, as well as ceremonial functions both for the Ministry of Defence and the State.[22]

From this selective overview, it emerges that military police organizations and gendarmerie-organizations are definitely not the same. However, despite their disparity they conduct similar tasks in missions, especially "when providing security force assistance", as NATO (2016: v) argues. Gendarmerie-type forces are seen as part of the larger family of military police organizations. It is useful here to distinguish (military) police **organizations** from (military) policing **functions**.

In several states, military police may not exist as a separate organization or entity within the Defence Forces, but more as a function of military policing that can be exercised by a gendarmerie type force like the **Netherlands Royal Marechaussee**. In fact, in this organization, the performance of the military police function is part of a larger portfolio. The question whether the exercise of a military police function establishes a significant part of the function portfolio is often a matter of political, administrative and budgetary prioritization. The exercise of the MP function includes *inter alia* the criminal investigation task.[23]

A trend is that traditional intermediary organizations likes the Royal Marechaussee tend to increase in volume and relevance. Huiskamp and De Weger (2009: 92) argue that the Royal Marechaussee is particularly relevant for the performance of **national security tasks** by the Defence forces. One of the reasons behind this is that security requirements in the Netherlands demand increased performance of the Royal Marechaussee, in the face of serious organized crime and drug-trafficking, extreme violence as well as pervasive criminality. Simultaneously, there is an increased security demand on the Royal Marechaussee within the context of joint EU border control and the management of security gaps in the Caribbean parts of the Royal Kingdom of the Netherlands. These are strategic reorientations that can be found in the European Security and Defence Policy as well as in the NATO-doctrine on stability policing, and it is significant that these multilateral forms of cooperation provide the basis for the Dutch security architecture (AIV, 2020: 5).

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[20] https://forces.ca/en/career/military-police/, accessed 16 February 2021. See also: https://www.nationalguard.com/careers/police-and-protection, accessed 16 February 2021.

[21] See e.g. https://www.defencecareers.mil.nz/army/careers/browse-roles/military-police/; accessed 16 February 2021.

[22] https://www.mindef.gov.sg/oms/arc/our-formation-military-police.html; accessed 16 February 2021.

[23] See e.g. the following publication: file:///C:/Users/monic/Downloads/ewb-377-volledige-tekst_tcm28-75476.pdf; accessed 17 February 2021.

A key objective of military policing within the context of national security involves guarding and protecting public figures as well as buildings of symbolic nature, but also investigatory powers that are focused on the investigation of organized crime, irregular migration such as human smuggling as well as terrorism and radicalization. Within the Dutch hemisphere, this task applies to the whole territory of the Kingdom of the Netherlands, i.e. including the overseas countries and municipalities in the Caribbean. Article 4 of the Police Law 2021 contains the fundamental legal basis for the performance of police task by the Royal Marechaussee.

Prior to discussing some elements of the military police task within the context of national security, it is important to indicate that the role of the Royal Marechaussee is defined in a **limitative** way (that is to say, limited to or focused on a selective category of criminal offences), in a **complementary** manner (that is to say, in addition to the policing task that is carried out by the National Police), and in an **explicit** manner (that is to say, in the context of Schiphol airport, the only public law enforcement actor with a formal mandate to perform the policing task; see e.g. Stichting Maatschappij, Veiligheid en Politie, 2002).

The tasks of the Royal Marechaussee as defined in the Netherlands Police Act 2012 include:

- providing protection to the members of the Royal House
- carrying out police tasks for the Ministry of Defence
- carrying out police and security tasks at Schiphol Airport and other civil aviation premises
- assisting the National Police to maintain public order and enforce the rule of law as well as to combat cross-border crime
- performing duties with respect to enforcing aliens legislation
- providing protection for security transports for the Central Bank of the Netherlands

In the next part, we will discuss how these military policing tasks are captured in the various doctrines as well as in more specifically in the NATO Doctrine on Military Policing.

7. Military Policing Doctrines

"Doctrine" is the formal expression of military thinking, which is valid for a certain period. It describes the nature and characteristics of current and future military action, among which Military Policing activities, both within a national as well as an expeditionary setting. Doctrines lay the normative foundation for military action, and assist mutual communication between military forces. If operations are carried out within a civilian environment, it is essential to arrive at a communicative synergy and uniform understanding of leadership. Doctrine should be regarded as a framework without being a complete blueprint, let alone a straightjacket. In this sense, the MP-doctrine provides a basis for training and education and assists establishing objective assessment criteria. The MP-doctrine[24] can be regarded as a "sub-doctrine" that is to be subordinated to the Netherlands Defence Doctrine (NDD), which is the supreme doctrinal level and which is the linking element between the different domains (land, air, space and information including cyber).

While Military Police refers to a branch within an army that exercises guard and police functions (the organization), military *policing* can be viewed as a range of policing and enforcement activities (the function) that can be carried out by an army branch or a military police force. The first known use of the term "military police" dates from 1815.

In the United States, a doctrine can be found on Military Police Operations,[25] which should be correctly understood as applicable to its active Army, Army National Guard/Army National Guard of the United States and United States Army Reserve. The MP doctrine provides an overview of the operational environment and describes conceptual frameworks; lays out the foundations of military police operations, introducing the three military police disciplines (police operations, detention operations, and security and mobility support); police intelligence operations and their integration into military police operations; technical capabilities and tactical tasks; integration of military police support Army operations; and planning, sustainment, and integration responsibilities.

The doctrinal development on the terms of military policing enhances mutual international cooperation by means of standardization, which is the core task of NATO Military Police Centre of Excellence NATO MP COE). "Interoperability" is deemed crucial as it is seen as the core of daily cooperation and interaction between national representatives in a multinational setting. Defining military police tasks within the NATO-context (see below) aims at enhancing objective interoperability, which can be established by sharing doctrines, policies, reports and discussions at strategic, policy as well as operational level.

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[24] AJP 3.22 "Military Police", added by ATP 3.7.2 "Military Police Guidance and Procedures"; NATO, 2019.

[25] FM3-39 Military Police Operations: https://armypubs.army.mil/epubs/DR_pubs/DR_a/pdf/web/ARN16479_FM%203-39%20FINAL%20WEB%20w%20Camo%20Covers.pdf; accessed 23 December 2021.

8. NATO Military Policing Doctrine

NATO has an Allied Joint Doctrine for Military Police, which has been approved by the nations in the Military Committee Joint Standardization Board (NATO, 2019). The doctrine was developed in response to the Military Committee and was "designed with the understanding that MP support to NATO will be conducted in a multinational environment, with contributions from member nations." (NATO, 2019: vii). The (publication of the) doctrine aims at assisting the force generation process by identifying the diverse MP support capabilities that are available among NATO member nations. It is acknowledged that member nations have varying and developing capabilities. Hence, military policing cannot be considered as a stagnant given, but as a process and way of thinking that seems to be in full swing.

NATO defines Military Police as follows:

> *"Designated military forces with the responsibility and authorization for the enforcement of the law and maintaining order, as well as the provision of operational assistance through assigned doctrinal functions. MP provide operational assistance through five doctrinal functions."*[26]

All 31 NATO member states use the same definition.

The NATO-MP doctrine **provides in guidelines concerning the preparation, training, usage and interoperability of Military Police Units**, defining the contours of relevant activities in a joint and multinational environment. At tactical level, the ATP 3.7.2. is complementary and provides guidelines to commanders and chief officers in a coalition environment, as well as the cooperation between MP-units in a coalition environment, and information concerning tasks and possibilities of MP.

With its **Allied Joint Doctrine for Military Police**, NATO responded to the MC 0550, NATO Military Committee Guidance for the Military Implementation of the Comprehensive Political Guidance, and the IMSM-0387, Tasking for the Military Implementation of the Comprehensive Political Guidance. It reflects a common will amongst allies to assist the planning process at every stage to ensure the effective utilization of military police (MP) assets and to standardize MP support to operations. It describes the primary roles and characteristics of MP in support of the joint and multinational campaign at the operational level in accordance with Allied Joint Publication (AJP)-3.2 Allied Joint Doctrine for Land Operations. NATO's Allied Joint Doctrine intends to educate the wider audience of senior officers, commanders and staff officers who will be responsible for the planning and employment of Allied MP, as well as to assist member nations in developing complementary and interoperable forces. 0002. **AJP-3.2.3.3 Allied Joint Doctrine for Military Police was designed with the understanding that MP support to NATO operations will be conducted in a multinational environment with contributions from**

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[26] See further below.

several member nations. Moreover, the NATO Allied Joint Doctrine intends to assist the force generation process by identifying the diverse MP support capabilities available among NATO member nations. It recognizes the varying and developing capabilities resident in member nations and is not construed to mean member nations will provide these capabilities. It introduces the new concept of **MP activities in their combat support role to land operations**. These four activities are **mobility support, security, detention and police functions**. This concept was introduced to capture the essence of the MP capabilities within the Alliance as a whole and to assist the planning and employment of MP forces. This publication also makes extensive use of the words "military police" and "provost marshal" though some nations do not have MP or a provost marshal (PM) as the words strictly imply. Instead, MP is used in its generic form to encapsulate the **breadth of available assets charged with conducting police-type activities**. Similarly, PM is the generic term used to define the senior officer charged with the proponency of specialist military police advice to commanders, establishing policy and procedures and facilitating planning for employment of MP forces.

The MP doctrine offers guidance in educational matters related to the five MP doctrinal functions, namely (NATO, 2019):

> **mobility support**, such as movement planning (route and area reconnaissance, traffic control and regulation requirements, and liaison e.g. with the host nation), movement control and movement security (e.g. responding to incidents along a route).
>
> **security**, such as support to the area, physical and personal security; support to crowd and riot control; convoy escort and special load security; close protection; cyber security; and information security.
>
> **detention**, such as detention planning; detention oversight and surety; arrest and detention activities; an captured personnel (CPERS).
>
> **police**, including discipline (law enforcement, crime prevention and awareness, and confinement activities); investigative support (investigations and reporting; war crime and breaches of international law investigations; intelligence related to alleged criminal activities), as well as liaison, customs and excise, military working dogs and technical exploration.
>
> **stability policing**, among which stabilization and reconstruction and stability policing activities (e.g. public security and control, support to security sector reform (SSR), support to initial restoration of services, and support to initial governance tasks when authorized to do so in the mandate for the NATO operation or mission.[27] Public order management is one of the core dimensions of stability policing, including the facilitation of large-scale legitimate events, de-escalation, differentiated enforcement and communication (see also Bryden and Hänggi, 2005).

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[27] A separate Research Paper will be devoted to the theme of Stability Policing; see also NATO's Joint Allied Doctrine on Stability Policing, July 2016.

Each of these functions encompasses a range of MP activities, including the ability to police the force, to provide police support to the force, to provide policing for the public, and to provide police support to the public, to be delivered by a competent and specially trained military police force. NATO considers MP as a “unique capability in contribution to NATO operations” and as a “significant force multiplier throughout the full scale of conflict() in a complex and unpredictable operating environment (NATO, 2019: 1-1). Moreover, “MP (therefore) represent a suitable force element that is uniquely placed to provide, by a variety of both lethal and non-lethal means, the ability to effectively respond to varying threats in a complex operating environment.” (Id.). In the view of the NATO MP doctrine, the MP is carried out by “designated military forces” that have the responsibility and authorization law enforcement and maintaining order, as well as providing operational assistance through assigned doctrinal functions.” (Id: 1-2). In the context of a comprehensive approach, the MP role is seen as equally applicable across the whole scale of NATO operations.

Military police assistance to the military covers all MP tasks [incl PMO] including:

> **Preserving the concentration of the troops and their military power**
>
> **Preserving the speed of the operation**
>
> **Ensuring the continuation of the presence and the operation by ensuring provision of elementary needs of the troops**
>
> **Preserving public support for the operation among local citizens**
>
> **Protecting the integrity of citizens, prisoners of war and (the legitimacy) of the Defence forces**

MP assets are expected to be closely coordinated with other specialized capabilities that are available to the Joint Force Commander, including, inter alia, stabilization and reconstruction, security force assistance, special operations forces as well as support to cyber investigations and biometrics (Id: 1-5). **MP capabilities are seen as a limited specialist resource**, to be commanded at the highest possible level to ensure that these assets are allocated to the highest priority operational tasks (Id: 2-1). Moreover, MP must engage early at all levels of planning (Id).

Poland hosts the Military Police Centre of Excellence, following the concept for the NATO MP COE. It acts as an independent International Military Organization, which is open to all NATO countries and PfP countries. This NATO Centre of Excellence acts as a multi-nationally sponsored organization, providing NATO with an instrument to enhance interoperability (= key word) in this specific area is military policing. The centre acts under the direction and guidance of a Steering Committee.

While Italy hosts the NATO Centre of Excellence on Stability Policing, the centres are not meant to duplicate any existing NATO core functionalities and competences, but are **tasked with improving and expanding the already existing capacities within NATO Command Arrangement**. The Centres of Excellence are meant to act as platforms for expertise, subject matter experts and cohesive organizations to experiment, prepare, develop and disseminate products of experience of the alliance's troop at every level. As noted above, **"interoperability"** is the key principle: the enhancement of NATO's military police or gendarmerie interoperability is the main objective.

Harmonization and standardization with and between MP doctrines within NATO-partners are supported by doctrine and concept development, education and training, research and development, analysis and lessons learned, and consultation. The relationships with inter alia NATO schools are managed by the sponsoring nations.[28]

The mission of the NATO MP COE is to enhance the NATO MP Capability by providing subject matter expertise on all aspects of MP activities and by providing support to the development of MP standards and capabilities, through:

> **Providing analytical and methodological support** in the process of expanding the transformation policy and transformation processes, plans for nations as well as launching initiatives in these areas.
>
> **Monitoring main undertakings, ideas and changes** in the field of transformation of the MP;
>
> **Supporting and coordinating national and multinational effort in implementing** doctrines, publications and normative documents in order to facilitate common understating in fulfilling police tasks in every operational environment;
>
> **Supporting and advising within national as well as international consultations** on the issues to be addressed in the MP doctrines and publications;
>
> **Preparing evaluation, lessons learned from theoretical and practical MP accomplishments**, as well as conclusions and ways ahead in order to implement them into the future actions;
>
> **Cooperating with national, alliance' and foreign institutions** responsible for transformation of their armed forces, especially in the frame of police activities;
>
> **Formulating, experimenting, reviewing and recommending new concepts and directions** for utilization within MP multinational operational environment;
>
> **Cooperating with other military and civilian Subject Matter Expert**s to carry out research, simulations, analyses in favour of the MP and their counterparts;

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[28] See https://www.mpcoe.org/organisation/about-us; accessed 16 February 2021.

Studying and providing all actors with optimal methods, tools and procedures used in the transformation process for planning, implementing, monitoring and evaluating;

Gathering, storing and sharing any materials related to MP operations in their countries and operations abroad;

Serving as a platform for consultations, experiences and information exchange, discussions and meetings.

9. International Military Policing

> *"When war ends law enforcement is needed. War criminals must be arrested, organised crime checked, and attacks on minorities and refugees prevented or punished. If those committing serious crime are given free rein to violate laws and human rights with impunity, efforts to stabilise war-torn countries are bound to fail. Law enforcement is necessary for post-conflict stabilisation and peacebuilding. () Military involvement in law enforcement is needed to fill security-gaps." (Friesendorf, 2009: 1).*

The **international military policing task** (Friesendorf, 2012; Friesendorf and Penksa, 2008) is usually performed in an expeditionary, international context. Military policing functions can thus be fulfilled in the context of a "public security gap" (Hovens, 2017), and/or in a situation where the local police force is unable to protect citizens and the Rule of Law. In such a situation, foreign police officers may step in on the basis of a formal mandate (terms of agreement) on a temporary basis to assist, or in the case of permanent disorder, to substitute the exercise of executive powers by the local police force. Obviously this concerns a very sensitive and fragile situation, primarily because the monopoly of violence can only legitimately be entrusted to the police forces that belong to the state. The monopoly of violence is and cannot be shared or pooled with foreign police forces, unless explicit and formal permission has been given, for instance by the United Nations. According to Mobekk (2005: 4), military police can be deployed to reduce the law enforcement gap prior to a deployment of civilian police forces. The law enforcement gap may partly overlap with a security gap, where military officers may *de facto* function as police officers in that they may arrest, detain, train and/or assist the local forces.

Hence, **crucially complementary to military missions are Stability Policing missions**[29] that often carry the objective to stabilize and the reconstruct (S&R) and therefore fit extremely well in the context of the comprehensive approach. The law enforcement elements of S&R-operations, such as the *Rule of* Law and *Safe and Secure Environment* in the strategic framework of S&R, reflect the necessity of expertise in the field of military policing and/or gendarmerie and the capability that is delivered to stability operations (see also Hovens, 2008: 665). If military police or gendarmerie capacity remains absent during stability operations (for instance if capacity is merely delivered by a Land Force), a security gap may arise with regard to the performance of public order policing tasks.

Stability policing may be defined as the provision of transitional security during the golden hour of peace operations, in which powerful police performance, possibly with large-scale military back-up, is required to prevent a surge of crime and public order offences (Voorhoeve, 2007: 193; Hovens, 2008: 666). In contrast to the traditional military forces, police forces are often not organized in such a way that they can rapidly mobilize units for international peacekeeping operations. The capacity of the police is normally aimed at the national security needs and not on the performance of additional international peacekeeping tasks. However, as we will see in chapter 10, gendarmerie organizations are capable of swift action in the event of an international crisis or emergency.

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[29] This topic has been extensively covered in professional and academic literature and will be dealt with in a separate Research Paper to be authored by the section MPO; see also Allied Joint Doctrine for Stability Policing, NATO, July 2016.

Peace missions often take place under the flag of the United Nations (UN), 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. The UN Department of Peacekeeping Operations describes 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.” (Dwan and Wiharta, 2005: 167). According to the Stockholm International Peace Research Institute (SIPRI), the number of peacekeeping missions has lately been reduced (see also Van der Lijn 2005: 16).

Recent SIPRI statistics show that the total number of personnel in multilateral peace operations went down between 2015 and 2019[30]; whilst the European contribution in terms of human resources remained more or less stable, it declined significantly for the contribution from Sub-Saharan Africa and also went down for the contribution from the Americas. Missions such as ISAF demanded a considerable part of the peacekeeping mission capacity. According to SIPRI, the five largest peace operations as of December 2019 include[31]:

AMISOM: African Union Mission in Somalia (20 370)

UNMISS: United Nations Mission in South Sudan (17 656)

RSM: Resolute Support Mission in Afghanistan (16 705)

MONUSCO: UN Organization Stabilization Mission in the Democratic Republic of Congo (16 179)

MINUSMA: UN Multidimensional Integrated Stabilization Mission in Mali (14 438)

Military policing has been complemented with (international) civil policing, which is regarded as the UN instrument for police reform (Harz, 2009). Within the UN, the establishment of CIVPOL was subject of a prolonged discussion. The Brahimi-report argued strongly in favour of it (Mobekk, 2005: 2), namely that the nation states should compose a pool of civil police officers available for UN peace operations, deployable at short notice and within the context of the UN Standby Arrangements System (cf Neuteboom 2009: 195). UNCIVPOL are always uniformed, wearing their home countries' police uniforms, with the UN blue berets and badges, like their military counterparts. (Oakley et al, 1998). The military however prefers the term "constabulary", which has a certain tradition going back to the *gendarmerie*-type colonial forces (Emsley, 2014; Schmidl, 1998, 22). In the US, "constabulary" refers to a force that is organized in a military way and that provides law enforcement and safety in an environment that has not (yet) been finally stabilized (Oakley et al.: 1998). Essentially, within the military establishment, military police are regarded as having a lower status than airborne or combat troops for example.

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[30] SIPRI Multilateral Peace Operations Database, 27 May 2020; https://sipri.org/databases/pko; accessed 3 January 2022.
[31] SIPRI Multilateral Peace Operations Database, 27 May 2020; https://sipri.org/databases/pko; accessed 3 January 2022.

The **United Nations developed codification on police-military interaction**, by issuing guidelines for its Peace Operations, stating that both Troop Contributing Countries (TCC) and Police Contributing Countries (PCC) should be guided by the UN Security Council mandate, the concept of operations (CONOPS), the accompanying Rules of Engagement (ROE) for the military component, and the Directives on the Use of Force (DUF) for the police component in order to establish a suitable military-police operational relationship (Greener and Fish, 2011: 15). Different CONOPS exist because military and police use force for different purposes in peacekeeping operations, i.e. the military use force to deter or remove a security threat from the armed forces or groups, while the police use force to arrest civilians and address criminal behaviour. The use of force is governed by different sources of law. During a peacekeeping mission, police and military remain under established command and control, namely the Secretary General Special Representative; the Head of Military Component (HOMC) exercises UN operational control and may delegate UN tactical control to subordinate military commanders; the Head of Police Component (HOPC) similarly exercises UN operational control and is usually appointed as the mission Police Commissioner (Greener and Fish, 2011: 17).[32]

In and around Europe, there have been several law enforcement missions, including the previously mentioned EU Police Mission (EUPM I and II) in Bosnia-Hercegovina, that as of 2003 has been a police mission supporting the police reform process and develop capacity and regional cooperation against organized crime (e.g. Stoker, 2017: 37). Another well-known mission was the European Police Mission in the former Yugoslav Republic of Macedonia (fyROM) that lasted from 2003 until 2005: this police mission aimed at advising police on fighting organized crime and at promoting European policing standards. Other law enforcement missions have included EUJUST Themis (2004-2005) in Georgia, which was the first Rule of Law Mission under the European Security and Defence Policy (ESDP), supporting authorities in addressing urgent challenges in the criminal justice system, and developing a coordinated approach to the reform process (Finaud, 2009: 42-46).

Meanwhile, an inventory on the (potential) **involvement of (military) police capacity in international ventures other than NATO** includes the a wide variety of joint ventures, none of which however can be purely classified as "military policing" forces.

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[32] See UN Manual *Mission-Based Police Planning in Peace Operations*, Reference 2017.13, https://police.un.org/sites/default/files/sgf-manual-mbpp_july.pdf; accessed 5 January 2022.

EU Battle Group (EUBG)[33]: The EU Battle Groups were designed in 2004 as part of the 2010 Headline Goal, "to deploy crisis areas units of 1,500 troops plus support within 10 days for a maximum of 120 days"; declared operational on 1 January 2007. EU Battlegroups are multinational, **military** units, usually composed of 1500 personnel each. They form an integral part of the EU's military rapid reaction capacity to respond to emerging crises and conflicts around the world. Like any decision relating to the EU's Common Security and Defence Policy (CSDP) their deployment is subject to a unanimous decision by the Council and would generally require a formal mandate via an authorizing UN Security Council Resolution. Although Battlegroups have been fully operational since 2007 and have proven their value as a tool for defence cooperation and transformation, issues relating to political will, usability, and financial solidarity have prevented them from being actively deployed. However, attempts have been made to provide them with renewed impetus and relevance, for instance by removing obstacles as noted in the Global EU Strategy on Security and Foreign Policy (2016)[34] in the context of an integrated approach The EUBG can be deployed in a distance of 6.000 km from Brussels. The EUBG is potentially capable of achieving initial operational capability in theatre within ten days after a decision of the European Council has been taken to launch the operation. It is capable of operating as stand-alone force for up to 30 days with a possible extension to a maximum of 120 days duration from Initial Operation Capability onwards. As can be seen below, the primary tasks of the EU Battle Groups include military policing as well as stability policing tasks such as evacuation operations:

- conflict prevention
- initial stabilization
- humanitarian interventions and rescue tasks
- crisis management
- peacekeeping

In 2007, the Netherlands participated in a number of rotations, including Battlegroup 107 with German and Finnish Army Units. In 2010, the Netherlands participated in the UK-Dutch Battlegroup (EUBG 2010), the core of which was formed by the United Kingdom/Netherlands Amphibious Force (UK/NL AF, in existence since 1972). In June 2014, EUBG 2014 II, with 3,000 troops from Belgium, Germany, Luxembourg, North Macedonia, the Netherlands and Spain conducted a training exercise in the Ardennes, codenamed "Quick Lion", to prevent ethnic violence between the "Greys" and the "Whites" in the imaginary country of "Blueland". Hitherto and as argued above, the EU Battle Groups have not been actively deployed. Similarly, NATO has a Rapid Reaction Force (NRF), that can be deployed all over the world within five to 30 days subject to the consent of all NATO member states. The NRF comprises units with various response times: the Very High Readiness Joint Task Force (VJTF) which is considered a "spearhead force" and thus a unit that can be deployed most rapidly; the Initial Follow-on Forces Group (IFFG), which includes units with a longer response time and is able to reinforce the VJTF; and the Follow-on Forces Group (FFG), which are units without a pre-determined response time. The composition of the NRF is changed every year.[35]

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[33] See e.g. https://eeas.europa.eu/headquarters/headquarters-homepage_en/33557/EU%20Battlegroups; accessed 9 April 2021.
[34] "Shared Vision, Common Action: A Stronger Europe. A Global Strategy for the European Union's Foreign and Security Policy", https://eeas.europa.eu/sites/default/files/eugs_review_web_0.pdf; accessed 3 January 2022.

The **EU Human Security Pool** was part of the Human Security doctrine as developed by the so-called Barcelona group.[36] Although never formally adopted by the EU, human security remains a relevant policy strand within the EU. The doctrine is based on the assumption that people are often left unprotected and vulnerable in so-called "black holes", that emerge in a post-conflict situation. Its starting point was the European Security Strategy in 2003. In the interest of stability in the EU and its surroundings, there is legitimate concern about failing states and conflict areas:

> *"The whole point of a human security approach is that Europeans cannot be secure while others in the world live in severe insecurity. In 'failing states' and conflict areas, the criminal economy expands and gets exported: the drug trade, human trafficking and the easy availability of small arms, and even the brutalisation of society are not contained within the 'conflict zone' but felt beyond it, including in Europe. When the state breaks down, communalist ideologies are mobilised, generally rooted in religion or ethnicity, and while this leads first and foremost to a spiral of violence within the conflict zones, terrorist networks also thrive upon and recruit from such situations, with the effects again felt in Europe."*[37]

Except the primacy of human rights, a multilateralist approach, a clear authority as well as a bottom-up approach as well as a regional focus, the doctrine advocates the use of legal instruments and the "appropriate" use of force, to be delivered by a capability consisting of a three-tiered human security response force. Hence, it was proposed to create a Human Security Response Force, composed of both military and civilians. The force was expected to equal the size of a division, 15,000 personnel. Thus it would be possible to deploy such a force in a situation like Kosovo or smaller forces for contingencies like Macedonia or the recent operation in DRC. The force was expected to be a **civil-military mix**, with a minimum of one-third consisting of police and civilian specialists."[38]

Eurocorps: The European Corps is a force for NATO and the EU, and as such an intergovernmental military corps with its headquarters of approximately 1000 soldiers stationed in Strasbourg, France.[39] The nucleus of the force is the Franco-German brigade established in 1987. Its headquarters were established in May 1992, activated in October 1993 and declared operational in 1995. Although not formally established under the veil of EU Common Security and Defence Policy (CSDP), its assets can be used for the purpose of implementing CSDP-aims, in accordance with Article 42.3 of the Treaty on European Union (TEU). In 2016, it was certified as the EU Battle Group Force HQ, and in 2020 it was certified and on standby as NATO Response Force. It supported the

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[35] https://english.defensie.nl/topics/international-cooperation/rapid-reaction-force; accessed 3 January 2022.

[36] https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/solana/040915CapBar.pdf; accessed 9 April 2021.

[37] Id, page 5.

[38] For an impact assessment on EU Capacity Building in support of Security and Development, see e.g. the following document: https://ec.europa.eu/transparency/regdoc/rep/10102/2016/EN/SWD-2016-222-F1-EN-MAIN-PART-1.PDF; accessed 9 April 2021.

[39] https://www.eurocorps.org/about-us/history/; accessed 3 January 2022.

EU training mission in Mali (EUTM) by providing key personnel (Mission Force Commander and around 70 other soldiers) for two rotations, which started in January 2021.[40] Moreover, starting in September 2021, Eurocorps has supported the EU Military Training Mission in the Central African Republic (EUTM RCA) for two rotations by providing key personnel. Eurocorps participated in a number of international missions, including the Stabilization Force (SFOR) in Bosnia and Herzegovina; Kosovo Force (KFOR 3) in Kosovo; the International Security Assistance Force (ISAF 6) in Afghanistan and later another ISAF-mission. The Netherlands does not participate in Eurocorps. Finally, it should be noted that Eurocorps does not reside under UN-command.

Combined Joint Expeditionary Force (CJEF): The CJEF is 10,000 strong joint **military force** that can respond to shared threats. To enhance the bilateral defence cooperation between the United Kingdom and France laid down their ambitions in the Lancaster House Treaties (signed in 2010). Ten years later, CJEF was ready to be deployed: it is a combined Anglo-French military force that can be used in a wide range of crisis scenarios, up to and including high intensity combat operations, to be available at short notice for UK-French bilateral operations in the context of NATO, EU, UN or other. It seeks greater interoperability and coherence in military doctrine, training and equipment standards. While it remains to be seen how CJEF could become operational after the UK's departure from the EU ("Brexit"), the focus of (potential) operations cover crisis management, extraction operations, the temporary strengthening of a peacekeeping operation and support to emergency humanitarian assistance:

> *"As a result, we have at our disposal a flexible tool through which we can deploy up to 10,000 or more soldiers, sailors and airmen together on missions covering the full range of operations, from providing help after natural disasters to the most complex high-intensity combat operations. This capability is a unique European contribution to wider Euro-Atlantic security. And we are not resting on our laurels. We are taking forward a programme to consolidate and adapt what we have achieved to ensure it remains fitted to the changing environment, including in areas such as CIS, cyber, space, intelligence sharing and information management. We will also use the CJEF framework to improve further the interoperability of our Armed Forces' future equipment, logistics, engineering, medical and energy systems."*[41]

European Border Guard Team: the European Border Guard Team was preceded by the concept of the Rapid Border Intervention Team (RABIT). The RABITS were considered to stage rapid border interventions[42] designed to bring immediate assistance to a Member State that is under urgent and exceptional pressure at its external border, especially related to large numbers of non-EU nationals trying to enter the territory of a Member State irregularly. These interventions are not specifically characterized as either military or law enforcement, but it is clear that EU border management is under the spell of **some degree of militarization**, given the growing emphasis on the use of technology, surveillance and small weapons (see above). As Drent (2018) argues, the involvement of the military may be considered as a "logical step":

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[40] https://www.eurocorps.org/operations/european-union/; accessed 9 April 2021.

[41] https://www.gov.uk/government/news/uk-and-france-able-to-deploy-a-10000-strong-joint-military-force-in-response-to-shared-threats; accessed 3 January 2022.

[42] https://frontex.europa.eu/operations/rapid-intervention/; accessed 26 February 2021.

> *"However, there is a dilemma involving the military in law enforcement tasks at Europe's sea borders, as is the case in the Mediterranean. Border security and migration are in principle civilian tasks, but in cases where civilian agencies are overwhelmed, not up to the task and swift action is needed, taking recourse to military means is a logical step. The navies of the EU and NATO countries have capabilities that coast guards do not have, such as advanced intelligence, surveillance and reconnaissance means. Their ships are faster and have the ability to surge, if needed."*

If necessary, the interventions could rely on rapid reaction pools of 1500 officers and equipment from EU Member States, that are required to provide officers and staff within five days and equipment within ten days. An EU Member State may start the procedure to launch a rapid border intervention by requesting on, along with a description of the situation, possible aims and its needs. The Frontex Management Board should be informed immediately by the Executive Director about the request. Within two days a decision has to be made, notifying the requesting EU Member State and the Management Board of his decision, after which an operational plan needs to be drawn up. The members of the teams may perform tasks and exercise powers under instructions from and in the presence of border guards of the Member State requesting the assistance. The areas of expertise are on border management and include:

- land and sea border surveillance
- identification of false documents
- dog handling
- return-related activities
- establishing the nationality of irregular migrants detected at the border
- child protection
- trafficking in human beings
- cross-border crime
- protection against gender-based persecution and/or fundamental rights.

Standing Corps Frontex[43]**:** Towards 2027, the EU will have its own uniformed service, entitled (the) "European Border and Coast Guard standing corps".[44] This new border corps will be composed of 10,000 officers from Frontex and EU Member States. Its role is to support the Member States in external border management. The Frontex border guards will work under the command of the national authorities of the country in which they are deployed. The tasks include border control at land, sea and air borders; border surveillance; collecting and sharing information on situations at the external borders of the EU and beyond; search and rescue activities; returning people who do not have the right to stay in the EU; and fighting cross-border crime, including migrant smuggling,

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43 Meanwhile, the European Court of Auditors published a special report "Frontex's support to external border management: not sufficiently effective to date", 08, 2021: https://www.eca.europa.eu/Lists/ECADocuments/SR21_08/SR_Frontex_EN.pdf; accessed 3 January 2022.

44 https://frontex.europa.eu/careers/standing-corps/about/; accessed 26 February 2021.

document fraud and terrorism. Frontex border guards will wear uniforms, carry a service weapon and will have executive powers. This means that the officers will be able to perform tasks such as verifying a person's identity and nationality, allowing or refusing entry into the EU, patrolling between border crossing points. A Frontex border guard may perform a specified function, such as border guard officer, document expert and cross-border crime detection officer.[45] Meanwhile, the EU will also continue the "externalization" of border management, e.g. through the EU Border Assistance Mission to Ukraine/Moldova and the EU Border Assistance Mission in Libya (EUBAM)[46], containing **civil-military elements**, the latter particularly aimed at the disruption of criminal networks involved in smuggling migrants, human trafficking and terrorism.

In sum, while several European-based initiatives contain military policing elements, there is currently no full-blown operational military police force that can act on behalf of the EU Member States, either within the Member States upon request, between EU Member States, or across the common external border of the EU.

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[45] ECA Audit Special Report "Frontex's support to external border management: not sufficiently effective to date", 08/21: https://www.eca.europa.eu/Lists/ECADocuments/SR21_08/SR_Frontex_EN.pdf; accessed 31 January 2022.

[46] https://eubam.org/; accessed 3 January 2022.

10. The Role of Gendarmerie Organizations in Military Policing

Amidst growing concerns about hybrid security and illegal flows across borders, Geser and Haltiner position gendarmerie organizations as the "ideal" connection between the multinational military power and the international civil police (quoted in Neuteboom, 2009: 206). Whilst gendarmerie-type forces are characteristic for several continental European countries, Anglo-Saxon and Scandinavian countries do not have a gendarmerie-style police organization. In several other European countries, the relevant Gendarmerie forces have the legal status of a military organization (Emsley, 1999). In other cases, such as in the Netherlands, they were gradually enmeshed with the policing system (De Bruijn, Vriezen and Rademaker, 2018). Last (2007: 4) reminds us that already in 1550, French *gendarmes* were men-at-arms in the king's household who preceded him to ensure good order:

> *"During the Napoleonic area, mounted gendarmerie companies were established to police and administer areas under French control, eliminating banditry and threats to the state. Like the Irish Royal Constabulary, gendarmes helped to incorporate colonised or peripheral areas by blending military and police functions. Their responsibilities in war included supporting the army and navy in reconnaissance and route control functions. Nation-building tasks such as the safety of commerce and orderly conduct of elections were also a gendarme responsibility (...)".*

Lutterbeck (2004), who performed extensive international comparative research on gendarmerie organizations, claims that a uniform definition of gendarmerie organizations cannot be found. It is possibly an understatement when he argues that the evolution of gendarmerie forces is caught in contradictory dynamics. However, as gendarmerie organizations are caught in contradictory dynamics, several different policy consequences have followed.

First, as a consequence of the contradictory dynamic between militarization and civilianization, the choice for civilianization - triggered by a security crisis - ushered the abolition of the gendarmerie in Belgium (Easton: 2001). In France, civilianization encouraged the relocation of the authority over the French gendarmerie forces from the Ministry of Defence to the Ministry of Interior whilst still enjoying a military status (with additional duties to the Ministry of Defence). Hence, a gendarmerie force may reside under the authority of a single Ministry (Defence, Interior, Justice and Security) or a dual authority, such as in the case of the Royal Marechaussee (managerial authority under the Ministry of Defence and judicial authority under the Ministry of Justice and Security).

Second, as a consequence of another contradictory dynamic -namely between urban and rural deployment -the original demand on gendarmerie forces may have declined due to growing urbanization, as gendarmerie organizations like the French Gendarmerie were traditionally deployed in rural areas (Emsley, 1999; Knoops, 2018: 20).

> *(The) "distinctive feature of gendarmerie forces is that they were composed of military personnel, but their principal task was to maintain law and order in the interior, mostly in rural areas, and along major thoroughfares. In the context of consolidating European statehood, gendarmeries were essentially instruments of the central powers in extending and strengthening their rule over the national territory, in particular the often "unruly" countryside. As such, one of their main tasks was to deal with particularly severe forms of internal strife and turmoil, which in many European countries accompanied the nation building process." (Lutterbeck, 2013: 9).*

Lately, however, we have witnessed a growing supplementary role of gendarmerie forces in urban areas, particularly in response to social unrest and public disorder (e.g. Manwaring, 2005). The growing constabularization of the military forces as well as the parallel militarization of public police forces may cause a gradual "sandwiching" of gendarmerie-type forces in terms of strategic and tactic positioning, however, when taking into account the mounting security needs in and between nation states, the gendarmerie could be seen as a scarce capacity which is fit for a wide array of very specific purposes (De Weger, 2008).

This brings us to a third contradictory dynamic, namely that gendarmerie organizations face a simultaneous demand to act within borders of nation states, as well as at and beyond the borders, which turns gendarmerie organizations into military police organizations that are primarily active at crossing-points, such as harbours, airports and (in the vicinity of) land borders. In response, gendarmerie organizations are caught in national as well as international security developments, such as those within the EU Area of Freedom, Security and Justice and their impact on the control of terrorism, organized crime and migrant smuggling (see e.g. Marczuk, 2011).

From the perspective of Perito (2003), the Royal Marechaussee could be the dedicated organization to adopt the role of constabulary force within the Dutch context. Even though the Royal Marechaussee has built extensive experience with peace-supporting activities, its prime responsibility has been limited to national police activities and delivering capacity to CIVPOL-missions. In short, the Royal Marechaussee has not (yet) fulfilled the role of *constabulary* force, not even within the context of the European Gendarmerie Force (Hovens, 2008; 2011; see below). At the start of the KFOR-operation an opportunity emerged, but the Minister of Defence did not authorize this mission (Brocades Zaalberg, 2006). A future role as constabulary force will probably only materialize as part of a larger connection with and within the European Gendarmerie Force. However, if the opportunity arises, it may be problematic to find adequate capacity it has to be recruited from an available pool. Hence, it was expected that the volume of these constabulary-type deployments remains limited for the foreseeable time (Neuteboom, 2009: 209).

Despite these limitations it may be concluded that as a gendarmerie organization, the Royal Marechaussee is capable of delivering **unique military policing capacity**: militarized law enforcement, rapid and flexible deployment, operational in the whole of Dutch territory, in dedicated spaces abroad and within the Kingdom of the Netherlands as well as internationally (see also Knoops, 2018). It has the ability to operate in a centralized security system and to engage in public order management in the context of social disorder (see also Oakley et al, 1998). In a way, the Royal Marechaussee may be considered as the “Blue army” (McCulloch, 2001). Its range of activities can be positioned within the national and international security architecture, such as the EU, NATO and the OSCE. Whilst NATO continues to focus primarily on the common defence and a limited number of crisis management operations, also in higher spectre of violence, the EU tends to focus far more on integrated civil-military co-operation, particularly in the direct neighbourhood of the EU (Ukraine, Western Balkan, Middle East), where it seems to deliver a contribution to conflict prevention and conflict management through political support and diplomacy, trade, development projects, as well as small-scale military and civil missions (AIV, 2020: 14). Hence, in these situations it concerns temporary, unexpected and small-scale operations.

The Royal Marechaussee may thus be regarded as well-positioned and ideally-equipped to deal with newly emerging security concepts that are currently being developed within the EU, including border management and migration management, civil missions or civil-military cooperation, crisis management, rapid response, as well as battle groups. This should be assessed in the context of the new Strategic Compass of the EU, in which High Representative Borrell argues calls for mor rapidity, robustness and flexibility to undertake a full range of civilian-military actions, whilst proposing the establishment of an EU rapid deployment capacity which would embody a modular force of up to 5,000 troops by 2025.[47]

In the spectrum between military policing and stability policing, the Royal Marechaussee established the concept of a (paramilitary) **Specialized Police Unit** (**SPU**) on the basis of the Public Order & Security Tasks. The SPU-KMar should consist of four squadrons that is able to perform military police activities for the Defence Forces in an organic fashion. These tasks can be carried out within the national KMar domain as well as within an expeditionary context, for instance to bridge a (public) security gap before or after a conflict. With knowledge, tactics and means the SPU would be able to act in a flexible and adaptive manner, also in treacherous and escalating circumstances, potentially with the use of less lethal weapons (LLW). During a military campaign, an SPU squadron is potentially capable of acting in a Joint, Combined or Interagency fashion. Hence, the SPU would operate between the traditional civil police force on the one hand and the military defence forces on the other hand. Public Order and Security tasks are often situated in or after a conflict; they may be handed over to a Multinational Specialized Unit or an Integrated Police Unit.[48]

An SPU performs stabilizing actions and/or actions that create the conditions for the restoration of public order. This can be done as component of a (Joint Dutch) Battlegroup, a combined European

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[47] “Strategic Compass: Towards Adoption”, https://www.europarl.europa.eu/RegData/etudes/ATAG/2021/698818/EPRS_ATA(2021)698818_EN.pdf; accessed 4 January 2022.

[48] Notably different from the concept of the UN Specialized Police Teams (SPT) on Assignment with United Nations Peace Operations, referring to a group of experts in a particular policing specialism seconded by a Member State or several Member States to serve with the United Nations at the request of the Secretary-General. The SPT would normally be seconded by a single Member State and consist of 2 to 15 police officers and civilian policing experts. Under this Policy, capacity-building is not considered; https://police.un.org/en/specialized-police-teams; https://police.un.org/sites/default/files/2019.34_guidelines_on_specialized_police_teams.pdf; accessed 30 April 2021.

Gendarmerie Force (EGF; see below) task organization (a Multinational Specialized Unit (MSU[49]) or an Integrated Police Unit (IPU)), or a joint operation in the form of military assistance to a unit of CZMCARIB. An SPU squadron can also perform independently within the national domain when it concerns public order management, which is the systematic planning and direction of events and incidents in the public domain, such as large-scale rioting and violent crowd behaviour. An SPU squadron can act separately or in a combined manner, on foot and on horse or above, activating its critical mass for public order management during events and in a community. It can be used for the restoration of public order and security in front of diverse groups, unarmed or armed, at or behind reinforcements, barricades and covers. Moreover, activities of an SPU may include "policing the force" activities for the Netherlands Defence Forces as well as interagency activities in assistance of the National Netherlands Police, with a view to restoring public order. An example of the latter type of auxiliary deployment occurred during the January 2021 riots in the Netherlands against the inauguration of evening curfew in the context of anti-COVID measures.[50]

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[49] Consisting of multiple Troop Contributing Countries.

[50] "Schouder aan schouder met de politie", *Defensiekrant* 03, 29 januari 2021: https://magazines.defensie.nl/defensiekrant/2021/03/04_kmar-rellen_03; accessed 31 January 2022.

11. The Role of Gendarmerie Organizations in International Military Policing

Gendarmerie forces have been regularly deployed in external security roles during inter-state conflicts. According to Lutterbeck (2013), the French Gendarmerie actively participated in all of France's major wars, both as military police and as a combat force. One of the examples of an available international force is the permanent multinational gendarmerie force in the form and shape of the **European Gendarmerie Force** (**EGF/EUROGENDFOR**), which includes 800 staff and which can be dispatched within 30 days for crisis management operations. Full operational capacity of the EGF was established in 2006 (Hovens, 2008) and is composed of detachments from five EU Member States, to carry out overseas police operations (Finaud, 2009: 40). All of these Gendarmerie units are based on a military fundament, but accommodate civilian as well as military tasks, also within the field of national tasking. In any case, the EGF may be considered a forerunner for the organizational lacuna in the security structure (Easton and Moelker, 2010: 27). For this purpose, it may be instructive that Multinational Specialized Unit Battle group invests in interagency cooperation, e.g. with local government and non-governmental organizations (NGO's). The Eurogendfor Declaration of Intent[51] states that:

> *"In order to contribute to the development of the European Security and Defence Policy and the creation of an area of freedom, security and justice, France, Italy, the Netherlands, Portugal and Spain, all of whom possess police forces with a military status capable of carrying out, in accordance with the Nice European Council conclusions, police missions through substitution and/or strengthening of local police, propose the following:*
>
> - *to provide Europe with a full capability in order to conduct all police missions in crisis management operations within the framework of the Petersberg Declaration, with particular regard to substitution missions;*
> - *to offer a multinational operational structure to those States which intend to join EU operations;*
> - *to participate in initiatives of international organisations in the area of crisis management."*

At an operational level, during a phase being conducted under military responsibility, the EGF is incorporated into the military chain of command, while during a phase of civil responsibility, the EGF Headquarters establish a procedure for coordinating with the Secretariat of the EU Council, or equivalent body. At the tactical level, the EGF Commander may command operations in either a military or civilian chain of command, but if an autonomous police action would be carried out, the Commander would be answerable to the highest civilian authority (Greener and Fish, 2011: 19).

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[51] Declaration of Intent, 2004; https://eurogendfor.org/wp-content/uploads/2018/10/20040917-declaration-of-intent.pdf; accessed 5 January 2022.

The generic scenarios in which different types of intervention can be requested from EUROGENDFOR include Substitution, Strengthening or Providing humanitarian missions, planning capacities or monitoring missions, as can be seen below in Figure 4:

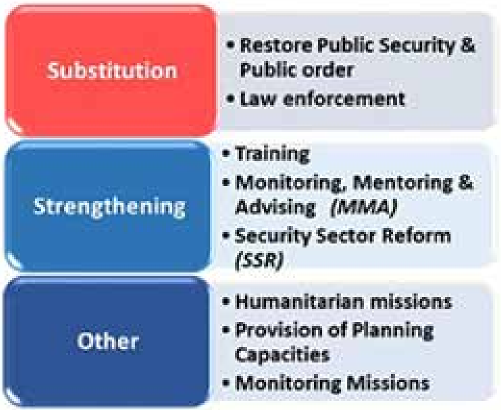
Substitution
• Restore Public Security & Public order
• Law enforcement
Strengthening
• Training
• Monitoring, Mentoring & Advising (MMA)
• Security Sector Reform (SSR)
Other
• Humanitarian missions
• Provision of Planning Capacities
• Monitoring Missions

Figure 4: Generic scenarios in which EUROGENDFOR can be requested to intervene[52]

The concept is that EUROGENDFOR combines different capacities from the contributing member states in a modular fashion, ranging from riot control to security sector reform:

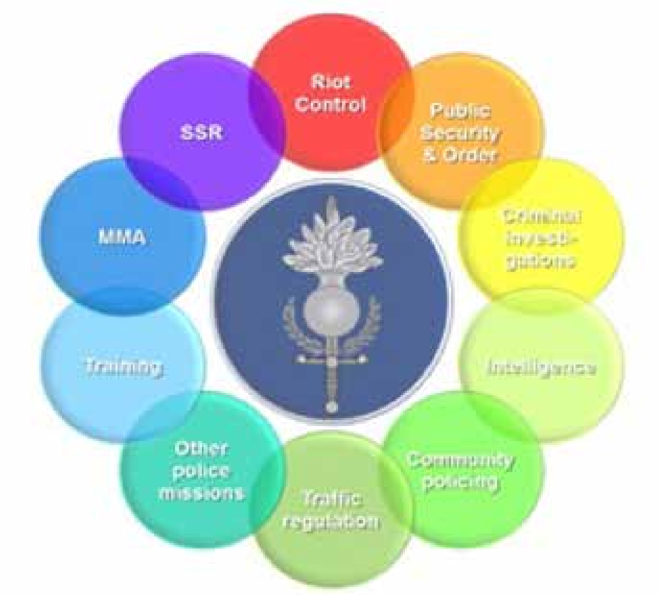
Riot Control
Public Security & Order
Criminal investigations
Intelligence
Community policing
Traffic regulation
Other police missions
Training
MMA
SSR

Figure 5: Range of EUROGENDFOR capabilities[53]

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[52] From: https://eurogendfor.org/egf-concept/; accessed 5 January 2022.

[53] From: https://eurogendfor.org/egf-concept/; accessed 5 January 2022.

Until now, no decisive discussion has been held about deployment of the EGF either within nation states (for instance on the occasion of long-lasting and large-scale riots and upon the condition that the respective nation state submits a formal request for assistance, similar to the EBCG Standing Corps) or at the fringe hemispheres of the EU, in the form of a public order rapid response force. Until now, this has not been possible due to the fact that the EGF/EUROGENDFOR is not officially part of the EU security architecture, i.e. the Common Security and Defence Policy of the EU (CSDP) or the Area of Freedom, Security and Justice (AFSJ). Yet, at the same time, EUROGENDFOR has built a repertoire of activities, seeking to consolidate its role as a force which is able to be deployed in any crisis management scenario, but also as a reliable partner in providing specific expertise in favour of EU projects.

EUROGENDFOR engagements have included[54]:

- Contribution to the EUFOR Mission (Bosnia and Herzegovina), also called "Operation Althea", following the end of the Balkan War with the ratification of the Dayton Peace Accords in 1995; in 2004, the EU provided the EUFOR mission with robust military presence as well as with an Integrated Police Unit (IPU). Ensuing, from 2007 until 2010, EUROGENDFOR took over responsibility of manning the IPU Force HQ and provided the internal coordination with other national contributions; this was the first operational engagement of EUROGENDFOR. The relevant IPU was located in an Italian-managed "Camp Butmir 2" nearby Sarajevo, and was constituted by a Force HQ and one Mobile Element composed of seven specialized elements (six from EUROGENDFOR countries plus one from a third country).

- Contribution to the UN MINUSTAH Mission in Haïti: After the earthquake on 12 January 2010, the security situation rapidly deteriorated due to mass violence and looting. The United Nations Stabilization Mission requested urgent deployment of self-sustainable police units with crowd control skills to fill the most urgent security gaps. CIMIN launched, on 8 February 2010, the EUOGENDOR mission with two self-sustainable Formed Police Unites (FPU's), that were provided by Spain and Italy, and one self-sustainable SWAT (Special Weapons and Tactics) platoon provided by Spain. EUROGENDFOR collaborated with the EU by seconding an officer to a coordination cell EUCO-Haiti in Brussels, to exchange information related to civil and military resources provided by the member states. Established in Port-au-Prince, EUROGENDFOR assets were integrated with the MINUSTAH chain of command, reaching an overall contribution of 300 police officers in July 2010.

- Contribution to the NATO ISAF Mission: In order to contribute to the development of the Afghan National Police, CIMIN decided in October 2009 to engage EUROGENDFOR. The engagement was built on four pillars, namely providing experts within the NTM-A (NATO Training Mission Afghanistan) command structure; training and mentoring the Afghan

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[54] This overview has almost entirely been replicated from the text in the book "European Gendarmerie Force", 2020, pp 63-77; https://eurogendfor.org/wp-content/uploads/2020/09/file_web_hires.pdf; accessed 5 January 2022.

National Police; and contributing to the development of pre-deployment training requirements and standards for the Police Operation and Mentoring Liaison Teams. By 2014, the contribution to the mission numbered more than 400 police officers.

- Contribution to the EU EUFOR RCA Mission in Central African Republic (CAR): EUROGENDFOR was engaged in the early stages of the planning process and in 2015, it participated in the EU evaluation mission led by the Crisis Management and Planning Directorate with EU Military Staff representatives. By that time, the Permanent Headquarters started its planning process and a force sensing was carried out among the EUROGENDFOR member states. EUROGENDFOR was also involved during the planning process by means of the provision of planning experts to the EUFOR RCA Operational Headquarters located in Larissa (Greece). These experts drafted the police aspects part of the Mission Plan, advising first the Operation Commander, and then the Force Commander, in all police matters. EUROGENDFOR was able to supply 102 officers to the mission in the capacity of Operation Commander Gendarmerie adviser, Force Headquarters staff personnel, and one Integrated Police Unit composed of three platoons, one SWAT/reserve platoon, one investigation team and one intelligence cell. EUFOR RCA provided temporary support to achieving a safe and secure environment in the Bangui area, with a view to the hand-over to the UN-led mission MINUSCA. The Force contributed to protecting the population most at risk, setting the conditions for the provision of humanitarian aid. Within this scope, EUOROGENDFOR was tasked to contribute to the fight against impunity, and to the provision of safety and security in the most dangerous areas. Additionally, EUROGENDFOR deterred violent initiatives from local militias and criminal elements, thereby assuring impartiality and credibility with the local population. EUFOR RCA was launched on 1 April 2014 and finished its mandate on 15 March 2015.

- Contribution to the EU EUAM mission (Ukraine): In November 2015, EUROGENDFOR received a request from the EU Advisory Mission to Ukraine (EUAM) for the rapid deployment of four trainers in crowd and riot control, to for Ukrainian instructors. On 9 January 2016, four police officers were deployed after receiving dedicated induction training.

- Contribution to the EU EUBAM Rafah Mission: In November 2015, two members of the Permanent Headquarters joined the EU Border Assistance Mission to Rafah in order to set up a joint EU-Palestinian Authorities deployment plan. The same Permanent Headquarters developed a plan that included the possibility for EUROGENDFOR to act as a bridging force for a rapid deployment, which was accepted by the EU and presented to the Palestinian Authorities in May 2016. The plan remains valid and pending, and can be implemented if the need arises.

- Contribution to the EU EUMM Mission in Georgia: an unarmed civilian monitoring mission that was established by the EU on 15 September 2008. Eventually, the mission command requested support from EUROGENDFOR, after which a contingency plan was developed by a dedicated Working Group. The contingency plan was adopted by the EU in April 2016.

- Contribution to the EU EUCAP Mission in Somalia: the purpose of this mission was to enhance Somalia's maritime civilian law enforcement by assisting the federal and regional authorities, for instance with the drafting of legislation, strengthening the justice system in the maritime domain, and advising the Somali Ministry of Internal Security and the Somali Police Force. In 2018, EUROGENDFOR contributed with two members of the Civilian Planning and Conduct Capability Directorate request for supporting EUCAP Somalia, to develop the revision of existing operational plans.

- Contribution to the EU EUCAP Sahel Mali Mission: In June 2013, the EU conducted a Technical Assistance Mission (TAM), with the participation of EUROGENDFOR PHQ. This also happened with the second TAM in September 2013. Later, on 17 April 2014, it was decided by CIMIN to allocate EUROGENDFOR personnel with gendarmerie experts who perform advising and training tasks.

- Contribution to the NATO Resolute Support Mission (RSM) in Afghanistan: This mission started on 1 January 2015, and EUROGENDFOR had to change its role in the mission, focusing on advising local key players in the Afghan ministries. EUROGENDFOR contributed to this effort by consolidating its efforts and physical presence.

- Contribution to the EU EUTM CAR Mission in the Central African Republic, which is a military training mission. In close coordination with MINUSCA, EUTM CAR has supported host nation authorities in implementing Defence and Security Sector Reform. The mission has also carried out duties advising and training the Armed Forces and the Gendarmerie in order to enhance their overall capacities.

- Contribution to the EU BAM Libya Mission: This mission, which was launched by the European Council in May 2013, aims at securing Libya's sea, land and air borders, and key priorities include the fight against terrorism, organized crime, and the smuggling and trafficking of human beings. EUROGENDOR has contributed to this mission since September 2016, covering positions in gendarmerie areas of expertise, such as Head of Operations and Maritime Border and Migration Advisers.

- Contribution to the EU Liaison and Planning Cell (EULPC) at the EU Delegation in Tripoli, Libya: The EULPC was established in April 2015, and has functioned as the main security analysis provider for the International Community in Tunis. EUROGENDFOR has contributed to the cell by deploying a planner/police expert, and who facilitates cooperation in relevant law enforcement areas.

- Contribution to the MINUSMA Mission in Mali: In July 2017, EUROGENDFOR deployed a Serious and Organized Crime Support Unit (SOC-SU) to the Police Component of the United Nations Multidimensional Integrated Stabilization Mission in Mali, to support the Malian internal security forces in their efforts to tackle organized criminal and terrorist groups. The team has been dedicated to advising and training the Malian Central Office Against Drugs as well as the Specialised Investigation Brigades.

- Contribution to the CMCF Niger Border Module (Niger): In 2017, the Nigerien National Police requested the support of the EUCAP Sahel Niger Mission to set up a Mobile Company for Border Control (CMCF), in charge of monitoring the borders of Niger. In 2018, the project was financed by Germany and The Netherlands, under the aegis of EUCAP Sahel Niger, with the support of FRONTEX and EUROGENDFOR. The EUROGENDFOR PHQ facilitated the CMCF Border Module coordination by enabling contacts between involved actors, the sharing of relevant information, running pre-deployment training; facilitating logistic settings; and deploying trainers. The pre-deployment training was performed in August 2019, with the support of EUCAP Sahel Niger representatives and Nigerien national authorities, and were delivered in the early Autumn of 2019.

- Contribution to the EULEX Kosovo Mission: EUROGENDFOR has been requested to provide support with an "over-the-horizon" reserve force (OTHR) capable of being deployed rapidly to Kosovo.

- Contribution to the EUFOR ALTHEA Mission (Bosnia and Herzegovina): further to previous contributions, EUROGENDFOR has participated in the mission by providing liaison officers to the law enforcement agencies in the area, and the possible deployment of gendarmerie-style personnel is foreseen in the local observation team houses.

- Contribution to the LCTT project in Tunisia: "Support to the Tunisian Authorities in the Fight Against Terrorism": this project is based in Tunis and financed by the EU through the Instrument contributing to Peace and Stability; it is implemented by the French CIVIPOL in partnership with the European Gendarmerie Force. Launched in May 2019, the effort of EUROGENDFOR aims at implementing a training programme to reinforce the capacities of the Tunisian National Guard in different fields of expertise, such as crowd and riot control, counter improvised explosive devices, cyber-criminality, crime-scene management, or intelligence gathering and analysis. The support provided by EUROGENDFOR to set up a Mobile Training Team within the Tunisian National Guard is based on the "train-the-trainers"-concept.

Before deployment of the EGF is considered in a post-conflict situation, sound reflection is required on the perception that the local population may have of the presence of paramilitary forces, as post-conflict societies often have a history of abusive security forces in which almost all law enforcement was performed by armed security forces and not by civilian police: "Presently, the use of military, paramilitaries and gendarmerie may run the risk of endangering the objectives of civilian policing.” (Mobekk, 2005: 5).

Internationally, gendarmerie forces still seem to be relatively unknown. As a form of multinational cooperation between police forces with a military status, it could be regarded as a potentially promising capacity that can be instigated by the EU, NATO or the EU.[55] In this context, it should also be pointed out that an international association of national gendarmeries or affiliated corps and police forces with military status was created, entitled FIEP[56]. It started with the corps of the gendarmerie forces in France, Italy, Portugal and Spain and its objective is to broaden and strengthen the mutual relationships, to promote an innovative and active reflection on the forms of police co-operation, and to value its model of organization and structures abroad. FIEP wants to be seen by European authorities as a forum and structure of separate police co-operation, which is capable of leading concrete actions. Within the context of NATO, gendarmerie capability is applicable across the full spectrum of NATO-operations of any type. Finally, it should be pointed out that within the context of the EU, there has been ample space for the positioning of gendarmerie forces in the context of stability policing and civil-military missions.[57]

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[55] Eurogendfor.org for information on missions.

[56] http://www.fiep.org/; accessed 29 April 2021.

[57] See e.g. https://eeas.europa.eu/topics/military-and-civilian-missions-and-operations/search/site/gendarmerie_en?search_token=0723U8OfUGuCIx6p-1rePhvLcUTgHe1WG3IBGatQGxA; accessed 29 April 2021.

12. Military Policing and its Impact for Training, Education and Research

If it is generally accepted that the shifts in security encourage a blurring process - to the extent that the military becomes subject to increased constabularization, and to the extent that the police falls subject to militarization, with a surging role for gendarmerie forces in security gaps - a reconsideration is required of the general training and education needs for military personnel.

First, as observed by Neuteboom (2009: 199), military and police are trained and educated in rather different situations, for different types of tasks and competences. The military has historically been a "total organization". Military officers have trained to become a "warrior" or fighter, but no longer are members of defence organizations synonymous with fighters, and have there been lower numbers of combat functions. As argued above, **the future military officer requires diplomatic, social, cross-cultural, problem-solving, negotiating and communicative competences**.

Second, **training should include a focus on small-scale operational activities**. This broadening of focus requires more emphasis on discretionary autonomy at the basis of the organization and more emphasis on the individual officer, in order to operate effectively and efficiently in rapidly changing security situations. At the same time, the requirement to operate in highly urbanized, complex environments goes along with a necessary tactical and ethical reflection on the potential interface with (surveillance) technology and the use of CBRN and/or toxic industrial materials (TIM) by the adversary or opponent. This may happen during or in the aftermath of a public order management operation, which may be harmful to the members of the unit as well as bystanders.

Third, **military officers may be trained more specifically with regard to the prevention and repression of public order disturbances, as well as countering insurgency,** in which they may not face a military adversary, but a criminal and/or civil adversary, such as terrorists, lone wolves, violent criminals, members of violent gangs, armed traffickers, pirates, militias etcetera. It follows that preferred soldiers ought to be trained in police operations as well as in warfare and fighting techniques, as recommended by De Weger et al. (2009), that they are trained in crowd and riot control, as these skills are necessary in dealing with protesters and rioters in an expeditionary context. Military policing and gendarmerie operations include mission command pertaining to (tactical) leadership, planning and decision-making, which should *ipso facto* be integrated in academic education as well as operational training, in order to achieve an optimal result.

Fourth, the use of non-lethal and less-lethal weapons (LLW) in conflict regions (currently forbidden, leading to the use of guns instead) as well as cultural awareness training, communication training, and training in community policing-like aspects are frequently mentioned as skills and competences that should be required by modern soldiers. In short: **constabularization demands new professional skills and drills from the military** (see also Easton and Moelker, 2010: 20f).[58]

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[58] An indication has been developed for the expected type of activities within defensive and offensive operations, and it may be instructive to reflect on these indications against the backdrop of the hybridization of conflict (10209: 10-153).

Fifth, in its Military Police doctrinal document, NATO (2019: 1-12) argues that the MP discipline is to be regarded as having “technical aspects”, in the context of which **education and individual training are seen as crucial**. The nations that contribute to the NATO MP capabilities are themselves responsible for this training and education, whereas NATO is responsible for establishing standards, made available through the NATO Military Police Centre. It is also expected that all nations that contribute to the NATO MP capability ensure that all participants in a particular effort have received the necessary education and individual training before deployment is considered.

Systematic and (internationally) comparative empirical research on gendarmerie organizations is still rare. Hence, a general recommendation would be to establish an academic centre of excellence that stands in close contact with the relevant NATO Centres of Excellence on Military Policing (NATO MP COE) and Stability Policing (NATO SP COE) as well as the relevant international platforms (EGF and FIEP) and the national gendarmerie organizations, to allow **more empirical and comparative research and to encourage further codification**.

Objectives of police and military in transnational law enforcement operations may diverge (for a discussion, see Fritz and Dillon, 2017: 164). Their strategies are not compatible, as military responses may involve some transgression of law, while law enforcement objectives are identification, detention and prosecution of offenders. In the interest of future interdisciplinary cooperation against hybrid threats, it is important that a mutual understanding can be achieved. In the light of effective prevention of and preparation to hybrid threats, a **systematic gap analysis should be conducted on available and absent military policing capacity and capability** (see also Delaforce, 2019: 20).

Finally, with a view to consolidating the legitimacy of international operational activity, it is of great importance to conduct **legal research on the potential regulatory deficit**, as the rules and regulations in the international legal order remain ill-suited for managing hybrid conflict situations. These may include rules on the application of subsidiarity and proportionality, situational rules for the usage of less lethal weapons capabilities, and autonomous aircraft systems and surveillance technology.

13. Conclusion and Outlook

This Research Paper has been an attempt to explore the arena of military policing from an academic perspective. With the growing presence of hybrid conflict, it seems there may be an increasing global demand on defence forces to provide constabulary presence, particularly in a post-conflict situation when assistance may be required to provide protection to the public, manage civil unrest, and handle serious crimes like arms-trafficking. Multilateral organizations like the UN, NATO and the EU are all in the process of developing and designing the concept of military policing in one way or another, not necessarily in a mutually coherent or systematic manner as it hinges upon constabulary assets within the national defence forces and the political will to make them available. If there is one thing that this paper has been able to point out, then it is that military policing is still very much in the process of being streamlined and implemented.

The first contours of a typology of military policing are summarized in the table below:

Organization	Tasks	Examples
"Military Police" as a Section of the Military	Responsible for policing the army, or for certain areas of responsibility ("provosts") within the army, mostly against criminal activity by military and/or civilian personnel. Often also responsible for policing specific areas of responsibility, such as providing force protection, convoy security, mounted and dismounted patrols, maritime expeditionary warfare, military dog operations, security details for senior officers and detainee handling.	Military Police Corps, USA Canadian Forces Military Police[59], Canada Military Police, United Kingdom Defence Force Military Police, New Zealand Military Police, Romania Military Judicial Police, Portugal Military Police Battalion, Norway Feldjäger, Germany[60]
Gendarmerie Force, Autonomous Organization within the Defence Forces, answerable to the Ministry of Defence and/or Ministry of Internal Affairs	Responsible for wide array of policing tasks, including policing the army, policing civilians and protecting military locations, depending on national law, such as policing the armed forces, border policing, public order policing and crime investigation	Royal Netherlands Marechaussee Gendarmerie Nationale, France Carabinieri, Italy Guardia Civil, Spain Gendarmerie Poland (MP's for the entire Polish military)

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[59] Canada also has a Special Operations Forces Military Police Unit (SOF MPU) that provides policing services to Canadian Special Operations Forces Command (CANSOFCOM). MP Operational support is provided by the Military Police Services Group (MP Svcs Gp).

[60] Serving all component forces of the German Federal Armed Forces.

Gendarmerie Organization, Autonomous Section of the Military	Solely responsible for policing the civilian population, with some exceptions during times of war	Gendarmerie[61], Romania Carabineros, Chile Guardia Nacional Republicana, Portugal
Reserve Forces of the Army	Responsible for the performance of domestic law enforcement and policing functions in exceptional circumstances, such as civil unrest, crisis, emergency, war, for instance by providing battlefield support	National Guard[62], USA Policia Militar[63], Brazil

Figure 6: Towards a Typology of Military Police Organizations

Although the NATO MP COE plays an active role in sharing lessons learnt on military policing, there is still plenty of room to capitalize on previous experiences. Notably in Northern-Ireland serious lessons were learnt about the role of the military in managing "The Troubles".[64] The performance of military operations in a public order context, against the own population, is perceived in many different ways. The British have translated these experiences in Special Operating Procedures (SOP's), doctrines and lessons learnt, that can be used for further reflection within the wider European context.

This exploratory research paper has highlighted the need for an integrated, multi-agency approach. It is instructive to think about the way in which civil and military police capacity can be combined or be complementary to one another. Indeed, in an expeditionary context, it depends strongly what the level of disorder may be in a post-conflict situation. If the level is high, military police presence may have to be guaranteed in order to manage public order, while if the level is low, civil police presence may be able to secure the Rule of Law and seek to professionalize the local police forces.[65]

Throughout this paper, it has transpired that more empirical research may be required on how military policing is actually conducted in practice, including the role of technology and surveillance. Moreover, more comparative research may be required on how military policing is defined, developed, perceived and applied within different countries or hemispheres. Finally, there is need for more action-oriented or embedded research, for instance on how the Netherlands participates as chair of the NATO MP Panel for their term from 2021 till 2023.

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[61] As in: military force within national jurisdiction.

[62] Consisting of the Army National Guard and the Air National Guard, also able to perform domestic law enforcement powers.

[63] Preventive police force, reserve force for the Brazilian Army.

[64] See e.g. historical reconstruction on policing by Marina Caparina and Juneseo Hwang, SIPRI: https://www.sipri.org/commentary/topical-backgrounder/2019/police-reform-northern-ireland-achievements-and-future-challenges; accessed 31 January 2022.

[65] For a reflection, see "The Thin Blue Line", Kramer and Whiteside (2017).

14. Literature

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Against the backdrop of a complex and dynamic security arena, this Research Paper seeks to improve a common understanding of the concept of military policing within the context of a dynamic security arena. Military policing is usually defined as the performance of police-related tasks by the military. However, it is not easy to define military policing as it is an evolving concept, with a wide variety of interpretations and applications in different jurisdictions. Emerging security deficits may have a lasting organizational, professional and cultural impact on the military as well as on the police. To some degree, tasks performed by defence forces are subject to constabularization, while tasks performed by the police are subject to militarization. At the same time, convergence between police and military seems far removed from reality.

Gendarmerie forces find themselves in the middle of a blurring process between internal and external security. Due to the sheer perpetual presence and harshening of terrorism, organized crime, subversive criminality and public disorder, they are ideally equipped to act in challenging circumstances as they combine the best of the "green" and "blue" worlds.

While doctrines on military policing and stability policing are enrolled by NATO, and as the European Union steps up its security efforts, defence forces increasingly face the implementation of standardization and interoperability requirements. Except for being a reading guide for practitioners, scholars and students of constabulary as well as military studies, this Research Paper concludes with a number of recommendations on research, education and professionalization.

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