When the dust settles…
- Law and Order in peace support operations –
"Law is order, good law is good order" (*Aristotle*)

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1. Introduction

After a peace agreement is signed the international community has to transform diplomacy or military intervention into a political effort aimed at maintaining peace, and make it durable and fair for all parties involved. This requires a variety of engagements, not simply military and humanitarian[1]. Projecting a post-conflict situation into durable peace[2] requires first of all the re-establishment of public order and the rule of law.

Law and order in post-conflict societies is important for two main reasons. The first reason answers to a human security approach[3], which means providing the victims of conflict with a secure environment that, will protect them from being subjected to major violations of their fundamental rights[4]. The second reason answers to a general requirement of democracy: the functioning and security of institutions. Institutions cannot work if they are under constant threat. The peace-building efforts in Afghanistan and Iraq are showing us the hurdle of enforcing the law with threatened institutions. The most delicate security post-conflict security problem is to free new-born democratic institutions from fear and aggression[5].

The purpose of this essay is therefore to demonstrate that the issue of law and order is changing the strategic conception of Peace Support operations. There is now a balance in the economy of peace-building between neutralizing the enemy of peace and re-establishing, or creating, institutions in charge to be the guardian of peace and just order.

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[1] Peace Support Operations were mostly perceived as interposition force and protection of humanitarian aid.

[2] Durable peace is defined by M. Lund as "*involves a high level of reciprocity and cooperation, and the virtual absence of self-defence measures among parties, although it may include their military alliance against a common threat. A "positive" attitued prevails based on shared values, goals, and institutions, economic interdependence, and sense of international community. Peaceful, institutionalized settlement of disputes prevails. The domestic form of this stage ranges from process of national reconciliation to legitimate constitutional democracy, within which there are shifting political allegiances and sense of social justice. The possibility of conflict or repression is virtually nil*".M. S. Lund, *Preventing Violent Conflicts*, Washington D.C., United States Institue of Peace Press, 1996.p. 39.

[3] "*the objective of human security is to safeguard the vital core of all human lives from critical pervasive threats, in a way that is consistent with long-term human fulfilment*".
www.humansecuritychs.org/activities/outreach/frame.pdf, January 1st 2007.

[4] The aftermath of war is characterized by the first manifestation of crime. The absence of local authorities and the cessation of hostitlities between warring parties enables criminal organization to penetrate society and exploit poverty. It is imperative a police effort right afetr the armed conflict has ended before crime will begin its activities and radicate itself among the local population. General Bruno Loi gave a throughly account of the criminal factor during the Civil War in Somalia. To read more on the issue it is advisable to read B.Loi, *Peace-keeping o guerra? – Una risposta italiana: l'operazione Ibis in Somalia*, Milano, Vallecchi, 2004.

[5] The recent developments of US militarry intervention in Iraq have shown how fear of new born institutions can alterate the political-security efforts in a new born democracy. To read a full acount of the Iraqi situation it is advisable to read Ali A. Allawi, *The Occupation of Iraq – Winning the war losing the peace*, Yale Univeristy Press, London, 2006.

Interposition and humanitarian relief are amongst the duties of peace-keepers and peace-builders. A rapid switch from peacekeeping to peace-building and therefore from interposition and local ownership is crucial to western democracies. Success in peace support operations is measured according to the establishment of a just order where all parties of conflict participate in the development of society. A long military deployment is too costly and it might be perceived as an "invasion" or "post-colonial domination" by some local political actors who see international intervention an as obstacle. International presence should have the aim of looking as discreet as possible. A high-profile presence might be used by demagogues as a political battle to undermine the peace process.

This essay therefore stresses the silent change of peace support operations and also in regime-change wars[6], such as Iraq and Afghanistan. Addressing this change is key to better analyse the operational framework of all international actors involved.

2. Military power and the "Perimeter of Peace"

Military power is slowly redefining itself in a world where western democracies do not intend to use nuclear weapons as a means of national defence, and will not support a long and costly military effort abroad[7]. Economic and social issues more and more dominate political debates and seem to gather more attention than military budget. However, the military dimension still occupies a central role in international relations, mostly characterized by a tendency of anarchy. Military force is still seen as the backbone of international power, especially of the only remaining world super-power: the United States[8].

One can argue that although military power is still a crucial element of global scenario, it is how this force is employed that will make the difference in the years to come. World security today relies on the human dimension. The human factor characterizes violent conflicts, crises and political unrest. States remain the legal actors entitled to use force and enforce the law within their borders, and defend their security according to international law[9]. Peace support operations are changing accordingly to this new security dimension.

During the 90's the international community grew wiser in the field of peace building. Durable peace[10] can only be reached with the establishment of democratic institutions, not simply with military interposition among warring parties, or with an armed imposition of peace. In order to create compliance the military should redefine its role and be employed at the right time with the right mandate. Military intervention creates a significant psychological effect in the theatre of operations. Its role should therefore be limited strictly where the security situation requires it, making it inter-operable with other security components of international effort such as gendarmerie, police, rule of law and civil administration.

The military has a crucial role during law and order operations in post-conflict situations. However its role will be different from previous peace support operations. Its capabilities

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[6] An expression currently very used, although not thoroughly defined. Regime-change wars are referred mainly to the American military intervention in Afghanistan and Iraq were military power was used to change political regimes that were considered to be a threat to U.S. national security. This type of warfare is considered by many, F. Kagan amongst others, who considered this to be the next era of American military policy. General Petraeus is currently at the head of an evaluation board which will promote many colonels to the rank of general. These candidates are all trained and experienced for this kind of military operations.

[7] This sentence mostly refers to the use of conventional warfare by western democracies.

[8] This paragraph takes a "realist" approach to international relations.

[9] The sentence refers to art. 2.4 of the Charter of the United Nations. Andrea De Guttry in his book "Nazioni Unite – Sviluppo e riforma del sistema di sicurezza collettiva" states that there is an erosion of the ban of the use of force. The Kosovo humanitarian intervention was characterized, under the eye of international lawyers, by an armed attack by NATO not authorized by the United Nations Security Council.

[10] For a defintion of durable peace please refer to note 3.

make it the component devoted to the neutralization of the threats to peace. Neutralizing means identifying an "enemy" or a list of threats and destroying their capability to pose a threat to the peacekeeping phase[11]. Military force is the only one that can create the security conditions that are essential for any other effort to restore law and order. It is the last resort security back-up in case the security situation deteriorates.

These reasons lead us to conclude that the role of military forces in peace support operations is to be the "perimeter of peace". Military forces create a security area in which police and civilian components of peace support operations build a durable peace. Once the warring parties are no longer able to pose a threat to the local civilian population, the efforts of a military force should be to protect critical infrastructures[12], create a back-up mobile component to support gendarmerie and police forces, disarm warring parties, train local military forces and monitor troops movements. These tasks are essential and no other component is able to perform it.

The "perimeter of peace" theory argues the tendency in academia and media to give the military a "police role". Many international observers stated that the role of military was slowly fading into a police dimension in conflict zones. This article states that the military remains military; it is the way that it is employed that makes the difference. Military forces do not have the training to maintain public order. Police forces have the training and the vocation to do so. Territorial security must be handed over to police forces and local authorities as soon as the situation allows it. The local population might feel oppressed by foreign military forces patrolling their streets. Police forces have the ability to engage local population because their duties vary from traffic control to high-risk warrants. Moreover, police forces are, because of their weapons and vehicles, more discreet than military forces. Even when military forces support police forces in public order they should be under the tactical control of a police commander, not a military one.

The deployment of military to reach an adequate level of security was due to the lack of capabilities of polices forces to be deployed to perform such duties[13]. Military forces were the only security forces that were self-sustainable and that could face any type of threat. Experiences such as Somalia and the Balkans have proved that military forces cannot perform police duties because they are not flexible enough and do not live among the local population. Most countries of western democracies still do not have a police force that can be rapidly deployed along with a military mission. Only few countries[14] have this kind of police forces and they have created EUROGENDFOR, in order to send 2.000 gendarmerie officers within 30 days.

The "perimeter of peace" will only work if several highly-deployable multinational police forces are created. In this context military, police and civilian components will be inter-operable and will accomplish, as soon as possible an adequate level of security for the local population. A shift in numbers from military peacekeepers to police peace builders will also reduce the costs of peace support operations. Military equipment is far more costly than civilian.

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[11] The identification of the enemy and the threats to peace is subject to a political consideration of the peacekeeping force. Military follows a political direction in its action. This political direction is described by military strategist Von Clausewitz in his book "about war". Law and order operations conducted by the police do not follow a political direction. There is only a distiction between serious crimes and non-serious crimes.

[12] The Italian Army was employed during the first years of the nineties in OPERATION VESPRI SICILIANI, aimed at supporting italian police forces (Polizia di Stato, Carabinieri and Guardia di Finanza) after Cosa Nostra brutal attacks against judges Giovanni Falcone and Paolo Borsellino. The tasks were to support polices forces in maintaining public order and security of important infrastructures such as Courts, prisons etc. This enabled police forces to concentrate on the repression of organized crime across Sicily.

[13] These difficulties were also highlighted during the negotiation of the European Council conclusions of Santa Maria de Feira of 2000.

[14] Italy, France, Spain, Portugal and The Netherlands.

2.2 Iraqi Freedom and the "Surge"

Operation Iraqi Freedom was a regime-change war. The United States removed Saddam Hussein from power and tried to establish a democratic state where majority and minorities would live together with mutual recognition and respect. Facts so far have proven otherwise[15]. The country has been very difficult to stabilize because of a civil war between sunni minority and shi'a majority. The former Republican Guard started an asymmetric warfare against US troops and the Iraqi Army and Iraqi Security forces took long time to be operational and still face key challenges.

Terrorism and insurgency and widespread absence of security institutions were fatal to a swift US intervention in Iraq. The US military presence was not enough to achieve minimum security goals and it was misemployed. This created among the international arena the conviction that military and civilian forces alone cannot stabilize a country. The police dimension was not taken into consideration as a strategic goal to achieve in Iraq. This resulted in a loss of territorial control by US troops in many areas of Baghdad and Western Iraq. These security shortcomings were largely denounced in the "Iraqi Study Group Report"[16].

The American administrations decided to change its strategy with the report "The New Way Forward" which was the strategic platform of a new military phase of the Iraq War: the surge[17]. The aim of the surge was to employ US troops and ISF (Iraqi Security Forces) to regain control over Baghdad and and Al Anbar provice. The surge was divided in two major operations: Operation *Fardh al-Qanoon* (otherwise known as the Baghdad Security Plan) and Operation *Phantom Thunder*[18]. Both these operations were aimed at neutralizing the insurgency and enabling local security forces to regain power and re-establish law and order.

The "surge" has so far succeeded to lower the death rates in Baghdad and Iraq. This is an example of military role in law and order. US military presence in Iraq has the strategic goal of handing over its public order duties to the Iraqi Police Forces, however this phase cannot happen until the threats to peace are neutralized.

In the same scenario the Italian military contingent, sent in to Southern Iraq as operation ANTICA BABILONIA, adopted a more integrated approach where the military component was complemented by the Regiment Multinational Specialized Unit of Carbinieri. This was a flexible force able to patrol the territory and prevent crime.

3. Police Dimension.

In the era of globalization peace is not only determined by the absence of violent conflict between states. Daily violence caused by terrorism and crime can be a much greater threat to peace than enemy troops re-deployment. The military dimension of international security is slowly redefining itself. Police forces nowadays have the mind-set and training to deal with law and order in peace support operations. Police forces have the instinct to tackle public order issues as well as to repress crime in due time.

The underlining operative concept of police forces is to protect citizens against any kind of threats. A police officer has a holistic sense of security that encompasses from counter-terrorism operations to traffic control. Police, in democratic societies, has the function of creating an overall security environment in which citizens, political, economic, social

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[15] Ali A. Allawi, *The Occupation of Iraq – Winning the war losing the peace*, Yale Univeristy Press, London, 2006.

[16] J.A. Baker III, L. H. Hamilton, and Co-Chairs*, Iraq Study Group Report*, 2006.

[17] President of the United States of America, The New Way Foward in Iraq, 2007.

[18] http://www.mnf-iraq.com/index.php?option=com_content&task=view&id=12431&Itemid=128 , 21st October 2007.

institutions can live without risks. A military force has to have an enemy or a clear task such as interposition, de-mining, training, protection of infrastructures or border monitoring. Post Cold War conflicts are characterized by a mistrust and absence of local institutions. State-failure and corruption are among the reasons of civil wars and regional conflicts. This mistrust is constantly exploited by criminal organisations which replace the government and they can, in many cases[19], fuel conflicts because they are an economic resource[20]. This is why international organisations are changing their strategic approach to crisis management deploying police officers and rule of law experts[21]. Law and order is the major requirement to make peace durable and fair to all parties.

The global approach to civilian crisis management is therefore oriented to a local ownership goal[22]. Peace-builders of international organisations first substitute local authorities if they are non-existent then strengthen local actors. Substituting and then creating new institutions have proven to be very difficult tasks, especially in the case of Bosnia Herzegovina where the creation of a local police force still has many shortcomings due to political interference and ethnic internal divisions[23].

However, there is a global approach to the problem of law and order. Many international organizations and multinational coalitions[24] deal with the problem; there is a lack of coordination and a risk of duplication. UN, NATO, OSCE and EU have all developed civilian crisis management capabilities, but the difference of their decision-making process and the different political role and outside perception of their role make them most of time not coordinated. The development of a common conceptual framework and operational capability in this field will the future development of peace support operations.

The 'africasation' of peacekeeping is an effort made by the international community to share the burden of peacekeeping between members of the United Nations. The police dimension was also included in this process. The creation, under the auspices of the G-8 in 2004, of the Centre of Excellence for Stability Police Units[25] was to train the trainers of African police peacekeepers. This was one of the first attempts to coordinate the police dimension of peace support operations.

2.1 Elements of a Police mission

The first UN CIVPOL missions date back to almost 50 years[26]. Policemen in peace support operations have always been tasked to monitor the implementation of peace agreements. But the evolution of asymmetric warfare and the security threats of globalization the role of police forces have become crucial.

Police missions so far can be divided in three categories:

a) <u>Monitoring mission</u>: a monitoring police mission aims to implement an agreement between warring parties. The tasks commonly required of a monitoring mission are to verify human rights violations[27], assist local authorities to implement peace agreements[28], building mutual trust, investigation of war crimes[29].

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[19] warlords

[20] Arms-trade

[21] The European Council of Brussels 2004 draw a plan called "Civilian Headline Goal 2008". This plan calls for a deployable civilian force constituted by police officers, civil administrators, rule of law officers and civil protection.

[22] A. Schnabel- H.G. Ehrhat, Security Sector Reform and Post-Conflict Peacebuilding, Tokyo, United Nations University Press, 2005 P. 10

[23] source: International Crisi Group.

[24] Iraq – OPERATION OLD BABYLON

[25] Sea Island 2004 G-8 Summit Conclusions.

[26] See Annexe I.

[27] For example, an international police component was established within the United Nations Mission in El Salvdor after a 13 years civil war. The police component had the tasks of monitoring the respect of human rights and train the new salvadoran National Civil Police.

b) <u>Substitution mission</u>: a police force sent by an international organisation takes up the duties of crime prevention and repression in the theatre of conflict. The scenario in which they operate is characterized by the weakness or absence of national institutions. The roles that can be taken up are: public order and security, crime prevention, territorial patrolling, mentoring and training of a local police force. This happens when there is no local police and the international community needs a force which can deal with public order and law enforcement in the early days after a peacekeeping mission has been sent. The best example of this type of mission is UNMIK Police, a component of the UN mission in Kosovo. The executive role of UNMIK was fundamental in containing the first signals of crime after the violent conflict. The sending International Organization should sign an agreement, or exchange letters, to define the interoperability of the police mission with local authorities[30]. The resulting agreement will be similar to a SOFA (Status of Force Agreement)[31].

c) <u>Strengthening mission</u>: this type is the most flexible among civilian crisis management tools. Police forces of international organization are sent to train and mentor and monitor local police forces. Strengthening missions are by far the most used type of mission. So far the European Union has only launched strengthening missions.

These three categories of deployment describe the duties of police missions sent by the UN, NATO and OSCE. However, we should not forget that there is also a diplomatic dimension of police related issues. Many countries send to their embassies abroad attachés and experts to foster cooperation in the field of police cooperation, fight against terrorism, drug trafficking, illegal migration and organised crime. These missions are important because they provide Member States of international organisations with the strategic intelligence of the country. This helps to balance the global perspective of an international organisation with the specific need of a member state[32].

3.1 Strategic Concept of Police Missions

The "West", as stated by Carlo Jean, or more accurately, the International Community has the responsibility as stated in the UN Charter, to maintain international security. Previous failures in peacekeeping missions helped to focus on the shortcomings and past strategic concepts[33] and re-vitalized new methods of interventions. UN Report written by the Foreign Minister of Algeria Ladkhar Brahimi, called by the practitioners "Brahimi Report", gives a detailed analysis of contemporary peace-keeping shortcomings and suggests how to make progress and reform the international community approach. About the shortcomings of the past the Brahimi Report says: "*It should have come as no surprise to anyone that some of the missions of the past decade would be particularly hard to accomplish: they tended to deploy where conflict had not resulted in victory for any side,*

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[28] EU BAM Rafah
[29] IPTF. Internatioanal Police Task Force.
[30] An intersting reflection on the legal basis oof police missions is made by Prof. Stefano Manacorda. Consiglio della Magistratura Militare, *Difesa Comune Europea e spazio giudiziario penale*, attil del seminario dei studi, Rome, 26-28 November 2004.
[31] An agreement that defines the legal position of a visiting military force deployed in the territory of a friendly state. Agreements delineating the status of visiting military forces may be bilateral or multilateral. Provisions pertaining to the status of visiting forces may be set forth in a separate agreement, or they may form a part of a more comprehensive agreement. These provisions describe how the authorities of a visiting force may control members of that force and the amenability of the force or its members to the local law or to the authority of local officials. To the extent that agreements delineate matters affecting the relations between a military force and civilian authorities and population, they may be considered as civil affairs agreements. (source U.S. Department of Defence).
[32] The diplomatic dimension of police related issues is an idea of the author. No one so far has suggested this direct link.
[33] Mainly characterized by the employment of military forces.

where a military stalemate or international pressure or both had brought fighting to a halt but at least some of the parties to the conflict were not seriously committed to ending the confrontation. United Nations operations thus did not deploy into post-conflict situations but tried to create them. In such complex operations, peacekeepers work to maintain a secure local environment while peacebuilders work to make that environment self-sustaining. Only such an environment offers a ready exit to peacekeeping forces, making peacekeepers and peacebuilders partners[34]".

The Brahimi Report provided the international community with an in-depth analysis of the failures of peacekeeping operations. In Bosnia, Somalia and Rwanda UN Blue Helmets were forced to leave because the employment strategy was still not clear. The failure, as underlined by the Brahimi Report, was at all levels (political, strategic, operative and tactical). General Rupert Smith states "*As Commander of UNPROFOR in Bosnia in 1995 I spent most of my time trying to explain to a range of figures in the UN and in various capital cities precisely this issue: that keeping over 20,000 lightly armed troops in the midst of the warring parties was strategically unsustainable and tactically inept; that presence alone amounts to too little, or, as I used to put it to my international stakeholders, you become a shield in one side and a hostage of the other[35]"*. General Rupert Smith indirectly points out the difference between *deployability* and *employability* of forces. Employability has to take into consideration the type of forces as well as the scenario in which they will have to act.

Finally, the Brahimi Report dedicates a paragraph for strategic and tactical considerations on the employability of the police element in peacekeeping missions (CIVPOL). The Report states "*Demand for civilian police operations dealing with intra-State conflict is likely to remain high on any list of requirements for helping a war-torn society restore conditions for social, economic and political stability[36]"*. The Brahimi Report indicates political, social and economic stability which are crucial in post-conflict peacebuilding and that General Carlo Jean describes them as being the "internal stability triad[37]".

The added value of CIVPOL is "*The fairness and impartiality of [the] local police force, which civilian police monitor and train, is crucial to maintaining a safe and secure environment, and its effectiveness is vital where intimidation and criminal networks continue to obstruct progress on the political and economic fronts[38]"*. The role of CIVPOL must be to monitor and train local police forces in order to make them security providers for the internal stability and to make them respectful of human rights. Constant abuse of power and human rights violations by local police forces may inflame internal security crises as well as thwart peace building efforts by the international community.

4. Stability Police Units – Bridging the Gap

Police forces with military status (like Carabinieri)[39] proved to be able to perform police tasks, to assist and strengthen local police forces as well as providing necessary security assistance for civilian crisis management[40]. These forces operate with light armament, sophisticated techniques for civil disturbances, investigations, counter terrorism raids,

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[34] United Nations, General Assembly, Security Council, *Report of the Panel on United Nations Peace Operations,* A/55/305 s/2000/809. pag. Vii-ix.
[35] R. Smith, *The Utility of Force*, Knof, New York, 2005. p. 10
[36] United Nations, General Assembly, Security Council, *Report of the Panel on United Nations Peace Operations,* A/55/305 s/2000/809. pag. vii-ix.
[37] C. Jean, An integrated civil police force for the European Union: tasks, profile and doctrine, Brussles, Centre for European Policy Studies, 2002 p. 10-15
[38] Ibid.
[39] Please look at annexe II – NATO.
[40] V. Coppola, *Il progetto di Gendarmeria Europea – EUROGENDFOR:situazione, prospettive e possibili scenari*, 56th session of IASD. Centro Alti Studi della Difesa. p. 16

humanitarian security operations, protect VIP, and patrolling vast areas with a different manoeuvre of the army[41].

Stability Police Units are able to fill the gap between military intervention and civilian police components of international missions. SPU are able to perform independently a vast numebr of security and crime prevention functions. The strategic concept of SPU's is described as follows: "*Stability Police are robust and armed police units that are capable of performing specialized law enforcement and public order functions that are required disciplined action. They are trained in and and have th capacity for the appropriate use of less-than-lethal as well as lethal force[42]*".

4.1 A difficult dogma to overcome

Police forces in democratic states have civilian status. This means that they are not part of any military structure, they are employed as civilians and their chain of command is civilian. The Ministry of Interior is in charge of direction and coordinate police forces in the national territory. Anglo-Saxon countries (UK and United States) have police forces that do not act nationally, but act only locally. Usually police forces in these countries are directed and coordinated by the Mayor or Town Supervisor. These police forces have civilian status and civilian chain of command[43].

There are countries around the world which have a police force with military status. This means that they have a double control divided for competences. The Ministry of Defence is in charge of the military chain of command when these forces are performing tasks related to the defence of the country[44]. The training of these forces consists of military theoretical and practical preparation as well as police training in crime prevention and repression.

Most of the countries of the European Union have a prejudice concerning police forces with military status[45]. It is very difficult for other police cultures, based with a clear separation between the military and the police world, to understand how the military status can co-exist with police duties[46].

The police forces of the European Union that have military status are[47]:
- Arma dei Carabinieri – Italy
- Koninklijke Marechaussée – The Netherlands
- Guardia National Republicana – Portugal
- Guardia Civil - Spain
- Gendarmerie National – France

These police forces have different histories and fulfil different security needs in their own countries. All of them have military identity, perform police tasks under civilian coordination, and participate to the defence of their countries with all other armed forces[48].

Usually the employment of military forces in police duties is culturally connected with dictatorships and repression. Dictatorships in Latin America, African countries and ex Socialist Countries never had a civilian control of their military police forces. Dictatorship used military forces to perform police tasks against their "internal enemy". Military police forces were very reliable for counter-insurgency. However this was a misuse of military forces with police tasks.

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[41] Ibid.
[42] Center of Excellence of Stability Police Units, *The future roles for stability police units workshop*, U.S. Army Dwight D. Eisenhower National Security, National Defence University, 4-5 April 2005.
[43] Ibid.
[44] Ibid.
[45] Ibid
[46] Ibid
[47] Ibid.
[48] Ibid.

In European countries like Italy, Netherlands, Portugal, Spain and France these forces are integrated in the Armed Forces, but their police tasks are under a functional civilian chain of command of the Ministry of Interior. Their military status is an added value in terms of capabilities, deployability and training.When performing peace support operations, police forces with military status are also called "robust police" or "stability police unit". These forces are very flexible and can tune very quickly to a changing security environment adopting lighter or heavier use of force.

4. Security Sector Reform Dimension

The challenge of "winning the peace" is the key political and strategic objective in post-conflict peacebuilding and conflict prevention[49]. The aftermath of war is a political, economical and social problem that will influence the life of many people. Rebuilding institutions and restoring law and order is key to transform international intervention to local ownership[50]. Security Sector Reform is a vast area of intervention. It brings together deep reforms in the executive, legislative and judicial field, as well as civil society. No society can survive without security. In a modern state, security is the result of many factors put together, if one of them is missing there is a risk of conflict.

Security Sector Reform can be defined as all political activities "*aimed at the efficient and effective provision of state and human security within a framework of democratic governance[51]*". After the end of the Cold War there has been a debate about the changing security environment. The absence of the challenge between two superpowers underlined many difficulties that were veiled under the nuclear deterrence. Poverty and bad governance and absence of democratic oversight on government activities are some of the roots of the most terrible violent conflict present in the world today. The State is responsible not only for the defence of national integrity, but also for the security of its citizens and the good functioning of the institution that are in charge of these tasks[52].

Human security is at the heart of today's transforming conception on security. Human security can be defined as "*the objective of human security is to safeguard the vital core of all human lives from critical pervasive threats, in a way that is consistent with long-term human fulfilment[53]*". The states, or the concept of nation, are not anymore at the centre of the concept of security. The human being, as being the beneficiary of the human rights that the state has to guarantee transformed the security perception. All institutions that are in charge for the security of the citizens must have a democratic control, they have to be accountable and be respectful of human rights. Citizens, following the concept of human security, consider security as a personal and public good that the State has to guarantee[54]. Most of developing countries do not have security governance, or they have one that it is unbalanced and dangerous[55]. Authoritarian regimes use security sector to repress any opposition and tend to politicize any aspect of security. The monopoly of the use of force by military and the police is most of the times used, as a source of power by central authorities. Not only repression is the source of an unbalanced security sector. Sectarian violence and ethnic conflicts are sometimes characterized by the state trying to exterminate, or repress an ethnic minority[56]. Military, in may societies is a political actor,

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[49] A. Schnabel- H.G. Ehrhat, Security Sector Reform and Post-Conflict Peacebuilding, Tokyo, United Nations University Press, 2005 P. 10

[50] Ibid.

[51] Ibid.

[52] Ibid.

[53] www.humansecurity-chs.org/activities/outreach/frame.pdf, January 1st 2007.

[54] Ibid.

[55] C. Jean, An integrated civil police force for the European Union: tasks, profile and doctrine, Brussles, Centre for European Policy Studies, 2002, P. 10

[56] Ibid.

subverting the fundamental principle of modern strategy that wants the military to be subordinated by the will of the people that it is protecting[57].

Corruption of police and judicial systems may also be a source of threat and it can lead to a conflict. Post-conflict societies are characterized by a numerous amount of people in the military, and other armed factions, that need to be disarmed and reintegrated in the social structure. The countries that do not have a balanced and democratic control of the security sector are under a great threat.

Unstable countries are a threat to international security. The power of the state must always be used to defend its citizens, not to oppress them. This is why the abuse of power is one of the root causes of intra-state war. The European Union must be strategically engaged to avoid escalation in unstable countries. Security Sector Reform missions of the European Security and Defence Policy can be the instrument to face this challenge.

The European Union, after the adoption of the European Security Strategy pledged to be a conflict prevention actor. The ESS says: "*State failure and organised crime spread if they are neglected – as we have seen in West Africa. This implies that we should be ready to act before a crisis occurs. Conflict prevention and threat prevention cannot start too early[58]*". The European Union is setting is primarily goals to prevent conflicts. Particularly, security sector reform appears when the ESS says: "*As we increase capabilities in the different areas, we should think in terms of a wider spectrum of missions. This might include joint disarmament operations, support for third countries in combating terrorism and security sector reform. The last of these would be part of broader institution building[59]*".

Security sector reform has to be incorporated in a long term strategy because it is a long term commitment. Security is not just about a legislative activity. It is a social change. Democratic policing and democratic oversight of defence and intelligence is a drastic change for developing countries and post-conflict societies[60]. The European Union has to set a long term strategy in the country of intervention. Police Missions and SSR have to work in close cooperation because the success of one is dependent on the success of the other.

Military and Police forces are not sufficient to bring durable peace to a war-torn country. Only institution building and reform can bring local ownership. EU therefore, must create a best practice in employing police missions and security sector reform. The synergy between the two is the key of success.

CONCLUSIONS

This essay has shown that the international community is transforming its peace support operations according to a law and order strategic objective. Interposition and military intervention is slowly being seen as a part of crisis management and peace-building. The "perimeter of peace" will save enormous resources because it will avoid military troops to be deployed and employed for longer than necessary.

The establishment of democratic institutions and of a democratic police force is vital. Local ownership of security will avoid long military and civilian deployment. Moreover, the transformation of a post-conflict society, highly characterized by mistrust or absence of government, into a stable democracy makes the international cooperation in the field of terrorism and organized crime more efficient. Many times the lack of effectiveness of international cooperation agreements is a result of the failure of institutions. Law and order will be the next frontier of peace supports operations.

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[57] Ibid.
[58] European Security Strategy, A Safer Europe in a Better World, 2003
[59] Ibid.
[60] A. Schnabel- H.G. Ehrhat, Security Sector Reform and Post-

ANNEX I
INTERNATIONAL POLICE MISSIONS SINCE 1947

1948 – UNTSO - United Nations Temprary Supervision Operations in the Middle East.
1949 – UNMOGIP – United Nations Mission Observation India and Pakistan.
1964 – UNIFICYP – United Nations Mission in Cyprus.
1974 – UNDOF- United Nations Desengagement Oservation Force – Golan Heights.
1978 – UNIFIL – United Nations Interim Force in Lebanon.
1991 – MINURSO – United Nations Mission in Western Sahara.
1991 – ONUCA – United Nations in Central America.
1991 – ONUSAL – United Nations Mission in El Salvador
1993- UNOMIG –United Nations Mission in Georgia.
1999 – UNMIK – United Nations Interim Administration in Kosovo.
1999- UNAMISIL – United Nations Mission in Sierra Leone.
1999 – MONUC- Observer Mission of the United Nations in Congo.
2000 – UNMEE – United Nations Mission in Ethiopia and Erithrea.
2000 – ONUCI – United Nations Mission in Ivory Coast.
2003 – UNMIL – United Natiosn Mission in Liberia.
2004 – United Nations Operation in Burundi.

ANNEXE II
CIVPOL AND STABILITY POLICE UNITS

NATO
MSU – Multinational Specialized Unit – is a regiment of police forces with military status, chain of command, training, capabilities. They are composed of 350-600 men and are tasked with the maintenance of public order, static and mobile security. This force is composed mostly of Italian carabinieri and they have the same roles as engagement of the military mission in which they are embedded. This type of mission was deployed in:
Bosnia – SFOR
Kosovo – KFOR
Iraq (Nassiriya Province) – OPERATION "OLD BABYLON".
Changes usually come from less expected actors. NATO, a traditional military actor[61], created an innovative, self-sustainable, flexible and robust police force for its Stabilisation Force (SFOR) in Bosnia Herzegovina. The Multinational Specialized Unit, headed and composed by Italian carabinieri, was a regiment[62] of police forces with military status able to fill the security gap, or grey area, between the UN CIVPOL mission IPTF[63]. This force was placed under SFOR command and it was able to assist and support IPTF and local police forces[64]. MSU is a Stability Police Unit.

UN
The United Nations Department of Peace-keeping Operations sends FPU (Formed Police Units). These units uare composed of about 150 men and are coordinated by a central authority in charge of the police component of a Police Component of a peace-keeping mission. They are tasked with almost every police function, according to mandate of the peace-keeping operations. They can perform static and mobile security and can take-up substituting police powers. The principles under which a UN FPU operates are the follwing:
-        Cover: protect the population;
-        Control: mobile and static security and maintenance of public order;
-        Clone: create and mentor local police forces.
Before the 90's the United Nations deployed only CIVPOL monitoring missions due to the nature of conflicts and peace operations of the time. Yet, peace support operations evolved after defining failures. This is why the UN Security Council decided to launch a civil administration mission in Kosovo UNMIK, to substitute non-

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[61] NATO/PFP UNCLASSIFIED, AJP-3.4, NON-ARTICLE 5 CRISIS RESPONSE OPERATIONS. P. 3
[62] 350 units.
[63] IPTF was a component of the United Nations Mission in Bosnia Herzegovina and it had the task of monitoring, inspect, train and assist the local police force. With UN Security Council resolution 1088 IPTF was also in charge of investigating the violations of human rights by the local police force[63]. This force had many shortcomings because it acted in a post-conflict security situation without any executive police tasks, and no capability of defending itself.
[64] MSU doctrine and employment was elaborated by Italian Carabinieri Corps. The Regiment was structure as Carabinieri's mobile units able to perform crime prevention, civil disturbances operations, territorial patrolling, hostage rescue operations, counter-terrorism operations, civil protection and humanitarian support and assistance.

existent institutions. In the framework of this mission the UN decided to send police officers to carry-out executive police functions as a substitution CIVPOL called UNMIK-Police. This has been so far the only substitution mission. The international police effort was coordinated with NATO's Multinational Specialized Unit which had strengthening police functions and was embedded in KFOR.

OSCE
The Organisation for Security and Cooperation in Europe (OSCE) also deploys police missions. The purpose of OSCE is to increase the democratic standards of polices forces in the assisted countries. Its police missions are only monitoring missions with training duties.

EU
The Civilian Crisis management of the European Union deploys missions according to two principles:
- Substitution: taking up all police activties in non-stabilized situations
- Strengthening: training and mentoring new institutions.

The European Union sends IPU (Integrated Police Units) to undertake the substitution role in non-stabilized situations. According to the four principles stated in Santa Maria de Feira: robust, rapidly deployable, flexible and interoperable. It is structured with a territorial element, mobile element, specialised element and logistic element. These four components tackle different security needs of the local population. The territorial component will be present permanently to give a capillary approach to security and the feeling of security to the local populations. The mobile element will be composed of national units rapidly deployable throughtout the territory to tackle public order disturbances, riots and support to the territorial element. The specialised element will have units charged with special tasks (special investigations units etc..)

The EU sends a Rule of Law Component, fully interoperable with the police component operating under the principles of substitution or strengthening. This component will be formed by judges, prosecutors and defence lawyers that will substitute or strenghten a non-existent or failing judicial systems.

The European Union witnessed, more than being active, the peacekeeping developments of the nineties. The Common Foreign and Security Policy (CFSP) of the European Union were created with the Treaty of the European Union of 1992. Since then the EU found very difficult to coordinate a common foreign policy for the Western Balkans, Rwanda and Somalia[65]. Only in 1999 the European Union became and international security actor with the European Security and Defence Policy (ESDP). However, the institutions created were unable to create platform. Europe needed a diplomatic and strategic platform to create the analytical and operational framework to deploy troops and civilian assets.

After the European Council of Santa Maria de Feira in 2000, the EU launched its first police mission EUPM (European Union Police Mission) in Bosnia Herzegovina in 2003, in 2004 EUPAT in FYROM, in 2005 EUPOL-KINSHASA in Democratic Republic of Congo, EUPOL-COPPS in the West Bank and EUBAM-Rafah in the Gaza Strip. In four years time EU became an international actor in CIVPOL missions[66].

EUROGENDFOR
In October 2003, on the basis of a French proposal during a formal meeting of the Ministries of Defence of the European Union, Italy and France decided to create a technical table in charge of studying in depth and developing a plan of European Gendarmerie Force[67]. This force had to be constituted by police forces with military status for peace support operations. At the end of this meeting, members of Guardia Civil, Guardia Nacional Republicana and Koninklijke Marechaussée expressed their support for such a proposal[68]. This force had to be:
- able to carry out the wide spectrum of police activities useful for crisis management;
- be available for the European Union, but also to other International Organisations and coalitions of the willing;
- based in Vicenza in a Carabinieri Barracks.

On the basis of this understanding, the 17 of September 2004, at The Hague, representatives of Italy, Spain, Portugal, The Netherlands and France, signed the "Declaration of Intent" of EUROGENDFOR[69].

The name European Gendarmerie Force may lead into misconception. By "European" it is meant that the police forces participating in this project were coming from Europe. Therefore, we should not consider EUROGENDFOR as being a component of the ESDP[70].

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[65] Ibid.
[66] http://www.consilium.europa.eu , 17th April, 2007.
[67] V. Coppola, *Il progetto di Gendarmeria Europea – EUROGENDFOR:situazione, prospettive e possibili scenari*, 56th session of IASD. Centro Alti Studi della Difesa. p. 16
[68] Ibid.
[69] Ibid.
[70] Ibid.

The EUROGENDFOR could not be part of the ESDP for two simple reasons:
-     Not all countries have Police forces with military status;
-     Countries that have a tradition of civilian police force are reluctant towards the "military status" of police forces
-     Civilian police forces are unlikely to be put under a military command.

These are the main reasons why Italy, France, Spain, Portugal and the Netherlands signed the agreement outside the EU framework. EUROGENDFOR can be deployed for UN, NATO or any other international organisations and coalitions can request its intervention[71].

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[71] Ibid.