Constructing Peace, Piece by Piece

Coordination and division of labour between military and police in peace operations — a missing link to peace?

Carina Lamont

FOI-R--3916--SE

October 2014

FOI

Carina Lamont

Constructing Peace, Piece by Piece

Coordination and division of labour between military and police in peace operations— a missing link to peace?

Bild/Cover: Carina Lamont

Titel	Att bygga fred genom fredsinsatser
Title	Constructing Peace, Piece by Piece
Rapportnr/Report no	FOI-R--3916--SE
Månad/Month	Oktober
Utgivningsår/Year	2014
Antal sidor/Pages	80 p
ISSN	1650-1942
Kund/Customer	Försvarsdepartementet
Projektnr/Project no	A14106
Godkänd av/Approved by	Krister Pallin
Ansvarig avdelning	Försvarsanalys/Defence Analysis

Sammanfattning

Denna rapport menar att den säkerhet som skapas genom militära och polisiära aktörer kan utgöra en viktig brygga mellan kortsiktiga fredsframtvingande åtgärder och långsiktiga fredsbyggande insatser i postkonfliktmiljöer. Därmed kan gränsdragningar mellan ansvarsområden och samverkan mellan militära och polisiära aktörer vara avgörande för möjligheterna att bygga fred efter krig. Möjligheterna för samverkan är dock beroende av flera faktorer. Den *roll* olika aktörer tilldelas i fredsinsatsen och mot insatsens övergripande mål bör styra de *uppgifter* som en aktör tilldelas. Uppgifterna som ges olika aktörer är i sin tur avgörande för om och hur samverkan mellan olika aktörer kan och bör utformas. Denna studie menar att de strategiska ändamålen och olika aktörers roller gällande säkerhet i fredinsatser är alltför bristfälligt identifierade för att möjliggöra effektiv samverkan mot insatsens gemensamma och långsiktiga mål. En tydlig strategisk vision och rollfördelning gällande säkerhet vilka beaktar både omfattning och temporala variationer i säkerhetsbehov måste därför utformas. Detta för att förmå identifiera *när* och *hur* samverkan mellan militära och polisiära aktörer fordras i fredsinsatser.

Nyckelord: fredsinsatser, fredsbyggande, militär, polis, samverkan, mänsklig säkerhet

Summary

To build peace after war constitutes a substantial challenge. Nevertheless, it is essential to create conditions that are conducive to enabling peace in conflict-affected environments. This report holds that security created through the efforts of military and police actors can constitute an important bridge between short-term peacekeeping activities and long-term peace-building in post-conflict environments. Delineations between military and police arenas and coordination between military and police actors may thus be crucial to the prospects of building peace after war. The *roles* assigned different security actors in the peace operation, from the perspective of the overarching goal of the operation, determine the *tasks* assigned each actor. The tasks, in turn, determine when and how *coordination* between actors is needed. This study maintains that the strategic notions of the roles that actors have in creating security are too vague to guide the identification of tasks, and thus to enable effective coordination between military and police actors. Knowing when and how coordination is necessary in peace operations requires a clear strategic notion of the division of labour that takes into account the breadth of the existing security needs and its temporal variations. Such strategic security architecture can thus guide the identification of *when* and *how* coordination between military and police actors is needed in peace operations.

Keywords: peace operations, peace building, peacekeeping, military, police, coordination, human security

Contents

List of Abbreviations

DFS	Department of Field Support
FPU	Formed Police Units
IHL	International Humanitarian Law
IHRL	International Human Rights Law
MINUSMA	United Nations Mission in Mali
MONUSCO	United Nations Mission in the Democratic Republic of Congo
MOOTW	Military Operations Other Than War
OSCE	Organization for Security and Co-operation in Europe
OROLSI	Office of Operations, the Office of Rule of Law and Security Institutions
PoC	Protection of Civilians
RoL	Rule of Law
RRR	Reform, Restructuring and Rebuilding
UN DPKO	United Nations Department for Peacekeeping Operations
SMART	Support, Monitoring, Administration, Reporting and Training
SOP	Standard Operating Procedures
SRSG	Special Representative of the Secretary General
UN	United Nations
UNSC	United Nations Security Council

1 Introduction

A High Level Panel report on the post-2015 Development Agenda holds that building peace and effective, open and accountable institutions is essential to enabling development. It also holds freedom from conflict and violence as the most fundamental human entitlement, and peace and governance as core elements of human well-being.[1] Human security and development are consequently core aspects of any effort to construct durable peace.

The increasingly broad mandates afforded peace operations reflect this. Mandates are more wide-ranging both in terms of the tasks assigned peace operations and in terms of the temporal scope of peace operations, ranging from immediate cessation of hostilities to creation of conditions conducive to sustainable peace and development. For peace operations, this translates into bridging short-term peacekeeping tasks with longer-term peacebuilding goals. To add to the complexity, the concept of security has changed dramatically in recent years, redirecting the focus from state security to human security.

Peace operations was initially seen largely as a military task, but the identification of a nexus between development, peace and security in brought with it engagement of police and civilian actors in the increasingly complex and interdependent international conflict-management system that arose. In the case of the police, they have been given increasingly broad mandates that are not limited to mere monitoring and training. Police in contemporary peace operations are increasingly engaged in activities, roles and tasks that are directly aimed at enhancing human security. There has also been the introduction of a notion of *interim executive* authority for police actors.[2] Research shows that the enablement of long-term security in a national context requires a form of policing that builds and maintains legitimacy and trust with and from the local population. This form of policing thus benefits from having an advantage in the enabling of long term peace compared to other more authoritarian or militarised forms of policing. This is also important to consider in peace operations. The transfer of responsibility for providing security from military actors to police actors in post-conflict settings can consequently be held to constitute one of the crucial aspects in bridging war with peace. Coordination of military and police roles and tasks is thus central to such transitions, where peace operations must provide security through all the different temporal phases that are needed for bridging war and peace. As a result of the changing nature and increasing complexity of peace

[1] United Nations, A New Global partnership: Eradicate Poverty and Transform Economies through Sustainable Development- The report of the High-level panel of Eminent Persons on the post-2015 Development Agenda (2013). See also Frauke de Weijer and Anna Knoll, Joining Forces for Peace Post 2015, European Center for Development Policy Management, Briefing Note No 53 (2013), 9.

[2] See United Nations Department of Peacekeeping Operations, Policy, *United Nations Police in Peacekeeping Operations and Special Political Missions*, Ref. 2014.01, 1 Feb. 2014.

operations, the roles and tasks of, and the operational distinction between military and police actors are of necessity changing; this raises the question of how the division of labour and the coordination of activities need to be structured to best serve the aims of peace operations in the 21st century.

1.1 Purpose and Scope

This report results from a study requested by the Swedish Defence Ministry, of military and police coordination in peace operations. In order to facilitate a valuable contribution to the understanding of when and how coordination is needed, however, identification of the prerequisites for coordination is first required. Given that point of departure, the study proceeds from the viewpoint that there is insufficient attention to the prerequisites and on how security is considered and implemented peace operations. Those flaws regard the notion of roles, tasks, actors, capabilities and perceptions in the provision of security, and they impact on the prospects of enabling effective coordination on security related matters. This report discusses ways in which to remedy this situation.

The primary aim of the study is thus to *contribute to an enhanced understanding of the needs and preconditions for military-police coordination in peace operations.*

This report is therefore arguably an important and necessary first step towards identifying how military and police can and should coordinate their activities in today's peace operations. The chosen focus is primarily those activities in which coordination between military and police actors are assumed to be particularly challenging and particularly crucial for contemporary peace operations at large; namely *the protection of civilians*, the fight against *organised crime and terrorism*, and preventing and containing *riots and disturbances*.

The relevance of the report for national authorities lies in the necessity for any contributing nation to obtain an understanding of the fundamental structures for roles and tasks assigned to security actors in peace operations. Such an understanding is pivotal for enabling a relevant and qualitative contribution to peace operations. This report provides an opportunity to revisit such structures in light of the changing nature of peace operations.

1.2 Theoretical considerations

The report builds on existing strategies and policies for peace operations, which have been largely influenced by liberal theories on state formation. The analysis is therefore guided by liberal thoughts and assumptions related to the construction and nature of society and societal change. These assumptions include the understanding that societies develop along largely linear and common

trajectories, and that state monopoly on the use of force is central to maintained security. External assistance to states through peace operations and international actors, in turn, are held as capable of assisting states in transitioning from war to peace. Nevertheless, the study recognises that liberal theories on statehood and state-building are based on predominantly western thoughts and history. It is therefore also acknowledged that assumptions based on western perspectives may affect their relevance in other parts of the world. Even so, due to the fact that the existing structures for peace operations are based on liberal thoughts and theories, the liberal theoretical framework is the most relevant framework for the purposes of the present study.

Contemporary peace operations are engaged in activities that in previous eras have been defined in terms of peacekeeping, peace-building and peace-making. The present study holds that short term peacekeeping activities are intimately linked to long term peace-building goals. Constructing peace therefore requires a recognition that short- and long term goals are interdependent and interlinked, and that the peace-building process is not a linear process, but rather one that requires continuous assessment and adjustments. The study therefore makes no clear distinction between short term peacekeeping, and long term peace-building and peace-making goals. Rather, the study views short- term activities and long-term goals as mutually reinforcing throughout the life- span of peace operations.

1.3 Assumptions and Limitations

One important point of departure for the present analysis is the assumption that the protection of civilians is a constant requirement of any society, albeit at different levels and in different ways depending on the security situation. It is therefore maintained that during the course of a peace operation, transitioning from war to peace by bridging peacekeeping with peacebuilding requires that both military and police actors adapt to changing tasks in pace with a changing security environment. For that reason, the study has not been limited to a specific temporal phase of peace operations, but has viewed all temporal phases as co-dependent and mutually reinforcing.

The study analyses United Nations (UN) peace operations only, which means that those led by other organisations have been excluded. Notwithstanding that limitation, the findings and conclusions are of such general nature that they are largely applicable to other peace operations and organisations involved in them.

The study is limited to a consideration of threats to human security that directly fall within the realms of traditional police and military competencies. Therefore, threats such as environmental or other forms of disasters, which may engage police and military actors indirectly but which do not require traditional military and police skills, are excluded.

One primary aim of the analysis presented here is to enhance the understanding for the prerequisites of coordination among the actors that are engaged in peace operations. With regard to the central issue of coordination, this report addresses it by considering only *international* actors that are included in the peace operation, and does not take into account coordination with local actors. Addressing coordination with both international and local actors requires more extensive analysis than this study permits. An additional reason for this limitation has been the inability of gaining access to local actors in environments where peace operations have been or are active. Irrespective of this limitation, however, it is acknowledged that it is the needs on the ground, and the activities undertaken by different actors to meet those needs, which determine the nature of and scope for coordination between different actors. Indeed, notwithstanding the conclusions of this report, local military and police actors may be crucial actors in the coordination with activities undertaken in peace operations. An important second step to follow the present report is therefore to address the prerequisites for coordination between the peace operation and local actors.

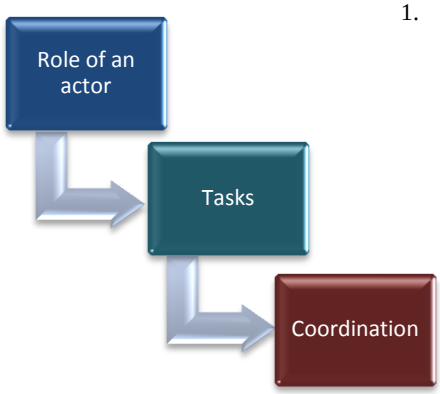
1.4 Coordination— A Theoretical Point of Departure

The present study is based on an assumption that the form and extent of coordination between actors is dependent on the tasks assigned the respective actors. Therefore, the forms for coordination cannot be effectively established without a clear view of what tasks the respective actors are to engage in. The tasks, in turn, are dependent on what roles the respective actors are anticipated or expected to assume in the peace operation. The roles are directly linked to the question of what the actors are to contribute with towards the overarching aim and goal of the peace operation at large, and the roles are thereby directly linked to the mandate given the peace operation.[3] These expectations can be either assumed or expressed, but the linkage made at a normative level will have direct implications for the prospects of delivering the envisaged contribution towards the overall aims of the peace operations at the field level. In other words, the tasks assigned to the actors should be directly linked to the role given to each actor. Identifying the origin of the tasks and roles of the respective actors is therefore essential to enable identification of how, why and in what way military and police actors can and should coordinate and cooperate in peace operations.

Most simply illustrated, this chain of relations can be written as follows: mandate > role > task > coordination.[4] Addressing the question of how military and police

[3] Mario Muigg, The Police in International Peace Operations, *SIAK Journal- Journal for Police Science and Practice* (2012), vol. 2, 20.
[4] Richard Langlais, comment on final draft of this report.

should coordinate their activities in peace operations therefore first needs to tackle the question of what *roles* and *tasks* the respective actors are assigned in peace operations. In amplifying the above illustration, the relationship between the roles, tasks and coordination of military and police activities can be described as per the following.



1. The role of each respective actor is guided firstly by the Security Council resolution mandating the peace operation and the ultimate aim of the peace operation.

2. The role determines the tasks to be performed to achieve short and long term goals.

3. The tasks determine when and how coordination is needed

Figure 1: The relation between the roles of security actors, the tasks assigned to them, and their coordination.

The security requirements of a given environment and the long-term peacebuilding goals of the peace operation can be understood as determining the role that an actor is given. While the *tasks* assigned to security actors may have to change with a changing security environment, the *roles* of security actors are better held as consistent. Consistency of the roles in security enables coherence through all temporal scopes of peace operations, which in turn highlights the importance of paying attention to the temporal phases in identifying the tasks of security actors.

Defining the roles that various actors have in maintaining security can thereby facilitate the creation of sufficient flexibility in the security architecture. Military actors may be given extensive mandates in the early phases of a peace operation, but may necessarily be given more supportive tasks once sufficient stability and security have been obtained. Along the same lines, police actors may not be able to operate effectively in an environment threatened by recourse to armed conflict, and the role of the police may therefore necessarily be more prominent when a situation of improving security intensifies the need for subtleness in the exercise of power. A task afforded a military actor in the early phases of the peace operation will therefore need to be handed over to another actor once sufficient stability has been achieved. Recognising the strategic roles that security actors

have in ensuring long term security in the conflict-affected state can therefore aid the identification of *when* a transfer of authority is needed.

In sum, distinguishing between roles and tasks, and identifying their respective relevant actors can facilitate the provision of adequate security through all temporal phases of the peace operation. This is just as important at the start of the operation as in every phase thereafter. Since peace operations and the security environment continuously evolve, knowing the nature of coordination and when and how it is needed, is an essential component of that facilitation, and must be continuously revisited.

1.5 Methodology and Sources

The point of departure for the study's analysis is rooted in the human security paradigm.[5] The material analysed is of two kinds; The first is text based literature on peace operations, the human security doctrine, and military and police roles and tasks in both domestic and peace operations settings. The second is interviews and questionnaires performed for this study. A total of 15 interviews have been conducted with both former and current police and military representatives in peace operations. Respondents were selected from both the strategic levels of peace operations, namely the United Nations Head Quarters in New York, and from field levels in peace operations. Interviews were conducted via telephone with police and military representatives at the United Nations Department for Peacekeeping Operations (UN DPKO), and in person with Swedish military and police representatives with field experiences. Furthermore, a questionnaire was forwarded to UN DPKO Military Division, and three responses were received and analysed.

1.6 Terminology

This study has identified that there is often a lack of clarity in the terminology commonly used in contexts relating to peace operations. Due to the fact that the terms used have real functional outcomes, the defining of terms is essential for the operational realities of peace operations. The aim in this section is to enable a clear understanding of terms commonly used in the hope of improving this terminological deficiency.

This report makes a distinction between the term *peacekeeping* and the *peace-building*. Peacekeeping is held to refer primarily to the initial stages of a peace operation, in which military actors are often principal security providers. Peace-building, in turn, begins prior to the onset of peacekeeping operations and

[5] Human security is defined in different ways by different scholars or arenas. A definition of the human security concept for the present study is presented in section 2.1.1.

continues beyond its cessation.[6] As such, peacekeeping is part of peacebuilding. The term *peace operation*, as it is used in this report, comprises both peacekeeping and peace-building, and thus covers both a wide temporal perspective and a broad operational range.

The meaning of the term *role* used here includes what goals should be pursued and the behaviour that is required in any given situation.[7] A role can consequently be held to constitute the *strategic purposes* of engaging an actor in a specific task. Here, then, the term *role* stands for the complete contribution that one specific actor is expected to deliver towards the overarching goal of the peace operation. A role can consequently entail many tasks. It is also held that a role can be either assumed or expressed, and can evolve and vary between different peace operations. In regards to specific peace operations, however, roles of actors should be held as more or less constant.

The term *task* is distinguished from the term role in that roles are held to constitute a more or less constant and overarching function on security, while tasks are activities to be performed to meet various and arising security needs. As opposed to roles, tasks can vary with a changing security environment. Tasks are defined here as the specific duties, actions or activities that are assigned to or undertaken by a specific actor in the peace operation. One example of a concrete task is the Protection of Civilians (PoC). It is assumed here that tasks are primarily identified through the assumed or assigned roles of each actor, but tasks may also be identified through needs that arise in the field. Furthermore, the tasks of the actors engaged in a peace operation are assumed to be complementary to each other, and possibly at times overlapping.

An *actor*, in turn, is defined here as one specific professional group, such as the military, involved in the peace operation. Each actor may have one or more roles to play. In order to perform each role, there may be a variety of tasks to perform for each actor. As an example, the military is assumed to have a different role than police actors, and that role is assumed to constitute a specific contribution towards the overarching goal and aim of the peace operation.

Notably, this analysis also makes a distinction between *actors* and *tasks*. Elsewhere, this distinction is not always made. For example, the term "*military*

[6] United Nations Department for Field Service and Department for Peacekeeping Operations, *Peacekeeping and Peacebuilding: Clarifying the Nexus*, online: http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/PKO%20Peacebuilding%20Peacekeeping%20Nexus.pdf (accessed 28 April 2014).

[7] Wendy Broesder, Ad Vogelaar, Martin Euwema and Tessa op den Buijs, "The Peacekeeping Warrior - A Theoretical Model" in *Blurring Military and Police Roles*, Easton etc., Eleven Publishers (2010), 172.

means" is sometimes[8] used both in contexts relating to the military as the actor, and in contexts relating to *how* a task is to be performed, that is to say in a military manner. The fundamental source of *how* security-related tasks can be performed is *law*; the means and methods allowed thus become the same irrespective of which actor that is assigned a certain task. Failing to distinguish between *the who* and *the how* may consequently result in confusion regarding *how* a task is to be performed. This possible ambiguity is particularly unfortunate when the tasks relate to security and the use of force. For this reason, the analysis holds that irrespective of which actor that is assigned a certain task, the question of how that task is to be performed remains a separate and independent issue.

1.7 Structure of the Report

In the next chapter, *Chapter Two*, a brief overview is conducted of how, in this second decade of the 21st Century, the security concept is generally conceived in the context of peace operations. This includes aspects that are considered to be of relevance for the provision of security, namely those that derive from the "human security"- and the "external and internal security" paradigms. Thereafter, an analysis of the roles and tasks that are afforded police and military actors in domestic settings is offered with the aim of assisting an understanding of the more fundamental nature and background that military and police actors carry with them into peace operations. This is of relevance for understanding the roles and tasks that are assigned to the respective actors in peace operations. *Chapter Three* offers an analysis of the nature of peace operations and its essential task. The concept of security in contemporary post-conflict environments is addressed, which allows a consideration of the realities that face security providers in peace operations. Thereafter, three main areas, in which coordination between military and police actors is held as particularly crucial in peace operations, are analysed. They are *protection of civilians*; the combating of *organised crime and terrorism;* and the handling of *riots and disturbances*. The chapter concludes by highlighting a number of potential challenges for coordination between military and police actors. *Chapter four* presents a model for identifying and designing the security architecture of peace operations, and for a division of labour between military and police in post-conflict environments. *Chapter five*, finally, submits a number of concluding reflections on the preconditions for, and prospects of, coordination between military and police actors in peace operations.

[8] The author of this report has come across this distinction in perception on several occasions when carrying out professional tasks, both nationally in Sweden and while conducting studies in international contexts.

2 Security in the 21st Century

21st century peace operations differ in fundamental ways from those of previous eras. Through much of the latter part of the 20th Century, security was viewed through an East- West lens and peace operations were mainly directed at keeping armies apart.[9] Today, mandates, roles and tasks are broader and more complex; the temporal scope and aim of peace operations are prolonged; there are a larger number of actors involved, and there is an increased recognition of how a multitude of skills and expertise need to be delivered in order to deliver on the mandates.

There is also a strong consensus, today, of interlinkages between peace, conflict and violence, human rights, security, justice and development. These aspects are seen not only as interlinked, but also interdependent, while there is a general consensus that none of them can be sustained in the absence of the others.[10] Peace and security are also seen as instrumental for attaining other socio-economic development outcomes,[11] and are therefore perceived as integral to human rights today. This makes the aspect of security, and in particular human security, relevant for the entire temporal scope of a peace operation from immediate cessation of war to sustainable peace and development.[12]

This perception is also mirrored in policies and visions of peace operations. The United Nations Secretary General's endorsement of the *Policy on Integrated Assessment and Planning*[13] reaffirms the organisation's commitment to the policy of integration as a way to maximise the individual and collective impact of the UN's activities in conflict and post-conflict environments.[14] The importance of *unity* is further emphasized in the *United Nations Integrated Assessment and Planning Handbook* of 2013, which defines the purpose of integrated assessments as being to bring together political, security, humanitarian

[9] Vijay Nambiar, "The Protection of Civilians and the United Nations", *Strategic Analysis*, Vol 35 (6) (2011), 921.

[10] Frauke de Weijer and Anna Knoll, "Joining Forces for Peace Post 2015", *European Center for Development Policy Management*, Briefing Note No 53 (2013), 2. See also See Nordic Statement to the United Nations Security Council on 19 February 2014, online: http://www.swedenabroad.com/en-GB/Embassies/UN-New-York/Current-affairs/Statements/Nordic-Statement-sys2/ (accessed latest on 6 March 2014).

[11] Frauke de Weijer and Anna Knoll, Joining Forces for Peace Post 2015, *European Center for Development Policy Management*, Breifing Note No 53 (2013), 2.

[12] See Frauke de Weijer and Anna Knoll, Joining Forces for Peace Post 2015, *European Center for Development Policy Management*, Breifing Note No 53 (2013), 2.

[13] United Nations Interoffice Memorandum from the Secretary General to members of the Policy Committee, dated 26 June 2008, decision no 2008/24.

[14] United Nations, Integrated Assessment Working Group, *Integrated Assessment and Planning Handbook* (2013), 7. See also United Nations, *Policy on Integrated Assessment and Planning*, 9 April 2013.

and human rights entities to develop a shared understanding of a conflict or post-conflict situation and the *roles* of different stakeholders.[15]

In order to provide a basis for seeing what changes are needed, the aim of this chapter is to provide a fundamental understanding of how these aspirations and policies are realized in practice, by examining how military and police actors are tasked to provide security in peace operations.

2.1 The Changing Concept of Security

Since the end of the Cold War, the international system has experienced dramatic shifts away from the traditional state-centred concept of security.[16] There has also been a growing realization that threats to the security of individuals are similar to those facing states.[17] Examples of such threats are included in one of the chosen focus areas for this report, namely organised crime and terrorism.

2.1.1 A definition of Human Security

The concept of *human security* is usually discussed as being about the socio-economic conditions that enable *freedom from fear*, and political conditions that enable *freedom from want.*[18] Definitions, however, vary from entailing a broad range of rights to a more narrow focus on prevention of physical threats to individuals.[19] What most definitions have in common is that they focus on the security of individuals rather than on the security of the state. The concept of human security emphasises the need for protection from grave threats to people's lives, safety from harm and violent conflict and empowerment in the face of social threats such as disease, or crime.[20] It is also held that a principal feature of weak state environments and internal violence is often the absence or inadequacies of democratic channels and responses to social conflicts. Social conflict occurs when governance processes, whether through genuine political dialogue, mechanisms of legitimate decision-making or the rule of law, fail to

[15] United Nations, Integrated Assessment Working Group, *Integrated Assessment and Planning Handbook* (2013), 7, 15.
[16] Judith Large and Timothy D. Sisk, "Democracy, Conflict and Security- Pursuing Peace in the 21st Century", *International Institute for Democracy and Electoral Assistance* (IDEA), (2006), 14.
[17] ibid
[18] Austin, Azca, Chochrane, etc., "Democracy, Conflict and Human Security- Further Readings", *International Institute for Democracy and Electoral Assistance* (IDEA), (2006), 13.
[19] Jelle Janssens, "Blur the Boundaries!- Policing in Contemporary Peace Operations" in *Blurring Military and Police Roles*, Easton, den Boer and Janssens etc., (Eds), Eleven International Publishing, (2010), 82.
[20] International Institute for democracy and Electoral Assistance (IDEA*), Democracy, Conflict and Human Security, Policy Summary: key Findings and Recommendations*, 6.

manage conflict adequately.[21] A secure environment, thus, is one where good governance, the rule of law and the protection of individuals' human rights are central aspects in the assurance of human security.[22] It is easy to see that as a result, the notion of human security challenges the hegemony of state-centric approaches to analysing security problems, and adds several dimensions to security that overlaps with policy agendas in the fields of development, democracy and human rights.[23] Several of these dimensions go beyond those considered important for state security, and they include aspects such as food, health and environmental security.[24]

Human security needs are also generally defined along temporal lines, as immediate, intermediate and long-term needs. Immediate needs include the termination of war or violence, prevention of renewed violence or war crimes, agreements among parties to respect civilian life and provision of immediate humanitarian relief.[25] Intermediate needs, for example are for the facilitation of negotiations, the managing of political violence and for ensuring that demobilisation takes place. Long term needs are for the amelioration of the root causes of a conflict and the creation of sustainable political institutions that are capable of addressing social conflict from a long-term perspective.[26] As this sketch of different needs implies, a focus on human security entails a wide range of security requirements.

In terms of protection, this range of needs constitutes a continuum in which immediate, intermediate and long term protection requirements are interlinked and interdependent. In the context of peace operations, these temporal perspectives on protection can be described in terms of bridging war and peace by bridging peacekeeping with peacebuilding. From the above, a view of the temporal dimensions of the human security concept as encompassing various security aspects that are firmly rooted in both traditional military and traditional police roles, emerges.[27] The roles and, subsequently, the tasks of the military and the police in peace operations can then be understood as directly or indirectly linked to all temporal phases of human security.

---

[21] International Institute for democracy and Electoral Assistance (IDEA*), Democracy, Conflict and Human Security, Policy Summary: key Findings and Recommendations*, 7.

[22] Jelle Janssens, "Blur the Boundaries!- Policing in Contemporary Peace Operations" in *Blurring Military and Police Roles*, Easton, den Boer and Janssens etc, (Eds), Eleven International Publishing, (2010), 83.

[23] Austin, Azca, Chochrane, etc., "Democracy, Conflict and Human Security- Further Readings", *International Institute for Democracy and Electoral Assistance* (IDEA), (2006), 21- 22.

[24] ibid, 15.

[25] Judith Large and Timothy D. Sisk, "Democracy, Conflict and Security- Pursuing Peace in the 21st Century", *International Institute for Democracy and Electoral Assistance* (IDEA), (2006), 44, table 1.2: Human Security and Democracy: an overview.

[26] ibid.

[27] See further analysis of the respective roles in chapter 2.2.

2.1.2 External/ Internal Security

The differentiation between *internal* and *external* security—and between military and police roles, tasks, and areas of operation, or arenas—has been a core feature of the modern nation-state since the Peace of Westphalia, and has remained a key organising principle in Western democracies.[28] The distinction between internal and external security and between military and police arenas is considered vital and a cornerstone of democratic principles.[29]

During the Cold War, for example, when the dividing line between internal and external security was relatively unambiguous, internal security related to the security inside a state.[30] As such, the concept related merely to the security of individuals, and to the relation between the state and individuals, and between individuals. External security, on the other hand, related almost exclusively to the security of the state and state organs, and was primarily focused on threats from other states.[31]

This division of labour between military and police has, however, come under increased pressure with the globalisation of threats and the changing definition of security.[32] Many scholars argue that the boundaries in the field of security are becoming increasingly blurred.[33] Some also argue that the increasing internationalisation of crime has externalised police work, and that the threat of terrorism has led many states to allocate to military actors a number or roles or tasks relating to internal security to a greater extent than before.[34] Other scholars add the further distinction that military actors have become increasingly engaged

[28] Ines Jacqueline Werkner, The Institutional Interweaving of Internal and External Security, Security and Peace (2010), *Security and Peace* 2 (2010).

[29] See BK Greener and WJ Fish, *Police- military interaction in international peace and stability operations- working towards guidelines for action*, Australian Civil-military Centre, Massey University, New Zealand (2013), 3 and Derek Lutterbeck, Between Police and Military- The New Security Agenda and the Rise of Gendarmeries, Cooperation and Conflict: *Journal of the Nordic International Studies Association*, Vol 39 (1) (2004), 46.

[30] Derek Lutterbeck, "Between Police and Military- The New Security Agenda and the Rise of Gendarmeries", *Cooperation and Conflict: Journal of the Nordic International Studies Association*, Vol 39 (1) (2004), 45.

[31] ibid.

[32] Ines Jacqueline Werkner, The Institutional Interweaving of Internal and External Security, Security and Peace (2010), *Security and Peace* 2 (2010), IV

[33] See for example Marlene Easton and René Moelker, "Police and Military- Two worlds apart- current challenges in the process of constabularisation of the armed forces and militarisation of the civilian police", in *Blurring Military and Police Roles*, Easton,den Boer and Janssens etc, (Eds), Eleven International Publishing, (2010), 1. See also Derek Lutterbeck,"Between Police and Military- The New Security Agenda and the Rise of Gendarmeries", Cooperation and Conflict: *Journal of the Nordic International Studies Association*, Vol 39 (1) (2004), 46.

[34] Ines Jacqueline Werkner, "The Institutional Interweaving of Internal and External Security", *Security and Peace* (2010).

in internal security and police actors in external security.[35] As shown below (in Section 2.2.4), however, none of this necessarily blurs the dividing line between military and police roles and tasks.

2.2 Division of Labour Between Military and Police on Domestic Security

As a result of having noted that human security requires a wide range of protection needs, that protection necessitates a continuous process, and that the same threat can be posed to both individuals and to states, the question of how security can be provided in the 21st Century is raised. Delivering human security clearly entails addressing both external and internal security. It furthermore requires a continuous process of protection.

The state is still often viewed as the primary provider of security through a range of security actors, such as the military and the police. Both actors are government services entrusted with the power to use force on behalf of the state, and they thereby contribute to its authority.[36] The military and police arenas, however, differ greatly in terms of *how* the respective actors uphold state authority. For that reason, an analysis of the roles and tasks assigned to military and police actors in their internal, national settings can inform the division of labour in peace operations.

2.2.1 Military in domestic security

The role of the military is often described primarily in terms of organised force, specialised force and war making.[37] The roles of military actors have evolved differently, and in specific and diverse circumstances around the globe. This has resulted in the allocation of different roles and tasks to military actors depending on the specific existing socio-political circumstances.[38]

In Europe, a distinction was made early on between internal and external security, and between military and police roles. Although it was initially not unusual for the military to be tasked to provide support to the police when

[35] Derek Lutterbeck, "Between Police and Military- The New Security Agenda and the Rise of Gendarmeries", *Cooperation and Conflict: Journal of the Nordic International Studies Association*, (2004) Vol 39 (1), 46.
[36] Marlene Easton and René Moelker, "Police and Military- Two worlds apart- current challenges in the process of constabularisation of the armed forces and militarisation of the civilian police", in *Blurring Military and Police Roles*, Easton,den Boer and Janssens etc., (Eds), Eleven International Publishing, (2010), 11.
[37] Timothy Edmunds, "What are armed forces for? The changing nature of military role in Europe", *International Affairs* 82:6 (2006), 1060.
[38] ibid, 1061.

needed, military actors were later increasingly removed from roles and tasks that involved internal security.[39] With the emergence of modern Western democratic states, military forces focused on providing security from external threats, and were not designed for the complex roles of internal security.[40] Several contemporary military forces are even constitutionally prohibited from performing police functions, and for some, this prohibition extends extraterritorially to foreign states.[41] Other states, such as the United Kingdom, frequently use military actors in support of police actors in internal settings, and as a result maintain that military actors are easily able to shift into policing functions.[42]

In other parts of the world, such as Africa, South- east Asia and Latin America, military actors developed in contexts that have often been characterised as post-colonial wars of liberation. As a consequence, military actors were often been used for internal security. Some scholars, in their reflection on this state of affairs, argue that the system for state security that developed in Europe in the Cold War era is the exception rather than the rule.[43]

Irrespective of which norm that is the predominant one, it is clear that military roles and tasks differ between nations. One common denominator for all military roles, however, is the capability to use force in one way or another. It has been argued that interpretations of military roles have been influenced by a realist understanding of the world,[44] within which military power is said to enable states to protect and promote their particular interest, to defend national sovereignty and identity, to influence and, where necessary, compel others into their way of thinking, deter war, and shape the rules that govern the international order.[45] Consequently, military skills, organisation and tools have been shaped for the purpose of defending a state and ensuring state survival. Another domestic role for military activities is nation- building, or providing support in cases of national disasters.[46] Concerns have been raised, however, about the appropriateness of using military actors for such tasks if the military actors have

[39] Tomás Weiss, "The blurring border between the police and the military: a debate without foundations", *Cooperation and Conflict*, (2011) Vol 46 (3), 401-402.
[40] Kimberly Marten, "Statebuilding and Force: The Proper Role of Foreign Militaries", *Journal of Intervention and Statebuilding*, vol. 1 (2) (2007), 242.
[41] ibid, 243. Examples of states prohibiting military forces from engaging in policing functions are Spain and Germany.
[42] Kimberly Marten, "Statebuilding and Force: The Proper Role of Foreign Militaries", *Journal of Intervention and Statebuilding*, vol. 1 (2) (2007), 243.
[43] Timothy Edmunds, "What are armed forces for? The changing nature of military roles in Europe", *International Affairs* 82:6 (2006), 1062.
[44] ibid, 1061.
[45] Graeme Cheeseman, 'Military Forces and In/Security', in Ken Booth (ed), *Critical Security Studies and World Politics* (Boulder CO: Lynne Rienner, 2005), 63.
[46] Timothy Edmunds, "What are armed forces for? The changing nature of military role in Europe", *International Affairs* 82:6 (2006), 1074.

been structured and equipped primarily according to a threat-oriented functional imperative.[47]

In conclusion, even if used in supporting roles for internal security, the core functions of military forces include roles and competencies required for military defence of territorial integrity, self-defence and the inviolability of the state´s borders.[48] As such, military actors are trained, equipped and organised primarily for the purpose of defence of a state, and war, rather than for the provision of security of individuals inside a state, and are mainly focused on providing external security. Consequently, armed forces are not normally a primary security provider within a state, that is, for internal security. Rather, they are secondary security providers who are called upon for internal security tasks in exceptional circumstances.[49]

2.2.2 Police in domestic security

In the opinion of some writers, modern societies are characterised by an ideological assumption that the police are a functional prerequisite of social order.[50] In differentiating between the police (as an institution) and policing (as a set of processes with social functions), *policing*, rather than the police, is arguably a prerequisite of social order. Policing is aimed at preserving the security of a specific social order,[51] and as such is ultimately a tool for state power. What is entailed in the term "policing" thereby differs depending on the political system. In democratic societies, the police are ultimately a tool for democracy and required to operate in accordance to rule of law (RoL) principles, although there is no widely agreed-upon definition for such democratic policing.[52]

Some key characteristics of democratic policing have, however, been identified by the Organization for Security and Co-operation in Europe (OSCE). According to the OSCE, democratic policing entails maintenance of public tranquillity and law and order, protection of and respect for the human rights and freedoms of individuals, preventing and combating crime and providing service to the public.[53] This may include tasks and responsibilities such as temporarily depriving people of their freedom, limiting the full enjoyment of their rights,

[47] Timothy Edmunds, "What are armed forces for? The changing nature of military role in Europe", *International Affairs* 82:6 (2006), 1074.
[48] Albrecht Schnabel and Danail Hristov, "Conceptualising Non-traditional Roles and Tasks of Armed Forces", *Security and Peace* 2 (2010), 75.
[49] ibid, 78.
[50] Robert Reiner, *The Politics of the Police*, 4th Ed. (2010), Oxford University Press, 3.
[51] ibid, 5
[52] ibid.
[53] Organisation for Security and Co-operation in Europe, *Guidebook on Democratic Policing* (2008), 8.

stopping, questioning, detaining and arresting, seizing property, taking fingerprints and photographs and conducting intimate body searches. Under specific and extreme circumstances, the police are even entitled to use lethal force. Furthermore, the police often may decide whether and how to use these powers at their own discretion.[54] The powers that are entrusted with police actors are therefore extensive, which requires high levels of integrity and a capability for operational discretion. While performing these tasks, the police must operate in accordance with domestic law and in most cases also with international law enforcement standards, including the provisions and basic principles of rule of law as stipulated by IHRL.

By being responsive to the needs and expectations of the public and by using the authority of the state in the people's interest, the police can enhance the legitimacy of the state.[55] Democratic policing also requires the police to be accountable to the citizens, the state and the law.[56] Ultimately, in other words, in a democratic setting, the police provide a service to the public and must answer to the public for what and how security is maintained. Moreover, the legitimacy of the police, and in turn the state, hinges on the transparency regarding the behaviour of individual police officers, strategies for police operations, appointment procedures and budgetary management.[57] It then follows that the consent of the people is another fundamental requirement for democratic policing. Facilitating transparency in police operations and cultivating communication and mutual understanding with the public is a prerequisite for enabling and maintaining the consent of and public support for the police and the state. Another important aspect of democratic policing is the fact that police personnel at all levels must be personally responsible and accountable for their actions or omissions.

Furthermore, in performing the duties that go with maintaining public order, intervention in various societal conflicts may be necessary. In intervening, the police must necessarily be guided by the law, and impose limitations in freedoms and rights:

> *solely for the purpose of securing due recognition and respect for the right and freedom of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.*[58]

[54] Organisation for Security and Co-operation in Europe, *Guidebook on Democratic Policing* (2008), 17.
[55] ibid, 9.
[56] ibid.
[57] ibid, 10.
[58] ibid, 12.

With those injunctions, the police can be held to constitute the gatekeepers of equality, integration and cohesion in any given society.[59] It can also be held that the police benefit from a *comparative advantage* (compared to military actors), by responding to the security needs of individuals and by thereby contributing to the legitimacy of governments on internal security.[60]

Another important feature of democratic policing is the requirement to stand outside of politics and protect democratic political activities and processes, such as the exercise of freedom of speech and demonstrations.[61] Standing outside of politics also means that although the police are a political institution, *policing* is not guided by politics. While the creation of law is a political process, the upholding of the law is not. Rather, a core principle in rule of law is the *separation of powers*. It is intended to ensure functions in governmental authority that inhibits the exercise of arbitrary state power. Consequently, the legislator should not have the power to influence the executive actors in their upholding of the law. If the separation of power is lacking, there is a risk that the law is used as a tool to maintain or strengthen the ones in power. This exemplifies the different sources of legitimacy for military and police powers. The military, as an actor, is necessarily— given the task to ensure the security of the state— a political tool for state power also in how, when and where the tool is used. The military consequently gains legitimacy primarily through the government of the state. The police, in contrast, gain legitimacy primarily through consent from the general public and the law in what and how they perform their duties.

Irrespective of these principles, however, some states have pursued a force protection strategy that emphasizes deterrence and limits interaction with locals.[62] Such policing strategies can be thought of as constituting a militarised form of policing. It has also been expressed that hard or militaristic forms of policing are incompatible with the community policing model,[63] and also, arguably, with the requirements of maintaining legitimacy in the exercise of power. An increasingly militaristic form of policing has been particularly noticeable in many states subsequent to the attacks against the World Trade Center in 2001, in New York, when debates on how to counter the threat of terrorism arose. [64]

[59] ibid.
[60] David H. Bayley, "The Police in War", *African Security Review* (2011), 5.
[61] Organisation for Security and Co-operation in Europe, *Guidebook on Democratic Policing* (2008), 12.
[62] B.K. Greener-Barcham, "Crossing the Green or Blue Line? Exploring the Military-Police Divide", *Small Wars and Insurgencies* 18:1 (2007), 92.
[63] ibid, 93.
[64] See for example Peter B. Kraska, "Miltiarisation and Policing- Its Relevance to 21st Century Police", *Policing* (2007), Vol 1 (4).

Police actors are increasingly under pressure to counter rising crime and threats to international and national security including those resulting from international terrorism. However, the police must at all times operate in accordance with domestic laws and international law enforcement, including human rights standards, and demonstrate commitment to the rule of law in practice.[65] There is also a growing acceptance among experts on public security that the key to preventing violence is a style of policing that gains the support of the public.[66] Thereby, the police must find a balance between the rights and liberties of individuals, and the safeguarding of public order.[67]

In other words, the creation and maintenance of legitimacy as a function of the means and methods used, are crucial in order to enable long-term security inside a state. Lack of public consent and an absence of legitimacy in the operations of the police may therefore endanger long-term stability and, consequently, human security. Legitimacy, transparency, accountability and objectivity are thus central characteristics of democratic policing and absolute requirements for rule-of-law-based security and justice architectures.

2.2.3 Gendarmeries and paramilitary actors

Many states also have forces that have a position between that of the military and police, such as gendarmeries or paramilitary forces. The latter usually refers to police forces with military characteristics and a certain military capability. Although called "police" and used for domestic security needs, the capacity and organisational structure of such actors are largely based on military characteristics. Gendarmeries first developed in France during its revolution, and were later introduced in several European countries.[68] The primary purpose of the gendarmeries was to deal with particularly severe forms of internal strife and turmoil that often followed the creation of the nation state.[69]

Paramilitary and gendarmerie forces have also undergone a process of demilitarisation over the years, and there are significant differences between these actors in different European countries. Some key characteristics can, however, be identified; Gendarmeries often have a double affiliation to both the

[65] Organisation for Security and Co-operation in Europe, *Guidebook on Democratic Policing* (2008), 13.
[66] David H. Bayley, "The Police in War", *African Security Review* (2011), 10.
[67] Marlene Easton and René Moelker, "Police and Military- Two worlds apart- current challenges in the process of constabularisation of the armed forces and militarisation of the civilian police", in Easton,den Boer and Janssens etc, (Eds), *Blurring Military and Police Roles*, Eleven International Publishing, (2010), 14.
[68] Derek Lutterbeck, Between Police and Military- The New Security Agenda and the Rise of Gendarmeries", *Cooperation and Conflict: Journal of the Nordic International Studies Association*, Vol 39 (1), 47.
[69] ibid, 46.

ministries of the interior and defence; they are organised along military lines; are more centralised and hierarchical than civil police forces; and are equipped with heavier equipment and stronger suppression capacities. They often also have dual tasks that involve both law enforcement and military defence functions.[70] The duties of gendarmerie forces tend to include those types of threats or situations that are characterised by a higher degree of hostility or instability than the "ordinary" police are capable of tackling.[71] A paramilitary actor may then be more likely to possess military capabilities for internal security purposes, than capable of the wide range of policing skills required within a state for the assurance of human security.

2.2.4 Delineating roles and tasks between military and police

As shown through the above analyses of military and police roles in domestic settings, those roles often differ in significant ways. One author has exemplified the vast differences in roles, tasks and organisational structures of security actors in Western democratic states with the following illustration:

Table 1: Division of labour between military and police actors in a majority of Western democracies as described by Garth den Heyer in "Filling the security gap: military or police".[72]

Table 1. Differences between the military and police in the majority of western democracies.

Variable	Military	Police
Prime Role/Function	War operations/peacekeeping	Prevention and investigation of crime and disorder
Use of Force	Coercive	Coercive
Skills	Specialised military	Interrelated policing and democratic
Use of Deadly Force	To complete an operation or to achieve political objective	Only if their or another's life is under direct threat
Organisational Focus	External/outward	Internal/internal (though this is changing with the imposition of transnational crime)
Legality	Military law	Civil law
Arrest or deprivation of liberty	Conventions and treaties bind military	• Individual discretion • 'Office of constable'
Organisational structure	Centralised	Decentralised
Command	Orders	Directive/orders

The principles that guide the performance of the respective roles and tasks also often differ considerably. The issues of consent and legitimacy are, for example,

[70] ibid, 47.
[71] ibid, 50.
[72] Garth den Heyer, "Filling the security gap: military or police", *Police Practice and Research: An International Journal*, 12 (6) (2011), 464.

of little concern in traditional military roles and tasks, but constitute absolute requirements for democratic policing. The necessity of legitimacy, in turn, results in the need for subtlety in the exercise of power in police settings, which also contrasts with the needs that go with traditional military roles and tasks. Finally, the ultimate aim and purpose of traditional military activities constitute assurance of the survival of the state, whereas the ultimate aim in police work is to enable the balancing of maintained security with the requirements of consent and legitimacy. This in turn implies that the means and methods used by police and military differ greatly.

It may therefore be particularly troublesome that the roles and tasks of military and police are often perceived as being increasingly blurred. The attacks against the World Trade Center in New York on 11 September 2001 have led some scholars to argue that a paradigm shift has occurred regarding national security. To exemplify such paradigm change, these authors refer to the arming of the usually unarmed police "bobbies" in the United Kingdom. Another example is the linguistic shift from crime control to "war" on crime.[73] Yet another argument offered in support of this paradigm shift relates to the increasing calls for the use of the armed forces to support police actors in the "war on terrorism".[74] Neither linguistics nor calls for increased use of force are, however, sufficiently valid factors for delineating military and police roles in the provision of security, leaving various authors to struggle to find a basis for defining and differentiating those roles and tasks.[75] Indeed, they often fail to explain adequately why the distinction is increasingly becoming blurred.

The factors that are usually chosen in enabling a distinction between military and police roles in security vary widely, and range from the methods and tools used (such as the type of weaponry) to the affiliation of the actors with domestic governmental structures and the territorial boundaries of the state.[76] Instead of seeing them as factors that are relevant for differentiating between military and police roles and tasks, these factors can be seen as being merely a reflection of the framework within which the actor has been created, shaped and built.

The debate on military and police roles also confuses two distinctly different questions: how to fight wars characterised by the asymmetrical threats of the 21st

[73] Marleen Easton and René Moelker, "Police and Miltiary: Two Worlds Apart?- Current challengens in the process of constabularisation of the Armed Forces and Militarisation of the Civilian Police" in Easton, den Boer and Janssens etc., *Blurring Military and Police Roles*, Eleven International Publishing (2010), 19.

[74] ibid.

[75] Tomás Weiss, "The blurring border between the police and the military: a debate without foundations", *Cooperation and Conflict*, (2011) Vol 46 (3), 401.

[76] See Derek Lutterbeck, "Between Police and Military- The New Security Agenda and the Rise of Gendarmeries", *Cooperation and Conflict: Journal of the Nordic International Studies Association*, Vol 39 (1) and Tomás Weiss, "The blurring border between the police and the military: a debate without foundations", *Cooperation and Conflict*, (2011) Vol 46 (3),401.

Century; and how to ensure the internal security for a state that face transnational and organised threats. The first question relates to the traditional means and methods of military actors, and the second to those of police actors. The confusion arises and is exemplified as a function of the external/ internal security debate, with its highlighting of the same increasingly blurred line of division between military and police roles that also plays such a crucial part in the questions discussed above. The debate focuses primarily on the nature and origin of the threat rather than on what is being threatened. For example, those threats that come from outside the state´s territory are often perceived as external.[77] Because they are often immediately labelled as external threats, they are then understood as falling within the role and task of military actors. On the other hand, as somewhat of a contradiction to that reasoning, the threat of terrorism, which is frequently interpreted as something that should be combated through military means,[78] can nevertheless come from inside the state. In other words, and as this example illustrates, military roles and tasks are interpreted as including *both* threats coming from outside, *and* threats coming from inside, the state. The result is that the traditional distinguishing factors between military and police roles and tasks (i.e., "the fight against terrorism is a military task") are perceived as blurred when *the origin of the threat* is allowed to be a key distinguishing factor in deciding how to allocate roles and tasks. Decision-making on those grounds, though, is not necessarily the most desirable way of distinguishing between military and police arenas, as the next chapter discusses.

[77] Timothy Edmunds, "What are armed forces for? The changing nature of military role in Europe", *International Affairs* 82:6 (2006), 1071.

[78] This, however, is widely contested in legal debates, in which most argue that acts of terrorism that do not amount to armed conflicts must be combated through the law enforcement-paradigm and within the legal framework of human rights law.

3 Peace Operations

The *Capstone Doctrine* provides the guiding principles and core objective of UN peace operations, they are to:

> *create a secure and stable environment while strengthening the state´s ability to provide security, with full respect for the rule of law and human rights; facilitate the political process by promoting dialogue and reconciliation and supporting the establishment of legitimate and effective institutions of governance; and provide a framework for ensuring that all United Nations and other international actors pursue their activities at the country-level in a coherent and coordinated manner.*[79]

There are primarily four aspects of the aforementioned paragraph that are important to consider closely in identifying the operational consequences for military and police actors in peace operations. Firstly, *security* is a primary priority in peace operations. Secondly, *rule of law and human rights* are important guiding frameworks for operations. Thirdly, the importance of *legitimacy* in institutions of governance is accentuated, which can be held to be related to the fourth aspect of importance; namely the creation of a secure and stable environment *with full respect for the rule of law and human rights*. The reference to human rights and rule of law in the quotation above demonstrates the importance of adhering to the applicable law in any security-related activity. Consequently, it becomes important to clarify *which law applies* to any given situation, *what means and measures the different legal frameworks stipulate* and *how the requirements on means and measures may differ* between legal contexts. From those stipulations, it can be concluded that there are several points of departure that are crucial for delivering on the mandates of contemporary peace operations. They include a mutual understanding of the security situation and of the goals identified; adherence to applicable law; and a clear and coherent division of labour between actors who are engaged in providing security.

This chapter touches on each of these aspects through analyses of the typical security situation, generally considered. The purpose is to provide a generic description of the context in which security is to be constructed. Analyses of the roles and tasks of military and police actors in peace operations offer further insights into the realities of ensuring security in post-conflict environments.

[79] United Nations Peacekeeping Operations, Principles and Guidelines (2008), 23.

3.1 Security in Peace Operations

Peacekeeping has evolved from a primarily military model of observing cease-fires to one that incorporates a mix of military, police and civilian capabilities for the purpose of helping lay the foundation for sustainable peace and legitimate governance. Peacebuilding, in turn, is usually identified as a primarily national responsibility, and entails a range of activities that are aimed at self-sustainability and prevention of relapse into conflict.[80]

The Nordic countries, in a mutual statement to the United Nations Security Council (UNSC), on 19 February 2014, stated that there is an inherent link between freedom from violence, respect for human rights, the rule of law and development.[81] Similarly, scholars have voiced that the concept of state building has been based on the assumption that underdevelopment is a root cause of conflict. Democratic reform and the creation of governmental order have also been deemed necessary in order to prevent conflict and ensure security and stability,[82] and good governance doctrine often emphasise the importance of the rule of law and law and order, and hold these factors as key to regime stability.[83] Consequently, human security constitutes a guiding paradigm of peace operations, and security actors must contribute to stability in all temporal phases of peace operations. Yet, not all peacebuilding efforts are framed in terms of human security as the desired end result. Some scholars hold that the paradigm that is often primary for guiding peace building activities is liberal internationalism, in which, counter-productively, political and economic liberalisation have destabilised, rather than stabilised, war- torn states. This has hindered consolidation, and has, as such, undermined peace efforts.[84] Peace operations must adopt a holistic approach to security. A coherent security architecture that is able to remain relevant through all phases of a peace operation can contribute to such needs by bridging peacekeeping with

[80] United Nations Department for Field Service and Department for Peacekeeping Operations, *Peacekeeping and Peacebuilding: Clarifying the Nexus*, online: http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/PKO%20Peacebuilding%20Peacekeeping%20Nexus.pdf (accessed 28 April 2014.

[81] See Nordic Statement to the United Nations Security Council on 19 February 2014, online: http://www.swedenabroad.com/en-GB/Embassies/UN-New-York/Current-affairs/Statements/Nordic-Statement-sys2/ (accessed latest on 6 March 2014).

[82] Jelle Janssens, "Blur the Boundaries!- Policing in Contemporary Peace Operations" in *Blurring Military and Police Roles*, Easton, den Boer and Janssens etc, (Eds), Eleven International Publishing, (2010), 83.

[83] ibid, 82. See also Per Bergling, *Rule of Law on the International Agenda- International Support to Legal and Judicial Reform in International Administration, Transition and Development Cooperation*, Intersentia (2006).

[84] Wolfgang Benedek, Christopher Daase, Vojin Dimitrijevic and Petrus van Duyne, *Transnational terrorism, Organized Crime and Peace-building- Human Security in the Western Balkans*, Palgrave MacMillan (2010), 20.

peacebuilding. This approach, in turn, can empower the long-term goals of peace operations and enable sustainable peace.

3.1.1 The peacekeeping and peacebuilding nexus

UN DPKO and the UN Department of Field Support (DFS) clarify, in a useful article, the peacekeeping and peacebuilding nexus by discussing how peacebuilding typically includes support to "basic safety and security, including protection of civilians and rule of law."[85] The UN's DPKO and DFS provide guidance through their identification of peacebuilding as providing support to inclusive political processes, to the delivery of basic services and to restoring core government functions and economic revitalisation.

Following the DPKO and DFS's reasoning in the following, it can be seen that restoration or extension of legitimate state authority constitutes a fundamental condition for sustainable peace.[86] Peacebuilding begins prior to the onset of peacekeeping operations and continues beyond its cessation.[87] As such, peacekeeping is part of peacebuilding, with peacebuilding being a continuous process that extends beyond the temporal phases of peacekeeping operations. Notably, peace operations are also becoming increasingly engaged in long-term state- and capacity-building for the purpose of creating democratic and rule of law-based institutions, and maintaining peace, in the conflict-affected state in the long term. In keeping with those developments, it can be expected that the activities that peace operations become engaged in range from administering the immediate termination of armed conflict to ensuring human security and capacity-building for development, democracy and lasting peace. The temporal phases of peace operations are intimately linked with that range of activities and are characterised by different security environments and human security needs.

To recapitulate, the follow-on from those considerations is that, to enable bridging war and peace, it is important to recognise the interdependencies between the temporal phases in peace operations, and that the provision of human security is a continuous process that must evolve and develop with a changing human security environment. As a consequence, measures taken in the immediate phase cannot be allowed to challenge the long-term perspective. It becomes obvious that there must be a viable link between the activities taken in the immediate perspective and the long-term goals and aims. The question, of

[85] United Nations Department for Field Service and Department for Peacekeeping Operations, *Peacekeeping and Peacebuilding: Clarifying the Nexus*, online: http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/PKO%20Peacebuilding%20Peacekeeping%20Nexus.pdf (accessed 28 April 2014).
[86] ibid.
[87] ibid.

how the respective actors in peace operations can ensure that the activities that are undertaken enable and strengthen the long-term goals of the peace operation, is thus as critical, as it is difficult, to establish. A mitigating factor, however, is that despite the difficulty in establishing a correlation between a certain activity and the long-term effects, the mere awareness of the fact that short-term means and methods impact on long-term goals is an important contribution.

Seen from military and police perspectives, this translates into the necessity of bridging the military's stabilisation objective with the requirements for democratic policing methods, namely, the maintenance of legitimacy and consent, both in the exercise of power, and for the ways in which security is enforced. Addressing that necessity goes far in enabling the security conditions that contribute to sustainable peace.

3.1.2 The security gap in post-conflict environments

The security gap in post-conflict environments can be defined as the moment in time when the armed fighting has ceased, but individuals' human security cannot yet be ensured; in other words, the emphasis is on the presence or absence of a type of security.[88] Some, however, define the security gap by placing the emphasis more strongly in terms of the temporal aspect, as being the time interval between the deployments of military and police actors in a peace operation.[89] Here, a definition that is broader and more useful than either of those is proposed. Holding that the human security paradigm is the foundation for any activity in peace operations implies that the aspect of *the availability of actors* becomes subordinate to *the threats that are present* in any given environment. Also, having noted that *the capabilities of the actors* are essential for ensuring adequate protection, the more appropriate definitional foundation of the security gap is that it is *the presence of threats, and the nature of those threats, in combination with a lack of adequate capabilities for addressing and countering those threats*.

The threats faced by civilians in post-conflict environments are often of both indirect and direct nature. *Indirect threats* are here identified as threats against the state, or against the creation of state institutions that are capable of good governance, and consequently pose an indirect threat to individuals' security. Indirect threats against individuals consequently stem from the risk of a collapse of state authority and state failure to protect human rights. *Direct threats* against

[88] Mario Muigg, The Police in International Peace Operations, *SIAK Journal- Journal for Police Science and Practice* (2012), vol 2, 23.

[89] See for example Eirin Mobekk, "Identifying lessons in United Nations International policing missions", *Geneva Centre for Democratic Control of Armed Forces*, Police Paper No 9 (2005), 3, where she holds that there is a security gap between military deployment and civilian police deployment in which "some sort of policing is needed".

individuals, on the other hand, may stem from armed groups, ormer parties to the conflict, criminal acts, lack of access to justice, or lack of social and political human rights. The result of this understanding of human security is the realization that countering both direct and indirect threats, across the temporal lines of peacebuilding, is necessary for ensuring it.

This is also in agreement with a number of scholars, who convincingly argue that the reduction of organised violence and insecurity in a post-conflict context cannot be limited only by addressing the insecurity that is directly linked to the preceding armed conflict.[90] Post-conflict environments suffer severely from violence and insecurities that are unrelated to the armed conflict.[91] Research has also shown that there is an intimate link between organised crime and political extremism, and that these phenomena are often present in post-conflict environments.[92] Actors in organised crime and political extremism benefit from sustained instability,[93] and can therefore pose a threat both to long-term peace and to the immediate security of individuals in such environments.

A recent report, published by the Norwegian Defence Research Establishment (FFI), touches on this potential overlap. It focuses on seven scenarios containing threats to civilians in post-conflict environments. These threats include genocide, ethnic cleansing, regime crackdown, post-conflict revenge, communal conflict, predatory violence and insurgency.[94] Genocide, ethnic cleansing and, in certain cases, regime crackdown, are acts that normally take place as part of, rather than after, an armed conflict. By contrast, post-conflict revenge, communal conflict and predatory violence, as defined by the report, are situations that may be characterised as typical in environments that are emerging from war, but without necessarily being linked to the preceding armed conflict. The report categorises the threats according to a definition of *the purpose* that perpetrators have in engaging in specific acts. Communal violence, for example, is defined as the engagement of entire tribal, ethnic, or sectarian, communities in violence against another community, whereas the rationale behind communal violence is to avenge past violence, or to create a means for deterring further violence.[95] In other words, communal violence may indeed be a result of war, in that pre-

[90] Robert Muggah and Keith Krause, "Closing the Gap between Peace Operations and Post-Conflict Insecurity: Towards a Violence Reduction Agenda", International Peacekeeping 16:1 (2009), 136.
[91] See for example the analysis done in Robert Muggah and Keith Krause, "Closing the Gap between Peace Operations and Post-Conflict Insecurity: Towards a Violence Reduction Agenda", International Peacekeeping 16:1 (2009), 136- 150.
[92] Annika S. Hansen, *Supporting the Rule of Law in War-Torn Societies. Tasks and Comparative Advantages of Civilian Police and Military Forces*, Norwegian Defence Research Establishment, FFI rapport- 2005/02099 (2005), 52.
[93] ibid.
[94] Alexander William Beadle, *Protection of Civilians- military planning scenarios and implications*, Norwegian Defence Research Establishment (FFI) (2014), 22.
[95] ibid, 24.

emptive self-defence is perceived as necessary for the protection of individuals and communities. This may be a typical, and possibly natural, rationale for individuals and communities emerging from war, and it is one example of the complex security situation that prevails in such environments. It may also be a reflection of the breakdown of the structures of the judicial and security sectors that often occurs in and through war.

Addressing the security needs in peace operations can therefore range from ensuring adequate food and water supplies to protection from criminal acts and from the violence of armed conflict. Given the vast need for human security in the aftermath of war, the task of providing security is awarded to actors who come from a number of fields, ranging from the humanitarian to the police and military. That all the actors share a mutually accepted definition of the concept of security, in combination with a clearly defined division of labour in providing it, thus becomes crucial in enabling the successful delivery of human security.

It is also essential to note that insecurity differs for different groups and ages among the population, and for men and women. Being able to identify this diversity of insecurities in a post-conflict environment requires skill in considering the population as a whole, in analysis of diverse kinds of threats that also include those that range from external to internal, and in combatting them. The skillsets required are therefore not limited to the traditional ones of the military and the police, but instead call for a wider and more unified approach—both in terms of the activities and the temporal phases of the peace operation. This stipulation is also consistent with both the United Nations' *Policy on Integrated Assessment and Planning,*[96] and the Organization for Economic Co-Operation and Development´s whole-of-government approach to fragile states.[97]

The temporal phase that arises when an armed conflict has ceased, but insecurities remain, has been held by some to be the most complex and challenging phase for military actors.[98] At the same time, failure to adequately fill the security gap can have negative impacts on the prospects of state-building, law and order, and deterrence of organized crime and insurgency. It follows, then, that the ability to fill the security gap, and in particular to do so with the use of law and order instruments, is crucial to the ability to achieve the long-term

[96] United Nations Interoffice Memorandum from the Secretary General to members of the Policy Committee, dated 26 June 2008, decision no 2008/24.

[97] Organization for Economic Co-operation and Development, Whole of Government Approaches to Fragile States (2006), 7.

[98] David T. Armitage and Anne M. Moisan, "Constabulary Forces and Postconflict Transition: The Euro-Atlantic Dimension", *Strategic Forum* No 218 (2005), 1. See also Garth den Heyer, "Filling the security gap: military or police", *Police Practice and Research: An International Journal,* 12 (6) (2011), 463.

goals of peace operations.[99] A complicating factor, as research shows, is that legal and judicial institutions are among the first to collapse in situations of unrest, and among the most difficult to rebuild.[100] In this context, it is important to note that *justice* is a central concern in the thematic areas of human rights and governance.[101]

3.1.3 The capability gap in peace operations

There are primarily three different suggestions for how to close the security gap; through military actors, through police actors and through paramilitary actors. Some authors also suggest using actors such as military police and formed police units (FPU).[102] Each of these potential solutions, however, has revealed some form of *capability gap,* either through a lack of capacity or a lack of appropriate skillsets.

It is well-known that it is difficult for peace operations to deploy sufficient numbers of police actors; a capacity gap results, in the form of a lack of manpower. On the other hand, military actors are rarely trained, equipped, or organised, in the subtle form of force that is required for ensuring the security of the individual within a state, which risk result in a capability gap. In order to close these gaps in post-conflict environments, some scholars argue that it is military actors who should be prepared for both the traditional defence of a state and for police-like roles.[103] Others, instead, emphasise the role of the police and the comparative advantage of their methods; they also claim that only a properly constructed, trained and equipped police force can ensure the security of individuals within a state in the long run.[104]

Solutions that are suggested for closing the security gap rarely distinguish between actors, as such, and their respective capabilities or skillsets. As the analysis above shows, traditional military and police roles and tasks constitute two different professions, requiring distinctly different skills. As a consequence, it is not surprising that research has found that military actors often lack the

[99] Garth den Heyer, "Filling the security gap: military or police", *Police Practice and Research: An International Journal*, 12 (6) (2011), 461.
[100] Per Bergling, *Rule of Law on the International Agenda- International Support to Legal and Judicial Reform in International Administration, Transition and Development Co-operation*, Intersentia (2006), 84.
[101] Frauke de Weijer and Anna Knoll, Joining Forces for Peace Post 2015, *European Center for Development Policy Management*, Breifing Note No 53 (2013), 8.
[102] See for example Bethan K. Greener, "The Rise of Policing in Peace Operations", *International Peacekeeping* 18 (2), (2011).
[103] Kimberly Marten, "Statebuilding and Force: The Proper Role of Foreign Militaries", *Journal of Intervention and Statebuilding*, Vol 1:2 (2007), 231.
[104] David H. Bayley, "The Police in War", *African Security Review* (2011), 10.

training and tools needed for dealing with internal disturbances and citizens,[105] and that the understanding of the specific skills required for policing is rarely demonstrated by military leaders.[106] It is also commonly argued that much of the discussion of how to close the security gap indicates that there is insufficient understanding of the nature, structure and practice of police work.[107] Notably, however, and much the same as with military actors, traditions regarding roles, tasks and capabilities vary widely between nations, which results in different skillsets being made available by different police-contributing states. As also noted, possessing legitimacy with the public and retaining its support are essential for upholding long-term security within a state. Legitimacy, in turn, requires that the actors have the capabilities that are required for the specific tasks. As a result, the training and experience of military, police and other security actors will also need to differ. Therefore, it is difficult to argue for a preference for either actor without also considering the specific circumstances of the peace operation, and the specific skills that are required to ensure security, more generally.

One caveat remains, however. Notwithstanding the above stipulations, there may still be limitations in the use of military actors for providing internal security, due to the risks pertaining to militarisation (see Chapter 3.2.4).

3.2 Military and Police in Peace Operations

In identifying how important internal and human security are, and in connecting security with peace, development and good governance, it is clear that peace operations are engaged in a long-term and complex exercise that is itself intimately connected to a longer chain of justice and judicial processes. Without a functioning chain, the efforts to ensure human security at one end, without also enabling the processes at the other, will result in loss of legitimacy, which in turn is likely to undermine the prospects of peace and development. From this, it follows that the activities undertaken in the immediate aftermath of war will have consequences for the prospects of achieving the long-term goals of the peace operation.

[105] See Jelle Janssens, "Blur the Boundaries!- Policing in Contemporary Peace Operations" in *Blurring Military and Police Roles*, Easton, den Boer and Janssens, et al., (eds.), Eleven International Publishing, (2010), 91.
[106] Tonita Murray, "Police-Building in Afghanistan: A case Study of Civil Security Reform", *International Peacekeeping* (2011), 118.
[107] Garth den Heyer, "Filling the security gap: military or police", *Police Practice and Research: An International Journal*, 12 (6) (2011), 461.

At the same time as the concept of security becoming broader, the scope of the responsibilities of security actors in peace operations has widened.[108] The human security paradigm in contemporary peace operations is a testament to that. However, the literature indicates that relatively little attention has been awarded to the question of what specific tasks are to be performed by military and police actors respectively in those same operations.[109] Nor has sufficient attention been paid to the question of how roles and tasks differ during the different temporal phases of the peace operation.

Research to date has also shown that the tasks afforded military and police actors in peace operations are complex, and that it is therefore essential to strengthen their mutual awareness and improve communication between them.[110] The United Nations study of different coordination mechanisms for the protection of civilians also emphasises the importance of identifying the roles and responsibilities of the different actors, and maintains that establishing such clarity is the foundation of any coordination system.[111] Defining the roles and tasks of military and police actors has also been identified as crucial for enabling the legitimacy of security actors and thus for lasting peace in conflict-affected states.[112] From the perspective of human security and the long-term goals of peace operations, military and police actors, while different, can still be considered as representing mutually-dependent functions in the operations. If interlinked and mutually reinforcing operations are a prerequisite for enabling security and attaining long-term goals,[113] then the identification of roles and tasks, and the delineation of those that are the military's and those that are the police's, is vital.

[108] Jelle Janssens, "Blur the Boundaries!- Policing in Contemporary Peace Operations" in *Blurring Military and Police Roles*, Easton, den Boer and Janssens, et al., (eds.), Eleven International Publishing, (2010), 85.

[109] Mario Muigg, "The Police in International Peace Operations", *SIAK Journal- Journal for Police Science and Practice* (2012), vol 2, 22.

[110] Annika S. Hansen, *Supporting the Rule of Law in War-Torn Societies. Tasks and Comparative Advantages of Civilian Police and Military Forces*, Norwegian Defence Research Establishment, FFI rapport- 2005/02099 (2005), 50.

[111] United Nations Department for Peacekeeping Operations, *Protection of Civilians Coordination Mechanisms in UN Peacekeeping Missions- DPKO/DFS Comparative Study and Toolkit* (2012), 12.

[112] Austin, Azca, Chochrane, et al., "Democracy, Conflict and Human Security- Further Readings", *International Institute for Democracy and Electoral Assistance* (IDEA), (2006) , 160.

[113] As suggested in Nordic Statement to the United Nations Security Council on 12 February 2014, online: http://www.swedenabroad.com/Pages/StandardPage.aspx?id=69292&epslanguage=en-GB (accessed latest on 6 March 2014).

3.2.1 Military roles and tasks in peace operations

Much of the focus regarding military roles and tasks in peace operations is on the use of force. Military roles have often been described in terms of external security, and maintaining "area security,"[114] or "secure environments."[115] Military actors, however, also have important roles to play in Disarmament Demobilization and Reintegration (DDR), and Security Sector Reform (SSR) activities. Both DDR and SSR activities are important, integral parts of peace operations, and contribute both to immediate stabilisation and long-term development.[116] SSR activities are aimed at creating effective, efficient, affordable and accountable security institutions in the conflict-affected state. Security sectors normally include structures and institutions for management, provision and oversight of security, as well as military, police corrections and intelligence services; and institutions for border management, customs and civil emergencies.[117] One primary aim of SSR activities is the rebuilding of public trust and legitimacy in security structures and security institutions.

It has frequently been claimed that military actors often are the only source of order in the early phases of a peace operation.[118] As a result of such reality, the role of military actors varies with the mandate afforded the peace operation and the situation on the ground. Interviews conducted for this study also indicate that roles are assigned merely on the basis of the availability of the actors.[119] This implies that military actors have been engaged in activities ranging from halting armed conflict and disarming of armed elements to law enforcement, arrests and protection of civilians. Military actors have been expected to provide the means, methods and skills that in many domestic settings have traditionally been divided between military and police.

Engagement in peace operations has been held by some to have gradually transformed Western armed forces into constabularies;[120] this indicates a perception that military involvement in police roles and tasks has been extensive.

---

[114] See for example Alice Hills,"The inherent Limits of Military Forces in Policing Peace Operations, *International Peacekeeping* 8 (3), (2001), 81.
[115] See UNSCR 1244.
[116] United Nations Peacekeeping, online: http://www.un.org/en/peacekeeping/issues/security.shtml (accessed 8 May 2014).
[117] ibid
[118] See for example Jelle Janssens, "Blur the Boundaries!- Policing in Contemporary Peace Operations" in *Blurring Military and Police Roles*, Easton, den Boer and Janssens, et al., (eds.), Eleven International Publishing, (2010), 90.
[119] Interview conducted via questionnaire, Peacekeeping Affairs Officer, Military Division, UNHQ, 14 April 2014.
[120] Marleen Easton and René Moelker, "Police and Miltiary: Two Worlds Apart? - Current challengens in the process of constabularisation of the Armed Forces and Militarisation of the Civilian Police" in Easton, den Boer and Janssens, et al., *Blurring Military and Police Roles*, Eleven International Publishing (2010), 20.

It has further been asserted that the military's activities—other than war (MOOTW)—in peace operations have come to resemble police work.[121] Notably, operations *other* than war are regulated by IHRL as opposed to International Humanitarian Law (IHL), applicable in war. It has further been stipulated that armed forces need to be able to vary and fluctuate the intensity of their use of force in peace operations.[122] The ability to vary the *intensity* of the force used is not, however, sufficient for ensuring adherence to IHRL. For that, questions about the use of force, such as *when*, *how* (including in the assessment of the proportionality of the force), *against whom* and about *its purpose*, all need to be adapted to IHRL requirements.

Also, given the broad range of roles afforded military actors in domestic settings in different parts of the world in the 21st century, expectations about the roles and capacities for engaging in a wide range of tasks will also vary among the different military forces in a peace operation.

3.2.2 Police roles and tasks in peace operations

The roles assigned to police actors in international peace operations have varied greatly over the years. Research into what roles the police should have in peace operations has, however, lagged behind the operational deployment.[123] The roles of the police in peace operations were initially limited to providing support, monitoring, administration, reporting and training (SMART). Experience from primarily Kosovo and East Timor, in which the police were given executive powers, initiated a development of the police role to increasingly include reform, restructuring and rebuilding (RRR).[124]

The security landscapes into which peace operations deploy have also changed drastically in the last decades, a situation that has resulted in increased dependence on the competences of the police.[125] As a result, the police component is the fastest-growing component of peacekeeping. Despite the significant increase of police actors in peace operations, their role and function

[121] B.K. Greener-Barcham, "Crossing the Green or Blue Line? Exploring the Military-Police Divide", Small Wars and Insurgencies 18:1 (2007), 96.
[122] Marleen Easton and René Moelker, "Police and Miltiary: Two Worlds Apart? - Current challengens in the process of constabularisation of the Armed Forces and Militarisation of the Civilian Police" in Easton, den Boer and Janssens, et al., *Blurring Military and Police Roles*, Eleven International Publishing (2010), 20.
[123] Elena van der Spuy, "Policing beyond the domestic sphere", *African Security Review* 20:4 (2011), 36.
[124] Bethan K. Greener, "The Rise of Policing in Peace Operations", *International Peacekeeping* 18 (2), 2011, 186.
[125] United Nations, *United Nations Police- On Duty for Peace*, online: http://www.un.org/en/peacekeeping/publications/12%2053015_UNPOL%20booklet.pdf (accessed latest 27 Feb. 2014), 45.

have received significantly less attention from academics and policy-makers alike than have those of military actors.[126] Some clarification activities are underway, however. A policy on United Nations Police in Peacekeeping Operations and Special Political Missions was approved in January 2014 by DPKO and Department of Field Support (DFS), (hereafter referred to as the UN DPKO policy).

The UN DPKO policy is the most comprehensive guide to international policing in peace operations available today, and it reflects that the role of the police has expanded dramatically in scale and scope, and that it has become increasingly wide-ranging and complex. The policy further notes that the role of the police has moved from mere monitoring, which is relatively passive, to supporting not only the restructuring of the host state's police organisations, but substituting for inadequate, or even absent, police in the host state.[127] One aspect of the policy that emerges as highly relevant for the present discussion is its statement that this development has not come as a result of strategic assessments or decisions to take on certain roles.[128] This clearly supports the statement pursued here, which is that there is a need for furthering the strategic thoughts on security in peace operations.

The UN DPKO policy defines policing as a function of governance and that is responsible for the prevention, detection and investigation of crime, the protection of persons and property and the maintenance of public order and safety.[129] That said, protection of civilians is arguably viewed as a natural and integral obligation of policing. The reference to public order and safety can also be considered as constituting a reference to internal security (as opposed to external security). Further, delivery of effective prevention and protection and maintenance of public order is identified as a core function and operational task of the police during operational support, or during *interim executive policing and other law enforcement.*[130] Although the term *interim executive* policing is not defined, the policy does specify that:

> *. . . in contexts where functioning rule of law institutions are absent, the United Nations police may support public order and public safety by assuming an interim policing and other law enforcement role.*[131]

[126] Garth den Heyer, "Filling the security gap: military or police", *Police Practice and Research: An International Journal*, 12 (6) (2011), 462.
[127] United Nations Department of Peacekeeping Operations, Policy, *United Nations Police in Peacekeeping Operations and Special Political Missions*, Ref. 2014.01, 1 Feb. 2014, para 6.
[128] Ibid.
[129] ibid, para 14.
[130] ibid, para 53 (a).
[131] ibid, para 58.

The policy also details the concept of interim executive policing further by stating that:

> *. . . In these situations, the United Nations police shall be responsible for maintaining law and order across the full spectrum of policing and law enforcement activities or other designated areas.*[132]

It must be highlighted, first, that the policy does not specify what is meant by the term "*functional*," nor any other criteria by which the functionality of a police organisation can be measured. It is therefore not clear at exactly what moment a policy authority can be considered to be "not functional," and thereby enable the UN police to assume an interim executive role. It is also worth taking note of the fact that the first paragraph merely enables the UN police to assume an interim executive role (through the word *may*, which indicates a permission, but not an obligation), whilst the second paragraph places an obligation on the UN police to assume such a role (through the term *shall*). Although not clarified, it can be inferred that the assumption of interim executive authority is voluntary, but once such authority has been assumed, obligations relating to maintenance of law and order will follow.

There are two questions that then remain. The first is: *When* can such a situation be considered as having arisen? The second is: *Who* is authorised to make a decision to assume interim executive authority? Interviews conducted for this study indicate that the decision-making authority for interim executive mandate lies with the Secretariat at UN DPKO,[133] and that such a decision is taken based on the protection needs that are present on the ground, and on the availability of actors who are capable of providing such protection.[134] In other words, decisions on interim executive policing are seemingly taken on a case-by-case basis, and according to the situation on the ground

The policy further notes that the task of protecting civilians requires particularly close coordination between the police, military and other actors.[135] While the need for coordination between military and police is recognised in the policy, the potential risks entailed by close *cooperation* between the two actors are also recognised. The policy holds that there are important limits to the cooperation, because police actors need to maintain a civilian profile that is distinct from the

[132] ibid.

[133] Interview, Police Advisor to the Permanent Mission of Sweden to the United Nations, 11 April 2014.

[134] Activities to be considered executive can range from providing access to justice through taking complaints on committed crimes, responding to ongoing crimes, taking statements, etc. When the police engage in such activities they take on a role that directly engages with the local community, and provides protection through policing activities- which constitute executive authority.

[135] United Nations Department of Peacekeeping Operations, Policy, *United Nations Police in Peacekeeping Operations and Special Political Missions*, Ref. 2014.01, 1 Feb. 2014, para 67.

military's, in order to maintain the moral authority and public trust needed for effective policing.[136] Although not explicitly expressed, it can be maintained that the policy has an inherent assumption that there are limits to military involvement in internal security. The respective roles of the military and the police—and where the distinguishing line between their respective responsibilities is to be drawn—are not addressed in the policy. While close coordination of activities in PoC may be held to constitute a prerequisite, close *cooperation* may nevertheless cause militarisation of internal security and as such be undesirable.

At the same time, the UN DPKO policy notes that police peacekeeping differs fundamentally from domestic policing, due to the fact that the operational milieus of peace operations are characterised by the fragility of post-conflict environments, widespread human rights violations, and so on.[137] The military's role in peace operations, however, differs from their role in most domestic settings to an even greater extent.[138] Most peace operations operate outside the context of an armed conflict (in legal terms), which means that military actors are in turn operating outside of the legal context that they are normally trained , organised and equipped for, namely, that of war. The police, on the other hand, are operating inside the legal context that they are experienced in, and trained, organised, and equipped for, even if the challenges in post-conflict settings are different from those in most domestic settings.

The need to address lawlessness, public disorder and organised crime in post-conflict environments, and to enable human security and long-term peace, suggests that the demand for police capabilities within the larger security architecture in peace operations is likely to grow.[139] Therefore, and as noted by some, police capacity may constitute the missing link between military stabilisation and peace-building.[140]

3.2.3 Military Police and Formed Police Units (FPU)

One result of increased dependence on police capabilities in peace operations is the deployment of formed police units.[141] FPUs have been considered to

[136] ibid, para 93.
[137] United Nations Department of Peacekeeping Operations, Policy, *United Nations Police in Peacekeeping Operations and Special Political Missions*, Ref. 2014.01, 1 Feb. 2014, para 11.
[138] See further analysis on domestic roles and tasks in section 2.2.
[139] Elena van der Spuy, "Policing beyond the domestic sphere", African Security Review 20:4 (2011), 34.
[140] Mario Muigg, The Police in International Peace Operations, *SIAK Journal- Journal for Police Science and Practice* (2012), vol 2, 22.
[141] United Nations, *United Nations Police- On Duty for Peace*, online: http://www.un.org/en/peacekeeping/publications/12%2053015_UNPOL%20booklet.pdf (accessed latest 27 Feb. 2014), 45.

constitute a bridge between community policing and military capacity.[142] Community policing is identified by some as those activities that combine consultation, responsiveness, problem-solving and mobilisation of the public to meet the security needs in a community.[143] Policing capabilities, however, are not limited to community policing. Policing ranges from community policing to combating organised crime and terrorism. The wide range of skills entailed by the policing profession therefore needs to be recognised in order to enable identification of the actors, roles and tasks that are suitable for addressing the human security needs that are present in the unique settings of peace operations.

The actual performance of FPUs is, however, a matter of concern. Despite attempts to address their underperformance, the UN states that problems persist.[144] Although this study has not identified the details surrounding the claimed underperformance and the persistent problems, it is clear that what is often lacking from descriptions of paramilitary and gendarmerie forces is information about the education and training that the forces receive. Depending on the tasks and roles afforded to paramilitary actors in domestic settings, it may be that such actors provide a military capacity for domestic purposes, rather than constituting a force that is capable of both military and police tasks. Thus, the question of the extent to which paramilitary forces are capable of providing the security service necessary to meet the entire range of security needs present in peace operations remains. One determinant factor is the extent to which the paramilitary force is capable of operating in a IHRL-regulated context. This places an emphasis on the roles, tasks, education and training that paramilitary forces receive in their respective states, and therefore becomes a determinant of the suitability of using such forces for police tasks in peace operations. Any assumptions about the capabilities of paramilitary forces may therefore conflict with the requirements of the role and task that they are assigned in peace operations. It is possible that this is the cause of the perceived underperformance of FPUs in peace operations.

The assignment of military police for filling the security gap is another suggestion that has been presented.[145] The capacity that military police units have, on the other hand, to uphold law and order, adhere to human rights law while doing so, and provide the access to justice that is required by law enforcement agents, is questionable. Most military police actors are trained only for upholding order within their own military organisations. The upholding of

[142] Bethan K. Greener, "The Rise of Policing in Peace Operations", *International Peacekeeping* 18 (2), (2011), 188.
[143] Peter Grabosky, "Police as international peacekeepers", *Policing and Society*, 19:2 (2009), 101.
[144] United Nations, *United Nations Police- On Duty for Peace*, online: http://www.un.org/en/peacekeeping/publications/12%2053015_UNPOL%20booklet.pdf (accessed latest 27 Feb. 2014), 47.
[145] Eirin Mobekk, "Identifying Lessons in United Nations International Policing Missions", *Geneva Centre for Democratic Control of Armed Forces*, Police Paper No 9 (2005), 3

law and order and human rights, as well as the provision of service and security for individuals, however, both require completely different skillsets. To reiterate, the role, purpose and training of military police in the domestic setting will determine the suitability of using them to fill the security gap in peace operations.

3.2.4 Using military actors in police roles and tasks

Due to the complex security environments in areas that are emerging from war, there may be a particular need, in order to maintain internal security in peace operations, for specialised military skills, such as the identification and disabling of weapons, and the show of force, the latter as a method for defusing various forms of uprisings. However, military actors are frequently also tasked to perform duties such as handling of riots and disturbances and other criminal acts.

When military actors engage in activities that relate to the security of individuals and the calming of local disturbances, they are often interpreted as engaging in police tasks.[146] This is, conceivably, a reflection of the persistence of the external/ -internal security paradigm. Scholars have frequently argued that, since peace operations are often manned by insufficient numbers of police actors, there is no other option but to have military actors assist in performing police functions.[147] It is therefore important to distinguish between *the use of military actors and skills* in performing tasks that are commonly assigned to police (such as the protection of civilians), and *the use of military means and methods.*

The legal framework that regulates traditional military activities in armed conflicts (IHL) enables the use of more excessive force than is allowed by the framework that regulates police contexts (IHRL). In short, IHL allows the use of force for other purposes, with a lower threshold and with other aims than IHRL does, which in turn makes the former more extreme. The use of such means and methods in contexts outside the applicability of IHL is therefore excessive and illegal. It has rightfully been argued that the application of excessive force can have catastrophic consequences during the sensitive time period in which the security gap occurs.[148] Excessive use of force, or failure to adhere to human rights in the execution of power and authority in attempting to establish internal security, is generally recognised as a trigger of conflict or unrest. It is thus essential to note that, regardless of the choice of elements that distinguish between military and police roles, the legal framework that is applicable to the

[146] Alice Hills,"The inherent Limits of Military Forces in Policing Peace Operations", *International Peacekeeping* 8 (3), (2001), 81.
[147] See for example Kimberly Marten, "Statebuilding and Force: The Proper Role of Foreign Militaries", *Journal of Intervention and Statebuilding*, vol. 1 (2) (2007), 242.
[148] David T. Armitage and Anne M. Moisan, "Constabulary Forces and Postconflict Transition: The Euro-Atlantic Dimension", *Strategic Forum* No 218 (2005), 2.

situation at hand remains the same, irrespective of the actor who engages in the activity. In other words, the extension to military actors of the authority for preserving internal security, without ensuring that they have the capacity to operate in accordance with IHRL, could result in failure to adhere to human rights requirements. This, in turn, may result in consequences ranging from loss of trust and legitimacy to militarisation of security, which would undermine the prospects of achieving sustainable peace and human security in the long term. To recapitulate, in tasking military actors to perform police functions, the leadership of peace operations must ensure that the military actors possess the capacity to address insecurities through the means and methods stipulated by IHRL.

As noted by some scholars, the above situation requires that armed forces adapt functions, capabilities and skills[149] to IHRL requirements. However, most states are reluctant to restructure their military forces in order to meet the requirements and needs of peace operations.[150] That there are considerable differences entailed by the skillsets required for the core functions of the military and the police, respectively, is a likely reason for this reluctance. As Hills notes, the need for training the military in the special skills required for peace operations and other low-intensity operations must not come at the expense of war-fighting skills.[151] In light of the threats present in post-conflict environments, and the increasing need for police capacity, this undoubtedly constitutes a significant challenge for peace operations. This is in addition to another challenge, which is the extraterritorial prohibition that some nations impose against the use of military actors for internal security purposes. For such nations, military actors cannot be used for many of the tasks assigned to peace operations today.

Currently, the UN has no policies that limit military involvement in matters of internal security. There are indications, however, that some of its policies are built on assumptions that such limitations do exist.[152] A recent study conducted by the Australian Civil-military Centre (hereafter the Australian study) also suggests that although military actors frequently claim to be able to perform police functions, there are nevertheless certain tasks that should only be performed by police actors. Examples of such tasks are criminal investigations, arrests and training local police. Criminal investigations require strict adherence to rule of law principles and careful balancing between respect for human rights

[149] Graeme Cheeseman, 'Military Forces and In/Security', in Ken Booth (ed), *Critical Security Studies and World Politics* (Boulder CO: Lynne Rienner, 2005), 72.
[150] ibid, 71.
[151] Alice Hills, "The inherent Limits of Military Forces in Policing Peace Operations", *International Peacekeeping* 8 (3), (2001), 87.
[152] The Strategic Framework on Police in Peacekeeping Operations, *Policy on United Nations Police in Peacekeeping Operations and Special Political Missions* (2014), in para 93 and 94, holds that there are important limits to the cooperation between military and police actors, mainly due to the need to maintain a civilian profile of the police that is distinct from the military. This to help maintain a moral authority and public trust needed for effective policing.

and the use of coercion and force. Such skills cannot be quickly or easily obtained, but require know-how that accrues over time, it is held, and since there is also a risk that internal security will be militarized if a military actor trains the local police, this should be avoided. The Australian study thus concludes that as a precaution, such mentoring of local police by military actors should only be done under police guidance.[153]

The difference between theory and practice is substantial, however. Expectations that are developed by research, such as that referred to above, about the extent to which military actors are to be used for internal security purposes, differ substantially from the realities that have so far prevailed in actual peace operations. Such differences also exist with regard to the policy on PoC developed by UN DPKO, which awards military actors primary roles in the maintenance of public order, while the study suggests that the use of military actors for internal security is undesirable.[154]

The results of research, to date (and, arguably, the focus on the military entailed by the policy and matrix of PoC activities[155]), suggests that the primary focus in the planning, structuring and organisation of peace operations, has been on immediate relief and combat operations.[156] As has also been discussed in each of the varying perspectives presented above, this reaffirms that there is a need to revisit the division-of-labour between military and police actors in peace operations, not least in view of the emerging interim executive mandate allotted to police actors. It also suggests that there is a need for enhanced attention to the scope of the security needs, during all temporal phases, of peace operations, as well as to their inter-linkages. These measures would enable the creation of both a strategic vision and the implementation of practices that assist in the identification of a coherent security architecture. Such an architecture would provide greater assurance of being able to meet the needs entailed by the transition from war to peace in a conflict-affected state.

[153] BK Greener and WJ Fish, *Police- military interaction in international peace and stability operations- working towards guidelines for action*, Australian Civil-military Centre, Massey University, New Zealand (2013), 6- 7.

[154] BK Greener and WJ Fish, *Police- military interaction in international peace and stability operations- working towards guidelines for action*, Australian Civil-military Centre, Massey University, New Zealand (2013). See also further in section 3.3.1.

[155] See further in section 3.4.1.

[156] Garth den Heyer, "Filling the security gap: military or police", *Police Practice and Research: An International Journal*, 12 (6) (2011), 463.

3.3 Division-of-Labour on Security in Peace Operations

The human security needs present in post-conflict environments often span a broad spectrum, ranging from protection from organised violence and common crime, to the construction of the societal conditions that are conducive to the long-term protection of human rights. As a result, the provision of security in post-conflict environments necessitates a wide range of capabilities and abilities that can change as the security climate shifts. Strategic planning of how security is to be ensured across the wide range of human security needs, and throughout all temporal phases of the peace operation, is therefore essential.

The task of dividing the labour between different actors in peace operations is often delegated to field levels and mission leaderships.[157] Although the limitations of the present study have meant that an analysis of the division of labour at field level cannot be offered here, at least one claim can be made with assurance. This is that, although the specific needs and conditions of each environment must dictate the details of the division of labour in assuring security, the call for coherence and continuity requires that strategic security policies identify an overall intention in the question of how security is to be provided, both in addressing the variety of protection needs, and throughout the temporal scope of peace operations. These conditions lead to the imperative to identify and delineate the roles of security actors, and for the organization, at the strategic levels of peace operations, of the division of labour in the provision of security.

In UN peace operations there is seemingly little strategic thought given to the roles of security actors, and to the capabilities that are required in providing security during the entire process of ending a war and building sustainable peace and development. Although the DPKO/ DFS Operational Concept on the Protection of Civilians in United Nations Peacekeeping Operations identify protection needs along three tiers that include both long-term (creating a protective environment and ensuring protection through political process) and short-term (protection from physical violence),[158] there is insufficient attention paid to the different requirements that providing protection and security have. Policies for providing protection and security frequently identify tasks for specific actors, but rarely make reference to the wide range of security needs that are to be met. Nor are the changing tasks that come with a changing security environment and different temporal phases of peace operations acknowledged in those policies.

[157] Interviews with police and military representatives at UN DPKO.
[158] United Nations, DPKO/DFS *Framework for Drafting Comprehensive Protection of Civilians Strategies in UN Peacekeeping Operations* (no year listed)

Assumptions about the capabilities of actors are prevalent. This study indicates that actors are frequently assigned tasks without much, if any, reference to their roles in providing security, whether in the larger perspective, or in the longer term. Seemingly, despite the considerable differences in the domestic settings that are described in the present analysis, actors are simply assumed to be able to bring a certain, but unidentified, set of skills to the peace operation. Actors are often assigned tasks merely on the basis of their availability. In other words, a UNSC resolution identifies certain tasks at a very general level, which are then assigned to specific actors that happen to be available for the peace operation. A simplified description of the process can be illustrated as follows:

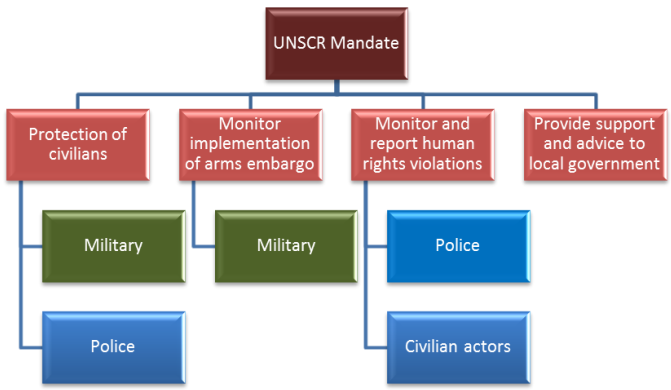


Figure 2: A view of the relation that currently prevails between actors and tasks. The tasks identified here are examples of tasks frequently assigned to peace operations.

Military actors, for example, are often assigned the task of protecting civilians. Specific details about what form of protection military actors are expected to contribute with regard to the broad and long span of protection that is required for providing human security in post-conflict environments are rarely offered, however. This results in there being insufficient identification of the roles that each actor has in providing security in the overall perspective. Distinctions between actors and tasks, and between tasks and the capabilities required for performing the tasks, are inadequate. Paramilitary actors, FPUs, or gendarmeries, are frequently assigned tasks—for example, controlling riots and other disturbances—that are perceived as police tasks, but which in actuality, in the post-conflict setting, require military capabilities.

In failing to distinguish between actors and tasks, and in failing to identify the required means and methods for performing the tasks, there is also a risk that the process of assigning actors with tasks fails to identify the relations between short- and long-term activities and goals. There is thereby a risk that the peace operation will be unable to allow the overarching goals to guide all of its activities. This may undermine the capacity to ensure coherent and coordinated

activities throughout all phases of the peace operation, which in turn undermines the prospects for achieving long-term goals, and so on, in a vicious cycle of ineptness.

3.4 Areas in Need of Coordination

Areas in which coordination of military and police activities is of particular importance are likely to differ between different peace operation environments and their different phases. This makes it difficult to draw clear-cut conclusions about when and where coordination will be needed. However, changes in the role of the police in peace operations, and the increasing need for police capacity for combatting those threats to internal security that are unrelated to armed conflicts, suggest that the need for coordination will increase. The present analysis has chosen to focus on three primary areas of activity in which coordination is crucial; namely, the *protection of civilians*, *combating crime and terrorism* and *handling riots and disturbances.*

3.4.1 Protection of civilians

The protection of civilians, a task frequently assigned to peace operations, is directly linked to the increased focus on human security. The concept of protection of civilians (PoC) first appeared in 1998, in a Secretary General Report,[159] and has since become a primary objective of peace operations.[160] It is nevertheless important to recognise that the protection of the civilian population from war and other armed violence was the very foundation for the creation of the United Nations[161] and, hence, of peace operations. It is also the foundation of IHL, the legal framework that regulates armed conflict. So, although the recognition of the need to protect civilians is not new, it has received renewed focus through the explicit mandate that peace operations have to protect civilians.

The extent of the obligations that follows from such mandates has been thoroughly debated.[162] No universal definition of the term, "protection of civilians," however, is currently available. The United Nations did not include a definition of the term in its Operational Concept on the Protection of Civilians in United Nations Peacekeeping Operations. The operational concept does identify,

[159] United Nations General Assembly, Report of the Secretary General, A/67/205, Kofi Annan, Causes of conflict and the promotion of durable peace and sustainable development in Africa,
[160] Alexander William Beadle, *Protection of Civilians- military planning scenarios and implications*, Norwegian Defence Research Establishment (FFI) (2014), executive summary.
[161] See the United Nations Charter, Preamble.
[162] See for example Justin MacDermott and Måns Hanssen, *Protection of Civilians: Delivering on the Mandate through Civil-Military Coordination*, Swedish Defence Research Agency (FOI), FOI-R-3035--S (2010).

however, protection along three tiers; *protection through political process*, *protection from physical violence*, and *protection through the creation of a protective environment*.[163] This is a clear delineation of the scope of protection, in a manner that not only spans a long period of time, but also a wide variety of actors and of activities undertaken in peace operations (such as from protection from physical attack, to the creation of institutions and processes built on rule of law principles, and the creation of an effective and accountable security sector, through SSR programs). In this way, the Operational Concept promotes a broad range of protection responsibilities, which also necessitates long-term commitment to PoC from a wide range of actors. The United Nations study on coordination of activities for the protection of civilians (hereafter "UN toolkit for coordination") also notes that the identification of roles and responsibilities of different actors is essential for creating synergies and efficient protection architectures in peace operations.[164] The Nordic countries' statement to the UNSC also stresses the importance of including efforts to protect civilians in the early planning stages of a peace operation.[165]

The need to protect civilians from a large and continually changing scope of threats, however, raises questions, such as, *from what* is protection required; and *what are the skills* that are required for succeeding in the protection activities that enable the rebuilding of local trust and legitimacy. In other words, there is a need to recognise the interdependencies between the different actors engaged, between the tasks assigned to different actors, and between the temporal phases of peace operations. In short, for the protection of civilians, this means defining and delineating *who does what, when*.

In domestic settings, the task of protecting civilians from threats other than war is normally, and primarily, entrusted to police actors. It is the primary task for which police organisations, police training, and police means and methods are shaped.[166] By contrast, for military actors in peace operations, protecting civilians is often described as their most difficult task. Since the role and task of military actors in domestic settings is one in which they play only a supporting role—if at all—in the protection of civilians, it is not surprising that many military actors find the task ambiguous. The security situation in many international, post-conflict environments is considerably more severe and complex than in most domestic settings. Various entities, loyalties, grievances

[163] United Nations Draft DPKO/DFS Operational Concept on the Protection of Civilians in United Nations Peacekeeping Operations

[164] United Nations Department for Peacekeeping Operations, *Protection of Civilians Coordination Mechanisms in UN Peacekeeping Missions- DPKO/DFS Comparative Study and Toolkit* (2012), 12.

[165] See Nordic Statement to the United Nations Security Council on 12 February 2014, online: http://www.swedenabroad.com/Pages/StandardPage.aspx?id=69292&epslanguage=en-GB (accessed latest on 6 March 2014).

[166] Interview, former United Nations Police Adviser, UN DPKO, 13 March 2014.

and other factors may all emerge, and necessitate extra attention, as does the entire, complex process of bridging war with peace. Taking care in the division of labour between security actors, in order to enable the efficient and sufficient protection of civilians, in both the short- and long-term, is here of paramount importance.

The UN toolkit for coordination notes that even though the military is neither the sole nor necessarily the prime actor in PoC activities,[167] it remains one of the key actors, due to its foundational position in most peacekeeping operations, and because ". . . many of the highest profile PoC activities rest on their [*sic*] shoulders."[168] As noted in the present analysis, however, post-conflict environments also present a wide range of other protection needs, which each require the application of the appropriate skills.

A framework for roles and tasks aimed at PoC is provided by the policy document, *Protection of Civilian Resource and Capability Matrix for Implementation of UN Peacekeeping Operations with POC mandates* (hereafter the protection policy). It identifies five core objectives for PoC; the tasks that are to be performed in support of each objective; the resources assigned to the task; the guidance, planning and training for the task; and the plans for sustainability.

The five objectives of the protection policy are:

1. to support host state governments in preventing and responding to violence against civilians, including by its own forces;
2. to provide mission response that is informed by early warning and system-wide analysis of risks to civilians;
3. to enable extension of a mission's reach into the community, strengthening of confidence between the mission and local communities and authorities, and management of the civilian population's expectations;
4. to deter attacks on civilians, and create assurance of either safe passage or access to resources;
5. to address imminent threats of physical violence against civilians.[169]

Notably, in objective number 5, reserve military and formed police unit (FPU) capacity are listed as actors who are assigned to handle the containment of

[167] United Nations Department for Peacekeeping Operations, *Protection of Civilians Coordination Mechanisms in UN Peacekeeping Missions- DPKO/DFS Comparative Study and Toolkit* (2012), 13.

[168] United Nations Department for Peacekeeping Operations, *Protection of Civilians Coordination Mechanisms in UN Peacekeeping Missions- DPKO/DFS Comparative Study and Toolkit* (2012), 13.

[169] United Nations Department for Peacekeeping Operations and Department for Field Support, *Protection of Civilian Resource and Capability Matrix for Implementation of UN Peacekeeping Operations with POC mandates* (2012), matrix.

violence or unrest through public order management.[170] Also, it assigns the task of either creating a show of force or of weapons, or using them in combination, to prevent and deter hostile elements, to quick reaction forces and the reserve military. Formed Police Units are, according to the protection policy, to be used for the task at hand only within the mandate and within core functions of public order management, or in the protection of UN staff and facilities.[171] However, in relation to the task of public order management, the protection policy does take note of the need for mission-specific Standard Operating Procedures (SOP) that delineate between the roles and responsibilities of police and military components. Since the protection policy identifies FPUs, rather than other police components, as the actors who are assigned to the task, it is reasonable to assume that the matrix's perceived need for delineation of roles and responsibilities is between those of the military and the FPUs, rather than those of the military and other police actors. With regard to the task of providing a show of force, or deterrence, however, it is stipulated that, if UN Police are involved, there is a need for joint exercises and SOP for hand-over of authority.[172]

On the issue of public order management, the protection policy notes the need for:

> *. . . joint police and military training exercises to practice crowd and riot control activities including respective roles of UN Police and host state police and hand-over of primacy in an escalating/de-escalating security situation.*[173]

The notion of *primacy* means that a specifically-identified actor who is afforded primacy has the responsibility for leading specific activities. It is thus a way to divide the labour between military and police actors in a specific area. It is noteworthy that the question of who decides, and based on what criteria, in the establishment of primacy, remains unaddressed by the policy. This risks resulting in confusion about how primacy is to be established, which in turn can result in either overlapping of activities or gaps in the addressing of security needs.

A task identified in all but the first of the policy's objective is the performance of *patrols*. The policy defines patrols as follows:

> *[i]n the context of peacekeeping operations: patrols, mounted and dismounted, are only carried out in an overt, high-profile manner. In a military context: a detachment sent for gathering information, fighting or security purposes. One traditionally distinguishes*

[170] ibid, matrix 5.1.
[171] ibid.
[172] United Nations Department for Peacekeeping Operations and Department for Field Support, *Protection of Civilian Resource and Capability Matrix for Implementation of UN Peacekeeping Operations with POC mandates* (2012), matrix 5.2.
[173] ibid, planning.

> *between "combat patrols", "escort patrols", "reconnaissance patrols", "ambush patrols", and "standing patrols". It can also occasionally refer to a military police patrol, consisting usually of two men.*[174]

In police contexts, a typical form of patrolling is as a support for the objective of establishing outreach to local communities. Yet, the policy defines patrolling with reference to military activities (e.g., escort, combat, ambush, etc.) and their traditional aims and purposes, such as gathering information, fighting, and security). In light of the necessity of building legitimacy through security activities, such an approach to outreach activities (objective 3) may undermine their very aim. Namely, they may fail to create legitimacy and thus lose the comparative advantage that results from the means and methods of democratic policing.[175]

Another conundrum that arises on the issue of outreach to the community relates to the issue of legitimacy in the assurance of internal security. The protection policy maintains that the presence and timely interventions of human rights monitors in relevant cases and situations builds local confidence, enhances outreach to local communities, provides an interface with the local UN military and mitigates tensions and polarization.[176] Much as on the issue of public security, this does not reflect the means, methods or capabilities of the police that are required for maintained legitimacy in activities relating to internal security. Neither, and in contrast to the UN DPKO policy on policing and to the emerging interim executive mandates, does it reflect a recognition of the role that the police have in assuring internal security.

Many of the tasks for PoC that the protection policy identifies are assigned to "human resources as per cross-cutting requirements section." The term is not defined further, which results in uncertainty about the strategic basis for the division of labour in PoC. Based on a comparison of the tasks that it specifically assigns to military actors and those assigned to UN police actors, respectively, it can be concluded, however, that the policy tilts towards a military-focused interpretation of PoC needs and capabilities. It is possible that the military focus may also be a reflection of its emphasis on the initial temporal phase of a peace operation, when military actors may necessarily hold primacy in regards to many operational tasks. Irrespective of the reason for the focus on the military, the policy would be improved if it expanded the temporal scope of protection, and enable a strategy that goes beyond threats that are related to armed conflicts. In

[174] ibid, 26-27.
[175] See more on the comparative advantage of democratic policing in section 2.2.2
[176] United Nations Department for Peacekeeping Operations and Department for Field Support, *Protection of Civilian Resource and Capability Matrix for Implementation of UN Peacekeeping Operations with POC mandates* (2012), matrix 3.1.

other words, these considerations call for the development of a strategy that enables the linking of peacekeeping to peacebuilding.

3.4.2 Crime, organised crime and terrorism

Common crime, organised crime and acts of terrorism are increasingly becoming very real threats in post-conflict environments. Organised crime and terrorism cut across all main dimensions of the human security framework, namely violence, human development and human rights, which indicates that it is an appropriate framework for addressing them.[177]

Organised crime and terrorism are threatening not only at the level of a state's survival, but to the individuals who reside within it, and beyond. As such, they fall under the responsibility of both military and police actors. This highlights the need for identifying which role the respective actors should have in dealing with these crimes.

The DPKO policy on policing also notes the threat that organised crime and corruption pose to sustainable peace, security and development. The policy further emphasizes that this threat is particularly serious for post-conflict states, due to the frequent breakdown of the police and criminal justice systems in such environments. According to the policy, a result has been that the task of addressing organised crime and strengthening rule of law has taken on a greater importance in most peacekeeping operations.[178]

Furthermore, a study conducted in 2010 found that, in view of the threat of terrorism, European states were increasing their use of armed forces in maintaining internal security. The study concluded that the upholding of internal and external security was becoming ever more interwoven.[179] It explained this as being due to a lack of a clear definition of the concept of terrorism. This was affected by the attacks of 9/11, it claims, which triggered a change in the *perception* of terrorism as a crime to the *perception* of it as an act of war.[180] (NB: emphasis added, the italics are essential, so as to avoid a misrepresentation of its definition, wherein terrorism, *per se,* is *not* an act of war). Whether or not an act is determined to be an act of war is a matter of law. Unless acts of terrorism (irrespective of how it is defined) reach the legal threshold of armed conflict, as a

[177] Wolfgang Benedek, Christopher Daase, Vojin Dimitrijevic and Petrus van Duyne, *Transnational terrorism, Organized Crime and Peace-building- Human Security in the Western Balkans*, Palgrave MacMillan (2010), 20.
[178] United Nations Department of Peacekeeping Operations, Policy, *United Nations Police in Peacekeeping Operations and Special Political Missions*, Ref. 2014.01, 1 Feb. 2014, para 72.
[179] Ines Jacqueline Werkner, The Institutional Interweaving of Internal and External Security, Security and Peace (2010), *Security and Peace* 2 (2010), 69- 71.
[180] ibid, 71.

phenomenon it must be combatted from within the realms of IHRL.[181] This becomes yet another confirmation of the importance that law has in identifying the capabilities, means and measures that are required in combating a specific threat.

Common crime, organised crime and terrorism are all phenomena that take place primarily through obscurity and secrecy. Any form of combatting them therefore requires an ability to collect and analyse information, and to take appropriate measures to prevent and counter them. Recognition of this need can be seen in recent UNSC resolutions that mandate peace operations. In 2012, for example, the United Nations Mission in Mali (MINUSMA) was awarded a mandate that includes aspects of intelligence operations for the purpose of countering terrorism.[182] In 2013, the United Nations Mission in the Democratic Republic of Congo (MONUSCO) was also awarded a mandate that authorised the use of surveillance capabilities.[183] These mandates warrant specific attention, because they highlight what may be a new development in UN peace operations more generally.

Firstly, it is important to note that all intelligence activities must adhere to the requirements stipulated by the applicable legal framework, that the legitimacy of the operations is not undermined. Secondly, IHRL requires that any restriction in liberties or freedoms that is imposed through intelligence activities must be balanced against the human rights of individuals. In contrast, there is little in IHL that limits intelligence activities. In other words, in traditional military arenas activities, namely war, how, about whom, and for what purpose information is collected, analysed and communicated, is largely unlimited in war, while all of these activities are carefully regulated in democratic police settings. As a result, the means and methods of intelligence activities that have been developed within the framework for traditional military arenas are likely to differ immensely from those developed as part of a democratic policing model.

Little, if any, attention has been paid to the exact contours of the differences between military and police intelligence operations to date. In particular, this applies to the form of the adaptation of the military means, methods and capabilities that are required to ensure effective, legal and legitimate combatting practices when operating in IHRL contexts. It is important that the design of peace operations addresses this question of how intelligence activities can be undertaken in ways that both enable the combatting of serious threats and ensure sustained legitimacy.

---

[181] See for example United Nations General Assembly, Human Rights Council, *Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Martin Scheinin*, A/HRC/16/51, 22 December 2010.

[182] United Nations Security Council Resolution, S/RES/2085 (2012), para 14. See also UNSCR 2039 (2012), para 10 and UNSCR 2100.

[183] United Nations Security Council Resolution, S/RES/ 2098 (2013), para 12 (c).

3.4.3 Riots and disturbances

Much as in the situation affected by crime and terrorism, riots and disturbances that do not reach the legal threshold for internal armed conflict must be handled by means and methods that adhere to IHRL. Identifying the borderline between armed conflict and internal disturbances may, however, be particularly challenging in post-conflict environments, due to the complex security situation that follows with the emergence from war. The requirement to maintain legitimacy in the exercise of power, and thus also for the use of force for internal security purposes, would dictate that the means and methods that are most suitable for handling riots and disturbances in peace operations are those stipulated and enabled through IHRL. For that reason, in post-conflict environments, police means and methods should be applied to the furthest extent possible in managing such situations, irrespective of whether or not military actors are assigned the task. This, obviously, highlights the question of how the military means, measures and tools need to be adapted in order to best serve the specific conditions in the given environment. It is thereby necessary to pay attention to how the application of force differs, in both the military and police contexts and with regard to the different national forces that are available to the peace operation. Such a focus enables appropriate adaptation of the means and methods to the requirements stipulated by the legal framework that is applicable to the situation at hand.

3.5 Potential Challenges for Military-Police Coordination

This report reveals a number of discrepancies that could pose challenges to the coordination of security actors in the field. One discrepancy is entailed by the UN DPKO's policies on PoC and on policing. Although the policy on PoC holds that the military is the primary actor in the maintenance of public order, it also identifies the same task as a core function and operational task of the police, either when serving as operational support, or under an interim executive mandate. The importance of this becomes particularly obvious when both military and police actors are simultaneously engaged in the protection of civilians or combatting organised crime and terrorism. Revisiting the question of the division of labour between different actors in peace operations is therefore urgently called for.

Another discrepancy identified in this study relates to the importance that is ascribed to distinguishing between internal and external security in peace operations. Interviews of police representatives conducted for this study suggest that making a distinction between external and internal security, and thus

between traditional military and police roles, is both necessary and highly relevant for peace operations.[184] In contrast, military representatives who were interviewed frequently revealed that making a distinction between external and internal security was of little significance.[185] These differences in perception indicate that there is also a need, just as there is with the notion of coordination, to further conceptualise the construction of security in war-torn areas. This will in turn assist in identifying an appropriate division of labour between military and police actors in each given environment.

The police, some would argue, have not had an impact on the way in which post-conflict response mechanisms are planned and managed, with the result that peace operations have not been as successful as they might have been.[186] This view is supported by interviews conducted for this study; they indicate that police actors are not sufficiently included in strategic dialogues about the interpretations of mandates or the planning of peace operations. Examination of the hierarchical structures of UN DPKO reveals a possible cause of any lack of sufficient police influence. At UNHQ, there are three Offices under the Office of the Under-Secretary General for DPKO: the Office of Operations, the Office of Rule of Law and Security Institutions (OROLSI), and the Office of Military Affairs. Consequently, the Police Advisor, who heads the Police Division, is subordinate to the Office of the Assistant Secretary General of OROLSI, while the Military Advisor, on the other hand, heads his or her own Office. In hierarchical organisations such as the UN, invitations to formal meetings are often guided by hierarchical structures. In the case of UN DPKO, this may have the result that the Police Advisor is not able to access the same meetings as the Military Advisor. At those meetings, the Under-Secretary General of OROLSI may not be sufficiently familiar with police-work to be able to adequately address police-related issues that arise. To the degree that this kind of situation applies more generally, the influence of police know-how on interpretations and policy-making may be limited, even at the highest levels within the UN. This would undoubtedly have negative impacts on the capacity of peace operations to fulfil police tasks.

Military perceptions and interpretations remain dominant in the planning and execution, irrespective of the change in the nature of peace operations and the increasing need for police capacity. This may influence how security needs and the capabilities for maintaining internal security are identified and understood within those operations. To ensure that there is sufficient capacity for enabling internal security, inclusion of police capacity in the early phases of dialogue and planning of the operations is vital. This is particularly the case when the peace

[184] Interviews with police representatives
[185] Interviews with military representatives
[186] Garth den Heyer, "Filling the security gap: military or police", *Police Practice and Research: An International Journal*, 12 (6) (2011), 462.

operation is tasked to provide traditional police services, such as protection of civilians, and protection from organised crime and other threats unrelated to armed conflict. Without paying further attention to the hierarchical structures within which planning is carried out, the extent of police influence may be so limited as to affect the eventual fulfilment of a peace operation's mandate.

4 A Model for Security Architecture in Peace Operations

Coordination between actors is a prerequisite and of vital importance for achieving the long term goals in peace operations. As noted above, the needs and forms for coordination are determined by the roles and tasks that are assigned to different actors. At the same time, coordination that ensures that the long-term goals of the peace operation are being contributed to, however, also requires that the security actors have a mutual understanding of the roles and tasks that they have been assigned. In carrying out their roles and tasks, it is therefore essential that all security actors are aware of those of the other actors and the limitations of their own.

Any model or framework used for identifying the roles and tasks of security actors must be able to consider the entire range of security needs, and their changing character; such changes are a result of temporal variations in the work of bridging war with peace. Also, the threats that are faced by different parts of the population may vary, also with time, and the variances need to be recognised. As a result, a requirement of any model that is to be used for identifying how security is to be ensured in a changing security environment is that it can have the flexibility to adapt and to combine different aspects of security.

This chapter proposes a model for developing the security architecture of a peace operation. It enables the identification of roles and tasks, the capabilities that they require, and their coherence through all temporal phases of a peace operation. The model combines two frameworks for analysis, that of law and that of external/internal security. It also addresses the analysis and categorisation of security threats, and the importance of clear identification and delineation of roles and tasks. Moreover, the model allows flexibility in the division of labour, so as to guide the transfer of authority for security as the bridge between war and peace becomes more robust.

4.1 Law as a Framework for Analysis

A primary framework necessary for any analysis of the division of labour on security is that of *law*. As this study shows, law is critical for the maintenance of legitimacy and, thus, for the provision of long-term security in domestic settings. Law is equally, if not more, important in enabling peace after war. Attempts to distinguish between military and police arenas, however, often lack the aspect of law. Turning to the discipline of law is useful for enabling both the safeguarding of the long-term goals of a peace operation, and for assisting in defining the capabilities that are required for a specific role or task. Law is also of key

importance in providing answers not only to the question of *how* threats are best countered, that is, in a way that strengthens the bridge between war and peace.

In this context it is essential to note that all activities undertaken in peace operations, in particular activities involving coercion and the use of force, are regulated by law. Firstly, the activities of any peace operation are guided by and limited to the specifics of the mandate afforded the peace operation by the UNSC. Secondly, all activities in the peace operation are regulated by the legal framework applicable to the situation at hand. Making a decision about which body of law is applicable to the activity begins with an assessment of the situation on the ground. IHL applies only to activities undertaken by a party to an armed conflict, in the context of and related to the conflict. This restricts the applicability of IHL to peace operations, which in turn limits the use of traditional military means and methods.

To complicate matters, different parts of IHL apply to armed conflicts that take place either between states (international armed conflicts); within a state; between armed groups and the state; or between different armed groups (non-international armed conflicts). This in turn requires answers to the questions of whether or not an armed conflict exists, and what form it has, about who the parties to it are and which activities are related to it. At the same time, IHRL also continues to apply during armed conflicts, while the so called non-derogable human rights[187] apply to all circumstances at all times. All situations and activities that fall outside of IHL are regulated by IHRL.

It is important to note the fact that both IHL and IHRL enable and limit force and coercion in different ways and to different extents. This requires that activities must be undertaken with different means, methods and aims depending on which legal framework is applicable to the situation at hand. It is necessary that these distinct differences are highlighted, so as to ensure that the means and methods adopted by the peace operation do not undermine its long-term goals.

A recurrent problem in analyses of the use of force, however, is that the concept of *force* is treated as if it was the same thing in military and police contexts.[188] Each context represents vast differences in how force is understood, especially in terms of when, for what, and how, it may be used.[189] The differences are so striking that it can be claimed, as it is here, that the concept of force has different meanings, depending on whether the context is that of traditional military or of

[187] Non-derogable human rights are human rights that cannot be subject to exceptions, and that no agreement can detract.

[188] See for example Alice Hills, "The inherent Limits of Military Forces in Policing Peace Operations, *International Peacekeeping* 8 (3), (2001), and Timothy Edmunds, "What are armed forces for? The changing nature of military role in Europe", *International Affairs* 82:6 (2006).

[189] For an analysis of how the legal frameworks differ in the way they enable the use of force, see Carina Lamont, *Empowering the Protection of Civilians: legal aspects of the use of force to protect civilians in peace operations*, FOI-R—3468, (2012)

traditional police arenas. More generally, problems arise in analyses of the use of force when inadequate attention is paid to the differences that are stipulated by the legal frameworks. This is particularly apparent when such flawed assumptions about the use of force are used to draw conclusions about the roles and tasks of the military and the police, and is especially troublesome in light of the long-term goals of contemporary peace operations.

4.2 External/ Internal Security as a Framework for Analysis

Another framework that can guide the identification of coherent security architecture is the external/ internal security paradigm. Again, external security relates to threats not only to the security of the state, but, by implication, its governmental capacity. Internal security, in turn, relates to the security of individuals, whether solely or in groups, located inside a state. As noted, maintaining the security of the state and its governance constitutes a prerequisite for long-term peace. Internal security and the protection of the human rights of individuals, however, constitute a prerequisite of long-term peace. External and internal security, therefore, are intimately linked. As part of bridging war with peace, it is important to address them both in post-conflict environments. It is equally important to note that this means that the legal frameworks applicable to the two arenas differ.

External security is generally regulated by IHL, and internal security by IHRL. Notably, however, IHL is only applicable to situations that legally amount to armed conflict. Therefore, to the extent that the threats do not reach the legal threshold of armed conflict, any countering of threats must adhere to IHRL. Therefore, aspects central to democratic policing such as accountability, transparency and legitimacy, may be relevant to both external and internal threats. Further complexity derives from the fact that IHRL continues to apply even as a conflict crosses the threshold into armed conflict; this makes it particularly important that in carrying out security activities, attention is paid to the question of which legal framework is applicable.

Many Western democracies have practiced a division of labour where military actors have been tasked with ensuring external security, and police actors with ensuring internal security. This is not necessarily a suitable arrangement during peace operations, however. In working to enable transitions from war to peace, military actors may have to be afforded responsibility for tasks that relate to internal security, while police actors may be unable to operate in the hostile environments that often characterise early phases of peace operations. Nevertheless, because it is important to abide by the law that is applicable in those operations, observing the distinction between external and internal security

can provide guidance on *how* each task is best approached, and thereby strengthen the chances of achieving the long-term goals of the peace operation.

4.3 Division of Labour on Security

Identifying who does what, when, is pivotal to ensuring security through all temporal phases of bridging war with peace. Paying attention to the division of labour is therefore particularly important for peace operations that are tasked to ensure security in post-conflict environments.

In dividing the labour on security, distinguishing between *roles* and *actors* is crucial in order to avoid confusion about *what* tasks are to be performed, and *how*. Roles are related to the overarching goals of the peace operation, and can be categorised using the external and internal security paradigms. Actors are related to the actions that need to be carried out, and can be categorised by noting the important distinction between *actors* and the *means and methods of actors*. The means and methods that can be used to combat a specific threat are determined by the legal framework that is applicable to the situation. As a result, irrespective of which actor is assigned to a specific task, obtaining an understanding of the nature of the threat, and of which legal framework applies to the combating, is essential to enable both the legality and legitimacy of actions taken in the name of ensuring security.

While the responsibility for tasks can vary between actors, the role afforded an actor should be considered to be constant. As a result, if and when military actors are assigned the role of ensuring external security, but find themselves perform tasks relating to internal security, the internal security tasks are to be considered temporary. A transition of authority to the actor that is afforded the role of ensuring internal security (preferably local police actors, when possible) should therefore take place when the situation permits. By highlighting the distinction between external and internal security arenas, the division of labour on security can be clarified, and the means and methods that are stipulated by the applicable legal framework can be identified. By extension, situations in which coordination between military and police actors is needed can also be more easily recognised.

The division of labour can be illustrated as in Figure 3:

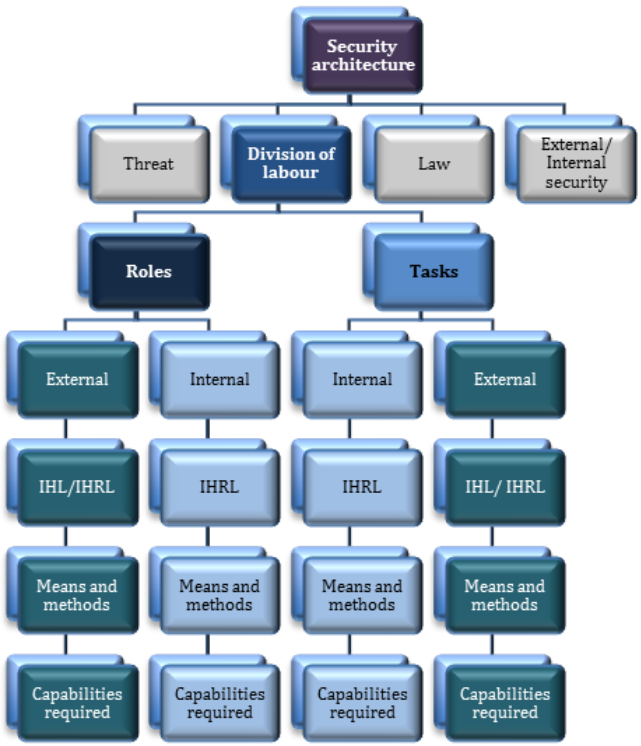


Figure 3: Division of labour on security in peace operations. Source: the author

For internal security, operations aimed at both long-term and short-term activities require means and methods, accountability, transparency and legitimacy based on rule of law- principles, and subtleness in the exercise of power. This mode of analysis can also aid the identification of threats that border on both external and internal arenas, such as terrorism and organised crime.

Consequently, by using the external/internal security paradigm as a framework of analysis for reaching the appropriate division of labour, military and police roles and tasks can be defined and delineated, and coherence in operations can be safeguarded, throughout all temporal phases of ensuring security in the overall peace operation. Furthermore, the legality of the means and measures used to ensure that security can be maintained, which can in turn facilitate legitimacy and thus support the long-term goals of the peace operation.

4.4 The Nature of Threats as a Basis for Analysis

Identifying and understanding the threats posed in post-conflict environments is vital to enable adequate division of labour on security. Threats can preferably be categorised through *who or what that is being threatened*. Hence, as per this proposed mode of analysis, *the nature of the threat* is determinant of whether the security is external or internal. Thereby, the fact that police actors are increasingly engaged in transnational activities, and the fact that military is increasingly focused on the national arena in domestic settings does not blur the dividing line between external and internal security. Neither does it blur the division of labour between military and police actors on security. By focusing on what is being threatened, rather than on the location of the threat or the organisational affiliation of the actor, the definitional distinction between roles and tasks can be ensured, and coherence with the legal frameworks in operations can be safeguarded.

The capabilities required for fulfilling a task can also be identified through this mode of analysis. As this study indicates, national variations in police and military roles also vary greatly between states. In other words, a specific actor does not bring an easily determined set of skills to the peace operation. Assumptions about what tasks a specific actor can perform are therefore unfortunate. The capabilities an actor brings, such as skills, equipment, means and methods, are influenced by the division of labour in their respective domestic settings; this means that, if the appropriate actor is to be assigned, the abilities that are required for each specific task relating to security in peace operations must be clearly identified.

In short, the beginning of the reasoning that is required lies in asking about the nature of the threat, which then determines the legal framework that is applicable. The legal frameworks differ in the means and methods that they enable for the maintenance of security. The legal framework, then, determines *how* a threat can be combated. The means and methods, consequently, can guide the identification of the *capabilities* that the actor assigned to the task must possess. By following this line of reasoning, an analysis of the threat can thus constitute the point of departure for the division of labour, as shown in Figure 4:

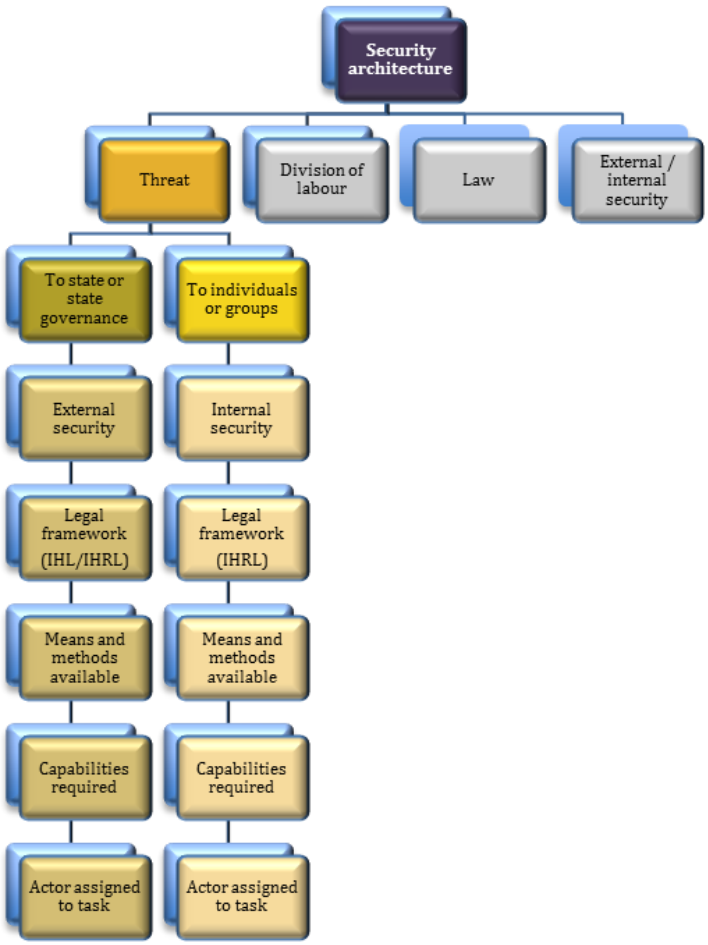


Figure 4: Model for threat analysis as the point of departure for assigning tasks to actors. Source: the author.

4.5 Temporal Phases and the Division of Labour

Depending on the temporal phase of the peace operation, the primary responsibility (*primacy*) for certain tasks may shift between military and police actors. In this context, it is important to note that irrespective of which actor is engaged in a specific task, the nature of the threat will determine how the threat can be countered. As a result, when military actors engage in activities that are regulated by IHRL, they must use means and methods stipulated by IHRL.

This mode of analysis can also aid in identifying what tasks different actors are afforded through all temporal phases of a peace operation. While military actors are often afforded tasks that relate to internal security in the initial phases of a peace operation, the strategic role for internal security can preferably be awarded to either local or (in the case of executive mandates) international, police actors. The transition of authority from military to police actors is therefore crucial for the bridging between war and peace.

Recognition of the distinction between the roles required for external and internal security can guide the identification of *what* tasks that are to be transferred to police actors. It can also guide decisions on *when* such transfer of authority from military actors to police actors is needed.

The designation of primary responsibility (*primacy*) for internal security can be portrayed along a temporal line that illustrates a transition from war to peace, in Figure 5, below.

Figure 5: An illustration of how *primacy* in responsibility shifts through temporal phases of a peace operation, from cessation of hostilities (on the left end of the scale) to sustainable peace (on the right end of the scale)

As argued here, the formation of coherent security architecture requires consideration of four constitutive frameworks: 1) a distinction between *external* and *internal security*; 2) a focus on the *nature* of the threat (rather than the origin of the threat); 3) division of labour on security; and, 4) reference to *law*. These are all essential aspects that must be considered when planning for long-term and sustainable human security in conflict-affected states. These aspects can be visualized as a model, as in Figure 6, below.

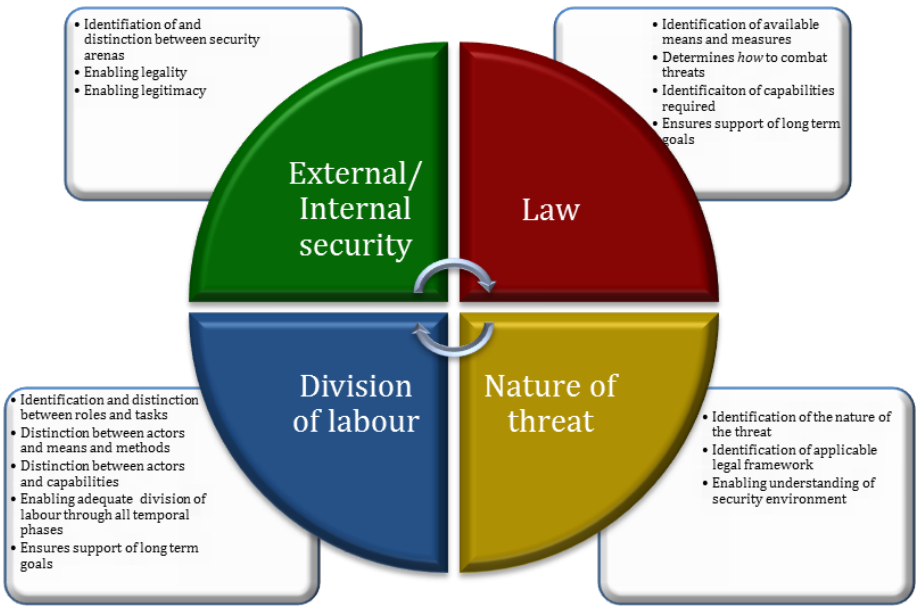


Figure 6: Model for formation of a security architecture for peace operations. Source: the author

Every conflict and post-conflict environment is unique. As a result, the particular needs of security vary in different environments, as well as over time. The security architecture must therefore be adequate for each specific situation, and it must be capable of adapting not only to a particular security climate, but one that is continually changing.

In conclusion, to best serve the security needs that are present in post-conflict environments, and thus to enable the bridging of war and peace, a comprehensive security architecture is needed, one that:

1) recognises the inter-linkages between different temporal scopes of bridging war peace;
2) categorises threats based on the *nature* of the threats;
3) uses *law* to guide *how* protection from threats can be ensured;
4) distinguishes between *roles* and *tasks*, between *actors* and *roles*, and between *actors* and *capabilities*; and
5) acknowledges that tasks and required capabilities will change with a changing security environment.

The primary aim of the model proposed here is to guide the identification of a security architecture that is capable of providing the security that is necessary in every unique environment and in a changing security climate.

The primary benefit of the model is that its application assists in ensuring adherence to the law, which safeguards the legitimacy and thus the long-term goals of the peace operation. The model also enables identification of the means and methods available, and of the capabilities that are required for the combating of threats. Its use provides support for planning how security can be provided in a legal, legitimate and sufficient manner, through all temporal phases of a peace operation. To recapitulate, it is a basis for answering the question of *who does what, when.*

5 Concluding Reflections

Military and police actors are normally entrusted with security mandates that, although distinct in nature and context, sometimes border on each other, and may even overlap. This close nexus between military and police arenas is particularly apparent in post-conflict environments where distinguishing between external and internal security constitutes a frequent challenge. The human security paradigm, which guides the goals and aims of contemporary peace operations, further accentuates the close nexus between military and police arenas. This merits renewed attention to the roles, tasks and need for coordination of the military and police in peace operations.

A strategic plan for how security is best ensured through all temporal phases of peace operations is necessary for enabling the building of peace after war. Currently, insufficient strategic attention is paid to the division of labour on security in UN peace operations, and as a consequence, there is confusion as to w*ho does what, when*. These questions can be addressed, at least in part, by reconsidering the matter of security architecture.

5.1 New Situations Demand New Security Architectures?

Two issues highlight the importance of creating adequate security architectures in peace operations: firstly, the change in the security paradigm, from a focus on the security of the state to that of individuals; and, secondly, the wide range of threats faced by individuals as well as by state authority in post-conflict environments. The fact that human rights are central to the human security-driven focus of contemporary peace operations dictates that a holistic approach, one that addresses conflict- and development-related threats or vulnerabilities in post-conflict environments, is required.[190] Each of these aspects strengthens the relevance of both traditional military and police arenas for providing human security in conflict affected states.

A heightened awareness of the external/internal security paradigm can provide a framework for identifying military and police arenas in peace operations, and thus identify the roles of the respective actors involved. Situations in which coordination between military and police actors is needed can also be more easily recognised. Reliance on the external/internal security paradigm as a framework for analysis can enable definition and delineation of military and police roles and

[190] Wolfgang Benedek, Christopher Daase, Vojin Dimitrijevic and Petrus van Duyne, *Transnational terrorism, Organized Crime and Peace-building- Human Security in the Western Balkans*, Palgrave MacMillan (2010), 11.

tasks, and coherence in operations can be safeguarded throughout all temporal phases of the peace operation.

The external/internal security arenas are closely linked to the type of threat posed, and thereby also to a second framework of importance, namely that of *law*. Any activity undertaken in and by peace operations is regulated by law. As this analysis has discussed, legality is a prerequisite for legitimacy, and legitimacy in the exercise of power, in turn, is vital in order to ensure transition from war to peace. Law dictates different means, methods and purposes for maintaining security. As such, law provides an answer to the question of *how* a threat can be combated. By identifying how to combat a specific threat, the required *capabilities* of the actor can subsequently also be identified. As a result, attention to legal parameters can facilitate legitimacy and thus support the long-term goals of the peace operation.

A complicating matter is the fact that it is often difficult to determine the nature of the threats that arise in post-conflict environments; the way this impacts civilians and state authority in such environments often causes confusion about the division of labour between the military and the police. Although this is a challenge, it does not undermine the importance of legality and legitimacy. By using law as a framework for the identification of a security architecture, and for the delineation of military and police arenas, effective protection structures in both short- and long-term perspectives may be provided.

5.2 Coordination between Military and Police

With regard to the maintenance of internal security, a central issue is the *protection of civilians.* Both military and police are crucial for ensuring that protection, albeit in different ways and in different phases of the peace operation. Protection in post-conflict environments makes coordination of particular importance, since it addresses threats that range from war, to criminal acts, and the violation of human rights. This is rendered more complex, as argued above, since external security is reliant on the simultaneous maintenance of internal security, while human security within a state is dependent upon the ensurance of external security, in a mutually-reinforcing manner. The inherent linkages and need for coordination between external and internal security are thus particularly apparent, and crucial, in post-conflict environments.

Common crime, organised crime and terrorism are threats that civilians in post-conflict environments are increasingly confronted with. Such increases dictate that, if the bridging of peacekeeping and peacebuilding, and the facilitation of sustainable peace, are to succeed, then coordination between military and police actors must also increase proportionately. Achieving effective coordination, however, remains a challenge in current praxis, due to the insufficiently defined

and delineated roles of the actors, which in turn produces inadequate guidance in the assignment of their tasks.

Although the threats posed by crime and terrorism may necessitate military engagement, the task of dealing with them in domestic settings is normally assigned to police actors. The frequent breakdown in local judicial systems in war-torn countries adds to the call for paying extra attention to the question of how to combat these threats through peace operations. As the present analysis highlights, the need for focusing attention on the *legality* of activities is important for ensuring *legitimacy*. This requires that any threat that does no reach the legal threshold of armed conflict must be combated within the realms of IHRL. Notwithstanding that condition, it may be that IHRL constitutes the preferred framework for addressing threats that do reach the threshold of armed conflict. This is because the peace operation primarily aims at building and maintaining the host state's internal security, for which legitimacy and consent are absolute necessities. The notion of democratic police means and methods could thus provide a considerable comparative advantage in combating various forms of crime and terrorism in post-conflict environments. Just as with the role of the police, this discussion in turn raises the question of how and to which extent military means and methods need to be adjusted to enable using military actors for such purposes. Whatever decision is made regarding the finer points of such matters, the need for coordination between military and police becomes even more obvious, and points to opportunities that could considerably enhance the combined effects of their contributions.

Yet another area in need of coordination between military and police actors in peace operations is the handling of *riots and disturbances.* It may be particularly difficult to differentiate such outbreaks of violence from outbreaks of armed conflict in environments that are emerging from war. Nonetheless, unless the violence actually reaches the legal threshold of armed conflict, the situation must be handled within the parameters of IHRL (unless and to the extent that martial law can be imposed). Much as with the issue of organised crime, IHRL may be the preferred legal framework for guiding security actors in how to counter the threats at hand. Therefore, to the extent that military actors are assigned the task of handling riots and disturbances, coordination with police actors is essential, so that they share the same interpretations of the security situation, and the legitimacy of the measures undertaken is ensured.

5.3 A Way Forward?

This study offers a model for identifying who does what, when, on security in peace operations. The security architecture proposed is based on the *external/internal security* paradigm, which enables delineation of the different roles and tasks that are assigned to security actors. It enhances the likelihood that

matters that require coordination between military and police actors can be recognised.

The roles and tasks of security actors are best analysed against a framework that focuses on the division of labour that is required, and does so by identifying the distinctions between the roles and tasks. While the tasks assigned to specific actors often need to vary in keeping with a changing security climate, their roles are better viewed as constant and as serving the long-term aims of the peace operation. Due to differences in the division of labour in domestic settings, an actor does not bring an easily determined set of capabilities to a peace operation. Actors also must adapt their means and methods to the requirements of each task. The division of labour consequently also needs to differentiate between *actors* and *capabilities*, and between *actors* and the *means and methods* that actors possess.

The model proposed above also identifies *law* as an essential framework for analysis. As a framework, it presents differing options regarding the means and methods that can be enabled in the maintenance of security. Law dictates *how* a threat can be countered, and thereby determines the *capabilities* that are required for security activities. The overall security architecture, in addressing *the nature of the threats* present in any environment, uses them to determine which form of legal framework is applicable. This in turn feeds back into the delineation of roles and tasks, which makes it central for the division of labour, and for the identification of the means and methods that are available.

The model ensures adherence to law, which safeguards the legitimacy, and thus the long-term goals, of the peace operation. It also enables a division of labour on security that can adapt to a changing security climate, and it thereby aids in bridging war and peace. Each of those characteristics allow the question of *who does what, when,* for security and sustainable peace, to be clarified.

The model enables the construction of a security architecture that can benefit both the strategic planning of peace operations, and the national military and police authorities that contribute to peace operations. The model aids the identification of the capabilities that are required for the tasks identified, and thus contributes to ensuring the adequate recruitment and training of staff. It clarifies how the assigned tasks are to be performed in the peace operation. By implementing the model, attention is paid to law, the division of labour on security and the categorisation and understanding of threats, which in turn can assist national authorities in their efforts to ensure adequate and qualitative contributions to peace operations.

In looking forward, the possibility of developing truly comprehensive security architectures can be anticipated. While this awaits further study, it is possible to envision how national authorities would find ever better ways with which to enhance the adherence to national policy requirements, in matters such as

gender-sensitivity, freedom of information, education and other approaches to security, and adherence to applicable law.

5.4 Concluding Remarks

Peace operations and the actors engaged in them leave “footprints” in the local environment that last beyond the lifespan of the peace operation itself. Every activity undertaken and every actor engaged in peace operations should be focused on the footprints that will be left behind in the war-torn country and among its population. The roles and activities of military and police actors must be closely coordinated in order to ensure the best possible outcome for the long-term development of human security in the conflict-affected state. There is a responsibility not only for the organisation, but for each contributing state, to enable a thorough understanding of what is required for building peace after war.

The future of enabling peace consequently lies in going beyond *coordination*, and towards *integration* of short-term as well as long-term activities, aims and goals. Viewing all actors and all activities as interrelated and interdependent, across all subject matters and all temporal scopes, of both peacekeeping and peacebuilding, is at least one step towards creating the holistic approach necessary for building peace after war.

Clear strategic vision is required. This is of crucial importance for both international and national actors engaged in peace operations. Coherence in security activities is critical, and a mutual understanding among participating states and actors is vital. Coherent and coordinated responsiveness to all types of security needs, and through all temporal phases of peace operations can aid in bridging war and peace. A heightened awareness of the needs, and a thorough understanding of the roles, tasks and capabilities stipulated by coherent security architecture, at both international and national levels, can thereby ensure comprehensive, and mutually reinforcing, contributions to long-term peace.

6 Bibliography

Reports

Austin, Azca, Chochrane, etc., "Democracy, Conflict and Human Security- Further Readings", International Institute for Democracy and Electoral Assistance (IDEA), (2006)

Benedek, Wolfgang, Daase, Christopher, Dimitrijevic Vojin and van Duyne, Petrus, *Transnational terrorism, Organized Crime and Peace-building- Human Security in the Western Balkans*, Palgrave MacMillan (2010)

Beadle, Alexander William, *Protection of Civilians- military planning scenarios and implications*, Norwegian Defence Research Establishment (FFI) (2014)

Greener, BK and Fish, WJ, *Police- military interaction in international peace and stability operations- working towards guidelines for action*, Australian Civil-military Centre, Massey University, New Zealand (2013)

Hansen, Annika S., *Supporting the Rule of Law in War-Torn Societies. Tasks and Comparative Advantages of Civilian Police and Military Forces*, Norwegian Defence Research Establishment, FFI rapport- 2005/02099 (2005)

International Institute for Democracy and Electoral Assistance (IDEA*), Democracy, Conflict and Human Security, Policy Summary: key Findings and Recommendations*

Lamont, Carina, *Empowering the Protection of Civilians: legal aspects of the use of force to protect civilians in peace operations*, Swedish Defence Research Agency (FOI), FOI-R—3468, (2012)

Large, Judith and Sisk, Timothy D., "Democracy, Conflict and Security- Pursuing Peace in the 21st Century", *International Institute for Democracy and Electoral Assistance* (IDEA), (2006)

MacDermott. Justin and Hanssen, Måns, *Protection of Civilians: Delivering on the Mandate through Civil-Military Coordination*, Swedish Defence Research Agency (FOI), FOI-R--3035--S (2010)

Mobekk, Eirin, "Identifying lessons in United Nations international policing missions", *Geneva Centre for Democratic Control of Armed Forces*, Police Paper No 9 (2005)

de Weijer, Frauke and Knoll, Anna, "Joining Forces for Peace Post 2015", *European Center for Development Policy Management*, Breifing Note No 53 (2013)

Academic articles

Armitage, David T. and Moisan, Anne M., "Constabulary Forces and Postconflict Transition: The Euro-Atlantic Dimension", *Strategic Forum* No 218 (2005)

Bayley, David H., "The Police in War", *African Security Review* (2011)

Edmunds, Timothy, "What are armed forces for? The changing nature of military role in Europe", *International Affairs* 82:6 (2006)

Grabosky, Peter, "Police as international peacekeepers", *Policing and Society*, 19:2 (2009)

Greener-Barcham, B-K, "Crossing the Green or Blue Line? Exploring the Military-Police Divide", *Small Wars and Insurgencies* 18:1 (2007)

Greener, Bethan K., "The Rise of Policing in Peace Operations", *International Peacekeeping,* 18 (2) (2011)

den Heyer, Garth, "Filling the security gap: military or police", *Police Practice and Research: An International Journal,* 12 (6) (2011)

Hills, Alice, "The inherent Limits of Military Forces in Policing Peace Operations, *International Peacekeeping* 8 (3) (2001)

Kraska, Peter B., "Miltiarisation and Policing- Its Relevance to 21st Century Police", *Policing,* (2007)

Marten, Kimberly, "Statebuilding and Force: The Proper Role of Foreign Militaries", *Journal of Intervention and Statebuilding,* Vol 1:2 (2007)

Muggah, Robert and Krause, Keith, "Closing the Gap between Peace Operations and Post-Conflict Insecurity: Towards a Violence Reduction Agenda", *International Peacekeeping* 16:1 (2009)

Murray, Tonita, "Police-Building in Afghanistan: A case Study of Civil Security Reform", *International Peacekeeping* (2011)

Lutterbeck, Derek, "Between Police and Military- The New Security Agenda and the Rise of Gendarmeries", *Cooperation and Conflict: Journal of the Nordic International Studies Association*, Vol 39 (1) (2004)

Marten, Kimberly, "Statebuilding and Force: The Proper Role of Foreign Militaries", *Journal of Intervention and Statebuilding*, vol. 1 (2) (2007)

Muigg, Mario, The Police in International Peace Operations, *SIAK Journal-Journal for Police Science and Practice*, vol. 2 (2012)

Muggah, Robert, and Krause, Keith, ”Closing the Gap between Peace Operations and Post-Conflict Insecurity: Towards a Violence Reduction Agenda”, *International Peacekeeping* 16:1 (2009)

Nambiar, Vijay, “The Protection of Civilians and the United Nations”, *Strategic Analysis*, Vol 35 (6) (2011)

Schnabel, Albrecht and Hristov, Danail “Conceptualising Non-traditional Roles and Tasks of Armed Forces”, *Security and Peace*, 2 (2010)

van der Spuy, Elena “Policing beyond the domestic sphere”, *African Security Review* 20:4 (2011)

Werkner, Ines Jacqueline, “The Institutional Interweaving of Internal and External Security”, *Security and Peace* 2 (2010)

Weiss, Tomás, The blurring border between the police and the military: a debate without foundations, *Cooperation and Conflict*, Vol 46 (3) (2011)

Literature

Bergling, Per, *Rule of Law on the International Agenda- International Support to Legal and Judicial Reform in International Administration, Transition and Development Cooperation*, Intersentia (2006)

Booth, Ken (Ed), *Critical Security Studies and World Politics* (Boulder CO: Lynne Rienner, (2005)

Cheeseman, Graeme, “Military Forces and In/Security”, in Ken Booth (ed), *Critical Security Studies and World Politics* (Boulder CO: Lynne Rienner, (2005)

Easton, den Boer and Janssens etc, (Eds) *Blurring Military and Police Roles*, *Eleven International Publishing*, (2010)

Reiner, Robert, *The Politics of the Police*, 4th Ed., Oxford University Press (2010)

Other

Organisation for Security and Co-operation in Europe, *Guidebook on Democratic Policing* (2008)

Organization for Economic Co-operation and Development, *Whole of Government Approaches to Fragile States* (2006)

United Nations Charter

United Nations Security Council Resolution, S/RES/2039 (2012)

United Nations Security Council Resolution, S/RES/ 2098 (2013)

Nordic Statement to the United Nations Security Council on 19 February 2014, online: http://www.swedenabroad.com/en-GB/Embassies/UN-New-York/Current-affairs/Statements/Nordic-Statement-sys2/ (accessed latest on 6 March 2014)

United Nations *Interoffice Memorandum from the Secretary General to members of the Policy Committee*, dated 26 June 2008, decision no 2008/24.

United Nations, *Policy on Integrated Assessment and Planning*, 9 April 2013.

United Nations, Integrated Assessment Working Group, *Integrated Assessment and Planning Handbook* (2013), 7.

United Nations General Assembly, Human Rights Council, *Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Martin Scheinin*, A/HRC/16/51, 22 December 2010

United Nations Peacekeeping, online: http://www.un.org/en/peacekeeping/issues/security.shtml (accessed 8 May 2014).

United Nations Peacekeeping Operations, *Principles and Guidelines* (2008)

United Nations, *A New Global partnership: Eradicate Poverty and Transform Economies through Sustainable Development- The report of the High-level panel of Eminent Persons on the post-2015 Development Agenda* (2013)

United Nations, *United Nations Police- On Duty for Peace*, online: http://www.un.org/en/peacekeeping/publications/12%2053015_UNPOL%20booklet.pdf (accessed latest 27 Feb. 2014)

United Nations Department for Peacekeeping Operations, *Protection of Civilians Coordination Mechanisms in UN Peacekeeping Missions- DPKO/DFS Comparative Study and Toolkit* (2012)

United Nations Draft DPKO/DFS *Operational Concept on the Protection of Civilians in United Nations Peacekeeping Operations*

United Nations Department for Peacekeeping Operations and Department for Field Support, *Protection of Civilian Resource and Capability Matrix for Implementation of UN Peacekeeping Operations with POC mandates* (2012)

United Nations Department for Field Service and Department for Peacekeeping Operations, *Peacekeeping and Peacebuilding: Clarifying the Nexus*, online: http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/PKO%20Peacebuilding%20Peacekeeping%20Nexus.pdf (accessed 28 April 2014)

United Nations Department of Peacekeeping Operations, Policy, *United Nations Police in Peacekeeping Operations and Special Political Missions*, Ref. 2014.01, 1 Feb. (2014)

Interviews and questionnaires

Interview, Police representative, United Nations Department for Peacekeeping Operations, Mission Management and Support Section, Police Division/ OROLSI, 10 March 2014

Interview, Swedish Police representative, former Head of UN DPKO Police Division, 13 March 2014

Interview, Swedish Police representative, former Head of UN DPKO Police Division, 26 March 2014

Interview, Swedish Police Advisor to the Permanent Mission of Sweden to the United Nations, 11 April 2014

Interview, Swedish Police representative, Former Police Commissioner UNMIL

Interview, expert Civil-Military relations, Swedint, 4 March 2014

Interview Swedish Police and Military representative, Liaison coordination officer, EULEX, Kosovo, 19 February 2014

Interview, Swedish Military Advisor to the Permanent Mission of Sweden to the United Nations, 23 April 2014

Interview Swedish Military representative, Former Contingent Commander, Kosovo Force, May 2014

Interview Swedish Military representative, Former Contingent Commander, Kosovo Force, May 2014

Interview Swedish Military representative, Former Contingent Commander, Kosovo Force, May 2014

Interview Swedish Military representative, Former Contingent Commander, Kosovo Force, May 2014

Interview Swedish Military representative, Former Contingent Commander, Kosovo Force, May 2014

Interview Swedish Military representative, Former Contingent Commander, Kosovo Force, May 2014

Interview Swedish Military representative, Former Contingent Commander, Kosovo Force, May 2014

Questionnaire, Military representative, United Nations Department for Peacekeeping, Office of Military Affairs, 14 April 2014

Questionnaire, Military representative, United Nations Department for Peacekeeping, Office of Military Affairs, 17 April 2014

Questionnaire, Military representative, United Nations Department for Peacekeeping, Office of Military Affairs, 24 April 2014

In order to enable transition from war to durable peace, coordination between security actors is crucial. Coordination, in turn, requires that both roles and tasks for security actors have been defined and deliniated, and that a strategy for security architecture has been identified that is capable of addressing both short term security needs in post-conflict settings, and long term construction of human security.

This report offers a model for identifying such a security architecture. Four elements are held as crucial, namely the identification of the *nature* of security threats, *division of labour* between security actors, a distinction between *external and internal security* arenas, and last but not least; *law* as a primary guiding framework.

A heightened awareness of the needs, and a thorough understanding of the roles, tasks and capabilities of security actors specified by coherent security architecture, can ensure comprehensive, and mutually reinforcing, contributions to long-term peace.

FOI

ISSN1650-1942

www.foi.se