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HOST NATION SECURITY DURING THE GOLDEN HOUR

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Exercice Solo Flight

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HOST NATION SECURITY DURING THE GOLDEN HOUR

INTRODUCTION

The North Atlantic Treaty Organization (NATO) was created after the Second World War to strengthen western ally response to a possible threat from Russia and its Warsaw Pact Allies. Since the late 1990s, there has been much debate regarding the institution's strategic relevancy grounded in conventional warfare concept by which its culture, capabilities, doctrine, and organization are measured. Several academics and military strategists have stressed the need for NATO to shift its focus to what the alliance has been actively employed in doing since Bosnia – stability operations.¹ Regardless of which side of the debate one is positioned, this military alliance has been created to protect civilians from military conflict, and in doing so, blurred its mandate into the realm of stability operations.

When NATO is asked to intervene in fragile states, the military force is often tasked to undertake warfighting operations to cease and hold territory then transition into host nation² security force capacity building to reform or re-establish security institutions that reduce internal state conflict.³ This transition period, from war fighting into stability operations, is commonly referred to as the *Golden Hour* of security,⁴ a period that can fluctuate from weeks to months, depending on the political situation.⁵ Within this golden hour, it is critical that a foundation has been established for the development of the host nation's ability to self-govern. Part of this self-

¹Janka Oertel, "The United Nations, and NATO." ACUNS 21st Annual Meeting, Bonn, Germany, 5-7 June 2008. Accessed March 15, 2019. https://www.voltairenet.org/IMG/pdf/Janka_Oertel_Paper_ACUNS_Conference.pdf

² A host nation is described as "a nation which by agreement receives forces and material of NATO or other nations operating on, from, or transiting through its territory; a nation which by agreement allows material or NATO organizations to be located on its territory; and, a nation which by agreement provides support for these services" ("NATO Standard AJP – 3.21 Allied Joint Doctrine for Military Police," Edition A, Version 1, February 2019).

³ABCA. "Security Force Capacity Building – Host Nation Police." Report Number 126, pg 2, June 2011.

⁴ Wilson, Jones, Rathmell, and Riley, "Establishing Law and Order After Conflict," Santa Monica, CA: RAND Corporation, 2005, accessed 3 April 2019, <https://www.rand.org/pubs/monographs/MG374.html>.

⁵Gary Jones, "Military Police Operational Harmonization: The "Golden Hour" of Stability Deployments." 2017. pg 36, accessed 24 March 2019, http://www.salusjournal.com/wp-content/uploads/sites/29/2017/05/Jones_Salus_Journal_Volume_5_Number_2_2017_pp_36-47.pdf

governance is the host nation's ability to ensure that a competent, legitimate, and accountable police force has been re-established to reinforce the rule of law.

While the provision of security sector reform and assistance to host nation security forces, such as the host nation police, falls outside the military mandate, during the initial transition period and depending on the permissiveness of the security environment, NATO military forces may have to assume the police function to ensure public security.⁶ The function of stability policing (SP) during the golden hour transition has traditionally fallen within the NATO Military Police (MP) mandate;⁷ however, since the implementation of a new and separate doctrine on SP there has been much debate amongst the alliance whether or not the fifth MP function (SP) should be a separate and distinct capability from the NATO gendarmerie force (GF).

There has also been much contentious discussion amongst NATO allied partners as to what the roles, functions, and characteristics of the NATO MP are. As a result, there is still no agreed upon definition of the MP. A current proposed working definition within NATO is that the MP "are designated military forces responsible and authorized for policing and providing operational assistance through assigned doctrinal functions. The MP may be inclusive of both the provost and gendarmerie-type forces."⁸ Even with this working definition, there is continued dispute whether or not the MP and GF should be a separate unit and capability under NATO or remain as a sub-unit under the NATO MP umbrella. The reason for non-concurrence is grounded in the difference of MP police competencies amongst NATO nations. Not all MP forces perform

⁶ABCA, 4. Note: In a less permissive environment, civilian police are not able to conduct Police Capacity Building (PCB) functions due to a lack of resources and combat training, leaving NATO military personnel responsible until the security environment improves.

⁷ This is a mandate that has been officially cited in NATO doctrine in 2015.

⁸ Wouter van Koeveringe, "Civil-Military Cooperation and Military Police Interaction Status Report," NLD *Royal Marechaussee CIMIC Centre of Excellence*, The Hague, Netherlands, 2016, accessed March 10, 2019. <https://www.cimic-coe.org/wp-content/uploads/2014/06/CIMIC-Military-Police-Interaction-Status-Report-CCOE-CD.pdf>.

the doctrinal NATO MP functions and spectrum of law enforcement capabilities.⁹ As a result, it has been suggested that MP and GF capabilities should be identified separately, particularly, under the context of NATO SP operations.¹⁰ However, despite this contention, as of 2015, SP has been identified as the fifth MP functional capability under NATO MP doctrine. Although MP and GF's are considered a combined capability under NATO doctrine, the question remains, are NATO MP functional capabilities inherently different than gendarmerie capabilities and functions in deployed operations? If there are any differences, how does it impact SP operations during the golden hour transition?

Whether in the context of collective defence or an alliance of collective security, this paper will reveal that a host nation's security stability during the transition from warfighting to stability operations, known as the golden hour, is better enhanced by NATO MP.¹¹ This thesis will be proven through a comparative analysis examining the doctrinal similarities, differences, and the strengths and weaknesses between NATO MP and NATO GF's. Further, this paper acknowledges that there may be political nuances at play that factor into alliance discussions for the creation of a NATO stand-alone gendarmerie capability; however, due to time constraints this paper will prove the thesis by only focusing on the employment capability and authority, resource constraints, and command and control functions of both forces specified in current literature.

⁹ van Koeveringe, 12. It should be stressed that not all contributing NATO nations have MP that perform all five pillars of MP functions. The five pillars being: Mobility Support, Security, Detention, Police, and Stability Policing. For further clarification on what a specific nation provides NATO MP capabilities can be reviewed in the "NATO MP key skills standard and NATO nations MP capability matrices" described in NATO MP Guidance and Procedures, ATP-3.7.2.

¹⁰ The functional definition of NATO Stability Policing is "a set of police-related activities intended to reinforce or temporarily replace indigenous police in order to contribute to the restoration or upholding of the public order, security, and the rule of law and protection of human rights" (Van Koeveringe, 13).

¹¹ A follow-on force is defined as international civilian police (CIVPOL) in a United Nations Police capacity.

Given the specialized nature of the SP function, there is agreement amongst the NATO alliance that this function must be grounded in police expertise.¹² Consequently, as SP is conducted throughout the full spectrum of conflict, this policing expertise is force generated from NATO MP or NATO GF's who are the only law enforcement force entities authorized to operate in a non-permissive to semi-permissive environments.¹³ Although there remains a lack of consensus regarding MP vice GF law enforcement capability, current NATO doctrine does not differentiate the functional capabilities between the two forces. The dilemma discussed amongst the alliance and academics is which capability best meets the needs of the host nation security environment during the golden hour transition.¹⁴ Should personnel be force generated from NATO MP troop-contributing nations where the primacy of focus of training is on soldiering skills vice policing competencies? Alternatively, should the personnel be force generated from NATO GF's, where the main focus of training and application is on policing skill-sets, followed by standard soldier competencies?¹⁵ An examination of NATO MP and NATO GF's capability and authority must be conducted in order to answer these questions.

CAPABILITY & AUTHORITY

Current NATO SP doctrine identifies the two resource providers to source conduct stability policing activities in a non-permissive – MP to include GF's. These two “forces share the same mindset and operational procedures of the military force as they can be integrated into

¹² AJP – 3.21, 2-10.

¹³ CIVPOL are not authorized to conduct law enforcement operations in a non-permissive environment; as such, this capability will not be analyzed (AJP – 3.21, 2-10).

¹⁴ The security environment is made more secure by the ability of NATO MP to aid the host nation indigenous police force to maintain or enforce the applicable civilian law during the golden hour.

¹⁵ These tasks are referred to as the five core MP functions as follows: mobility support, to include movement planning, movement control, and movement security; security operations, to include area and physical security, convoy escort, close protection, cyber/information security; detention operations; police the force functions. For further information see: “NATO Standard ATP-3.2.1.1 Guidance for the Conduct of Tactile Stability Activities and Tasks,” Edition B, Version 1, 2014.

military missions."¹⁶ As GF's possess civil police jurisdiction in their respective nations, they are deemed more qualified to cover the full spectrum of law enforcement duties according to their assigned mission tasks.¹⁷ This duality of capability (military-civilian) grants the GF's more flexibility to provide law enforcement functions throughout a full spectrum of conflict. Despite this authority, there is conflicting information regarding the employment of GF's in SP operations. Although NATO SP doctrine states that GF's can operate in a non-permissive environment, a non-permissive environment does not authorize GF's to conduct combat operations or manoeuvre in a warfighting capacity.¹⁸ There is a distinction where the GF's although of military nature, operate as a governmental armed security and law enforcement force in domestic operations. They do not inflict force against a civilian population in a warfighting capacity.¹⁹ Further, if NATO GF's were caught in a scenario where the security environment rapidly transitioned back to warfighting, due to troop-contributing nation caveats and force generation constraints, the force would typically only operate in such environment for short periods as their main capability focus is in support of law enforcement functions in a semi-permissive environment. As a result, NATO MP are utilized to fill the SP policing gap in non-permissive environments.

¹⁶ AJP 3.22, 2-5.

¹⁷ GF's are believed to have more law enforcement experience due to the size of the domestic civilian population they serve on a daily basis; compared to MP who only police the force. As a result, GF's are believed to have more law enforcement experience. This point will be elaborated on later.

¹⁸ Jonas Campion, "Gendarmeries, state reinforcement and territorial control at the ends of world wars: Belgium, France, and The Netherlands, 1914-50," *European Review of History: Revue europeenne d'histoire*, 2017, 22:3, 455-457, DOI:10.1080/13507486.2015.1027178

¹⁹ The GF's provide an armed response to civil unrest, counter-terrorism, and enforcement of state law to protect the people. In short, GF's perform safety and public order duties by providing the required judicial, administrative and police missions to ensure the control of territories and populations. GF's are now inculcated into NATO operations as an additional capability under stability policing; however, they are not considered force multipliers of combat units (Campion, 456-458). For further information regarding the evolution of GF and their current law enforcement mandate see, Campion and Felix Heiduk, "Rethinking 'Policebuilding,'" *Cooperation and Conflict*, 2015, 50:1, 69-86, DOI 10.1177/0010836714537633.

However, recent discussions amongst the NATO alliance is that despite having police training, NATO MP are less suited than NATO GF's to conduct SP operations because the quality and standard of police training is not consistent amongst NATO MP troop-contributing nation's and that there is more focus on developing the requisite soldier competencies through adherence to theatre Rules of Engagement²⁰ over police skill-sets and the application of the Use of Force Continuum.²¹ It is argued that because NATO MP must be able to conduct SP in a full spectrum of conflict, there is more focus on Rules of Engagement for warfighting and basic collective training drills conducted in a team setting.²² This less flexible and ridged response is counter-intuitive in a policing environment where police officers are typically required to work alone, to be more understanding at an individual level, and are more flexible in their attitudes in the way in which they approach and deal with a policing situation.²³ It is believed, that despite MP sharing the same characteristics with GF's, because GF's are employed in more civilian policing roles domestically and not just focused on policing the force and applying military law, these skill-sets are more developed.²⁴ Consequently, these developed skill-sets through work

²⁰ Rules of Engagement are "directives issued by competent military authority which specify the circumstances and limitations under which forces will initiate and/or continue combat engagement with other forces encountered" (ATP – 3.2.1.1).

²¹ The Use of Force Continuum concept was developed and adopted internationally in 1982. The concept refers to a list of steps in the escalation of force and the continuum to adapt to rapidly changing situations that call for the application of force against a civilian. In short – the Use of Force Continuum described in policies regarding an "escalating series of actions an [police] officer may take to resolve situations. This continuum has many levels, and officers are instructed to respond with a level of force appropriate to the situation at hand, acknowledging that the officer may move from one part of the continuum to another in a matter of seconds" (National Institute of Justice, "The Use-of-Force Continuum," accessed March 22, 2019, <https://www.nij.gov/topics/law-enforcement/officer.../use-of-force/.../continuum.aspx>).

²² Peter Neuteboom and Joseph Soeters, "The Military Role in Filling the Security Gap After Armed Conflict: Three Cases," *Armed Forces & Society*, 2017. 43:4, 713. DOI: 10.1177/0095327X/6667087

²³ Vittorio Stingo, Michael Dzedzic, and Bianca Barbu. "Stability Policing: A Tool to Project Stability." Headquarters Supreme Allied Commander Transformation Norfolk, Virginia, pg 8. (accessed April 1, 2019). https://www.act.nato.int/images/stories/media/doclibrary/stability_policing.pdf, and Neuteboom and Soeters, 713.

²⁴ Eugene Paoline III, William Terrill & Michael Rossler, "Higher Education, College Degree Major, and Police Occupational Attitudes," *Journal of Criminal Justice Education*, 26:1, 49-73, DOI 10.1080/10511253.2014.923010

experience are more transferable when operating in a law enforcement capacity in a SP environment.

It may be true that not all NATO MP troop-contributing nations have the authority or the experience to enforce civilian justice like their GF counter-parts, but is policing a civilian population any different than policing a military one? Further, if a civilian enters a military establishment, the MP (in most NATO MP troop-contributing nations) have jurisdiction to enforce laws and regulations over civilians.²⁵ Does workplace experience make a police officer more professional and competent? Although there is still contentious debate amongst academics, current research literature conducted by Harris and Carter indicate - no.

Both Harris' and Carter's research on police workplace experience versus education conclude police officers who have post-secondary education and less workplace experience (i.e., fieldcraft) have better job performance, better quality of work and communication skills, and increased initiative compared to officers that have less education.²⁶ Consequently, because work experience is not a predictor of workplace success, and because MP and GF's national capabilities are so varied, discussions amongst the NATO alliance should focus on the

²⁵ For example in Canada, the Canadian Forces (CF) MP can enforce laws and regulations on CAF establishments in Canada and abroad. Further, "CF MP serve the CAF community which consists of both regular and reserve force members, civilian employees, cadets, and family members" (CF PM website, www.canada.ca.news). Also, the CF MP are recognized as having peace officer status under the Criminal Code of Canada; therefore, having the authority to enforce both military and civil law on military establishments. Consequently, due to CF MP proficiency in both military and police operations, this makes them the better suited to support golden hour transitions than GF. It is recommended that further capability review be conducted within NATO to recognize and adequately force employ this capability during golden hour transitions during NATO SP operations.

²⁶ Winston Harris, "Examining the Relationship between Police Officer Education and Job Performance," Dissertation presented in Partial Fulfillment of the Requirements for the Degree Doctor of Philosophy, May 2014, https://www.researchgate.net/publication/225218027_The_relationship_between_education_experience_and_police_performance and Bernardine Carter, "A Case Study on Law Enforcement Perceptions if the Effects of Education on Policing," Dissertation Manuscript submitted to Northcentral University in Partial Fulfillment of the Requirements for the Degree of Doctorate of Business Administration. December 2014, accessed March 24, 2019, ProQuest LLC UMI 3680630.

educational backgrounds of the NATO troop-contributing nation forces that are force generated in support of SP efforts.

In addition, because the unstable transitional security environment during the golden hour is one that relies more on soldiering skills vice robust law enforcement capability, any lack of basic law enforcement capability is mitigated with NATO training requirements. As mentioned earlier, NATO MP doctrine stipulates that all NATO MP troop-contributing nations are required to have obtained, at minimum, the basic policing skill-sets (to include the Use of Force Continuum) in accordance with NATO policing standards.²⁷ Further, if a NATO MP troop-contributing nation force does not meet the minimum policing standard set out in doctrine, that nation must self-identify the deficiency.²⁸ Any identified functional deficiencies in basic policing skill-sets are then mitigated before any NATO deployment through the provision of NATO MP collective training or by way of support for additional training through the NATO MP Centre of Excellence.²⁹ As a result, quality and training standards amongst troop-contributing nations are base-lined through the provision of MP functional training made available to all troop-contributing nations to ensure that the necessary education and individual training (E&IT) is undertaken before deployment.³⁰ The availability of E&IT support, although not mandated, provides for more coherent interoperability picture amongst troop-contributing nations. As NATO MP basic police competencies are mandated and provide common operating knowledge, the interoperability among NATO MP troop-contributing nation is better than force generating

²⁷ AJP- 3.21, 2-3-211 and AJP- 3.22, annex B, B2.

²⁸ NATO troop-contributing nations are also required to report MP capabilities that are deemed advanced competencies. For further detail regarding advanced police skills see: AJP, annex B, B2.

²⁹ AJP -3.21.

³⁰ AJP 321, 12.

NATO GF's who are not mandated to report their respective police skill-sets that may have divergent policing competencies based on national laws and training.³¹

Further, even if there were a requirement for MP to possess advanced law enforcement skill-sets during the golden hour transition, the probability that they would have to employ them would be marginal.³² Evidence has shown when NATO GF's are employed in support of NATO SP, the majority of the time; they are not authorized to carry out the specialized advanced law enforcement functions (i.e., like counter-terrorism, drug trafficking, and organized crime investigations).³³ A majority of NATO SP operations only permit GF's to operate under Rules of Engagement, where their activities are constrained to basic policing functions like patrolling, information gathering, and riot control.³⁴ As a result, it would be prudent to surmise that during the golden hour transition, where the security environment is at its most vulnerable in terms of capacity and functionality, the only law enforcement requirement would be for basic police competencies.³⁵ Moreover, because the security environment during the golden hour is unstable and can quickly return to a non-permissive environment, this operating environment conflicts with how NATO GF's are employed.

³¹ It should be noted that any NATO GF employed in a NATO MP capacity is required to perform IAW the basic NATO MP police competencies. It is also understood that NATO GF contributing nations like France and Italy possess advance police competencies.

³² For further details regarding the classification of advanced policing skill-sets see: AJP, annex B, B2.

³³ James Dobbins, et al., "The Beginner's Guide to Nation Building," RAND National Security Research Division, pg 54, accessed March 22, 2019, www.rand.org

³⁴ Ibid, 54-55.

³⁵ Further, the more massive the destruction to the host nation's infrastructure and depending on the lack of pre-existing judicial, penal and police capability before the conflict, will dictate the duration on transitional timelines to follow-on forces. If there was a weak system in place, a general policing capability is required to set-up the security environment to transition to follow-on forces to conduct SP. If there was already a pre-established and robust penal, judicial, and policing capability, when warfighting operations are concluded, existing institutions are only temporarily disrupted, thus, requiring a shorter golden hour transitional period (Thijs Zaalberg, *Soldiers and Civil Power: Supporting or Substituting Civil Authorities in Modern Peace Operations*. Amsterdam: Amsterdam (University Press, 2006), 325). Again, there are other influences like a homogenous population in support of state-building efforts; however, this factor is not in the scope of this paper. For further information regarding the factors impeding transitional timelines in state-building efforts see Thijs Zaalberg, *Soldiers and Civil Power: Supporting or Substituting Civil Authorities in Modern Peace Operations*. Amsterdam: Amsterdam (University Press, 2006).

As discussed earlier, NATO MP must be combat capable because they are often embedded in warfighting units; this requirement is not the case for NATO GF's. Despite having soldier skill-sets, GF's are typically employed in low-intensity post-crisis operations due to state caveats.³⁶ Additionally, because NATO MP are embedded in warfighting units, they have the requisite area intelligence knowledge related to criminal activities that will facilitate in the proper identification of future follow-on force generation requirements and force employment of police activities to enhance the security environment best.³⁷

RESOURCE ISSUES

Despite NATO MP troop-contributing nations having been tasked to provide the five core MP functions and activities with the requisite law enforcement training, MP are not being presented in a favorable light in deployed operations when compared to their GF counterparts. When deployed in NATO SP operations, MP are often cited as being unprofessional due to their lack of law enforcement experience or training to deal with threats to public order.³⁸ Is this observation warranted or are there other underlying factors aside from policing capability at play?

³⁶ Pierre, Gobinet, "The Gendarmerie Alternative: Is there a Case for the Existence of Police Organisations with Military Status in the Twenty-First Century European Security Apparatus?" *International Journal of Police Science & Management*, 10:4 (December 2008): 456, <https://doi-org.cfc.idm.oclc.org/10.1350/ijps.2008.10.4.098>

³⁷ Further, force generation issues when transitioning into SP operations to follow-on forces (i.e., to GF or CIVPOL) add another challenge to the post-conflict reconstruction spectrum. As the golden hour transitional environment is the most vulnerable from a security perspective, any tactical pause in transitioning to follow-on forces in the immediate aftermath of war to international organizations (as identified in NATO SP doctrine) may negatively set the tone for the long-term evolution of post-conflict reconstruction (Florian Bieber, "Policing the Peace After Yugoslavia: Police Reform between External Imposition and Domestic Reform," pg 18-20, accessed March 2019, www3.grips.ac.jp/~pinc/data/10-07.pdf). It makes no sense to compromise the security environment due to a lack of operational planning and lag time between transitioning forces. Thus, it is more prudent in the long run to utilize the MP forces in theatre to conduct the golden hour transition.

³⁸ Robert Perito, *Where is the Lone Ranger?: America's Search for a Stability Force*. Washington, DC: United States Institute Peace Press, 2013, 224 and Gary Jones, "Military Police Operational Harmonization: The "Golden Hour" of Stability Deployments." 2017, accessed 24 March 2019, http://www.salusjournal.com/wp-content/uploads/sites/29/2017/05/Jones_Salus_Journal_Volume_5_Number_2_2017_pp_36-47.pdf. It should also be noted that GF often deploy under the MP umbrella and there has been no distinction made between the two forces when attributing subpar policing practices.

In spite of having the professional capacity (i.e., NATO MP training) to deal with a range of serious criminal offenses, MP efforts are often hindered, not due to the lack of capability, but instead manning constraints. Manning constraints due to improper force generation analysis conducted by NATO PS or the lack of NATO troop-contributing nation 's force generation support often results in MP being bogged down having to deal with minor offenses and non-policing tasks. Because MP efforts are re-directed to deal with minor offenses or taskings in addition to their law enforcement duties, due to a lack of resources, MP do not have the time to focus their efforts on more serious criminal offenses and the execution of administrative paperwork.³⁹ As a result, the misdirected attribution of inadequate policing skill-sets leads to the perception of unprofessionalism rather than being appropriately attributed to the overarching issue, the lack of assigned resources.⁴⁰ In short – NATO MP are capable of conducting law enforcement duties, they just do not have the resources to do so.

According to NATO MP and SP doctrine, assigning resources or identifying the appropriate force composition requirements to the NATO Commander and his/her staff is the responsibility of the Provost Marshal (PM), the PM office (PMO), and NATO planners.⁴¹ The NATO planning staff must accurately identify the MP force composition and force generation requirements to meet the force employment needs of theatre operations. The force employment needs include the allocation of resources for “security and control, support to security sector reform, support to initial restoration” service (i.e., GH transition), and to identify the support requirements to initial governance to tasks in accordance with NATO mission requirements.⁴² It

³⁹ Recall earlier in the paper, because the MP have vast skill-sets and multiple core functions, MP are often utilized as force multipliers, pulling personnel away from (SP) law enforcement duties.

⁴⁰ Perito, 224-225 and Zaalberg, 326-328.

⁴¹ For further information regarding the responsibilities and activities of Provost Marshal and the Provost Marshal Office see: AJP-3.21, Chapter 3, 3-1 to 3-2. Further, for this paper, both NATO planners and the PMO will be referred to as the NATO planning staff.

⁴² AJP 3.22 and James Dobbins, et al., 48.

goes without saying, if NATO planning staff fail to identify and align the appropriate MP troop-contributing nation capability to the tasking capability spectrum requirements in accordance with the NATO MP key skills standard and NATO nations MP capability matrix,⁴³ this error would have an egregious effect on host nation security operations which eventually leads to the perception of MP unprofessionalism rather than it being an error of inappropriately identifying the appropriate force composition and force generation requirements.

Further, as MP enable joint operations through the provision of five core functions, this comprehensive approach and capability skill-set lends resource value to a theatre Commander as a comprehensive force multiplier within a wide-ranging theatre of operations.⁴⁴ Due to the array of skill-sets that MP possess, MP can be tasked or re-tasked to conduct offensive, defensive, and enabling and stabilization tasks throughout any stage of conflict and crisis response operations.⁴⁵ Although the re-tasking is not an ideal situation within a NATO deployment, it does often happen due to a failure in planning, a sudden change in the operational environment, or a lack of NATO troop-contributing nation resource support.⁴⁶

Just like the MP, who possess a wide “array of national capabilities, each developed uniquely to meet the needs of their own national armed forces,” so too do the NATO troop-contributing nations of GF’s.⁴⁷ Although it may be argued that MP and GF’s “are different entities depending on [the troop-contributing nation,] despite any difference, “they conduct the

⁴³ ATP-3.7.2.

⁴⁴ A force multiplier is a troop that can be re-tasked or concurrently tasked in a theatre of operations.

⁴⁵ AJP 3.21, 1-5, MP can be conducting law enforcement operations for the force, then re-assigned to conduct detention operations or stabilizations activities within the same NATO deployment.

⁴⁶ Because MP resources are considered scarce in many NATO missions, and despite an agreement that military combat forces should not conduct police capacity building (PCB) or stability policing, the majority of NATO troop-contributing nations employ combat forces to conduct PCB or stability policing functions due to manning constraints and/or non-permissiveness of the operating environment (ABCA, 5-6, and AJP 3.21).

⁴⁷ AJP 3.21, 1-4.

same tasks in [NATO] missions, especially when providing security force assistance." ⁴⁸As a result, NATO doctrine includes both MP and GF's under one umbrella because separating these two entities would limit the Commander's flexibility in force employment and force generation opportunities.⁴⁹ Consequently, the majority of NATO GF contribution under NATO missions has been as MP.⁵⁰ Similarly, like NATO MP resources, there is a lack of GF resources to support NATO missions.⁵¹ GF's compete with civilian forces for their share of the state funding and personnel to support law enforcement activities.⁵² The competition for resources, at times, coalesces with nation-state security objectives and priorities which results in a lack of NATO SP resource support.⁵³ Due to competing and divergent national policies and caveats, and because NATO troop-contributing nations are sovereign; therefore, having the deciding authority to choose whom they force generate and when they force generate troops for NATO missions, there is often little consensus resulting in a piecemeal of forces generated to support SP operations.

In addition to the aforementioned competing resource priorities, NATO planning staff are not guaranteed that NATO MP troop-contributing nations force generate support or conduct and complete collective training requirements; thus, harming the force employment interrelationship of the MP role, functions, and activities in operations.⁵⁴ Due to manning constraints, NATO MP

⁴⁸ AJP 3.22, V.

⁴⁹ AJP 3.22, V.

⁵⁰ Meaning GF's have been force generated in NATO missions as NATO MP (Foradori, 503-505).

⁵¹ James Dobbins, et al., 49

⁵² Michiel, De Weger, "The Potential of the European Gendarmerie Force," accessed April 10, 2019. https://www.clingendael.org/sites/default/files/pdfs/20090400_cscp_gendarmerie_weger.pdf

⁵³ For example, international military or policing support is driven by interrelated economic and political factors. It is difficult for a state (i.e., Italy or France) to commit military personnel in support of war efforts even when having a collective defence obligation under NATO (Foradori, 503). As a result, NATO troop-contributing nations that have GF units use GF's to fulfill their NATO commitments while at the same time placating their voting public by satisfying their peace narrative. By committing blue forces (police), the state satisfies their personnel contribution commitment to NATO; while at the same time, appeasing their respective voting population by not committing troops (green forces) to warfighting efforts (Foradori, 505-507).

⁵⁴ AJP - 3.22, 12.

have to rely upon infantry units to augment force generation deficits,⁵⁵ which is not ideal as transitional efforts can be undermined in police capacity building efforts as soldiers and police have different and unique skill-set requirements.⁵⁶ Studies conducted on the application of force have noted that police (to include MP) are trained to be more understanding of the human dimension at the individual level and often present as being more flexible in attitudes when dealing with domestic issues or situations.⁵⁷ The difference between combat forces and the MP/GF's is that MP/GF's are trained to apply a Use of Force Continuum that calls for more flexibility and fluidity in its application when dealing with individuals whereas soldiers are often more rigid when applying operational Rules of Engagement.⁵⁸ That said, when NATO MP or GF's are in deployed operations, they typically do not carry-out traditional law enforcement functions and often operate under Rules of Engagement.⁵⁹ The requirement to operate under specific theatre Rules of Engagement does not mean NATO MP or GF's disregard their Use of Force training when operating in a SP security environment; however, what it does imply is that MP or GF's are not employed in a 'civilian' police enforcement capacity. They are adopting the characteristics of combat forces in an effort to secure the environment. This employment may conflict with national priorities and objectives; thus impeding the ability for troop-contributing nations to generate forces.⁶⁰

COMMAND AND CONTROL

Like GF's, MP have been trained in both law enforcement and soldier skills. As a result, both forces have a common understanding of civil and military (civ-mil) management practices.

⁵⁵ James Dobbins, et al., 49-50.

⁵⁶ ABCA, 3.

⁵⁷ Stingo, Dziedzic, and Barbu, 8-10.

⁵⁸ Ibid.

⁵⁹ James Dobbins, et al., 54.

⁶⁰ For further clarification, refer to footnote 53 above.

From a military perspective, because the primary focus of MP is to police the force and support the force, this requires the MP, in general, to train with their respective states combat forces.⁶¹ This training leads to increased interoperability with the warfighting force during transitional phases of combat to better effect law enforcement activities; particularly, when these combat forces are used to augment NATO MP in SP operations. Further, these same MP are also mandated to increase their interoperability amongst allied partners through NATO MP collective training which translates into increased interoperability not only amongst other NATO MP but within their own nation's combat force.⁶² The development of this common operating picture allows for increased information flow and standardization of law enforcement practice amongst NATO forces in SP activities.

Conversely, the robust civilian police experience of NATO GF's may be more conducive to increased interoperability when working with other civilian counterparts; however, during the golden hour transitional phase the need for direct CIVPOL engagement is limited as the follow-on force requirements would be identified and communicated through the military chain of command from tactical MP to the PMO and from the PMO to NATO planning staff. It is the responsibility of the PMO to engage or liaise with other law enforcement entities.⁶³ This command and control construct was developed as past conflicts revealed due to the volatile nature from warfighting into stability operations; this environment requires the military to assume the lead in the planning process with a caveat that the military be cognizant of all military and non-military actor requirements.⁶⁴ As a result, NATO planning staff are responsible

⁶¹ Almost all NATO MP troop-contributing nations are part of the Ministry of Defence (van Koeveringe, 11). Conversely, despite having military status, GF's fall under the command and control structure of the Ministry of Interior (MOI) or Ministry of Justice (MoJ) (van Koeveringe, 11-12).

⁶² NATO GF's are requested to conduct collective training; however, just like NATO MP, this requirement is not enforced: it is only a recommendation.

⁶³ AJP – 3.21

⁶⁴ ATP 3.21, 1-18-21.

for the synchronization, multinational unity of effort, and maximization of interoperability of all MP activities (to include NATO GF's) with other law enforcement and security organizations.⁶⁵ Accordingly, MP interoperability is less constrained through the application and employment of consistent adherence to NATO MP doctrine that prescribes the basic level of integration requirements.⁶⁶

The unified and fluid command structure of the NATO MP allows for smooth and expedient information flow and force generation requests to meet the appropriate staff. As noted earlier in this paper, the NATO MP would have the advantage in identifying the force generation and force composition requirements of the security environment as they have been operating in the environment while embedded with combat units. This is not to say that if NATO GF's would be employed (post warfighting) in the theatre of operations that they would not have a similar report structure; however, both NATO MP and NATO GF's report structures and their subsequent force generation requirements would have to be de-conflicted by NATO planning staff before reaching the NATO Commander for decision. The reason for this de-confliction requirement is that even when combined as a separate and specialized unit, GF's do so in nationally distinct units, under their own command and control structure.⁶⁷ As you may recall, GF's despite having military status, fall under the command and control structure of the MOI or MOJ. Further, it is believed that the civilian command and control structure affords the GF's to operate more fluidly between their civ-mil counterparts because they are not constrained by military regulations and have more experience working with their civilian counterparts than MP

⁶⁵ AJP – 3.21, 1-6. Security organizations in SP operations are comprised of non-governmental organizations, governmental organizations, and international organizations in coordination with Civ-Mil cooperation. For further information regarding civ-mil interaction during SP see: AJP-3.19

⁶⁶ For further information on capability integration see: NATO COE Quality Assurance Policy, 18-19 and ATP 3.7.2 NATO MP Guidance and Procedures and NATO Nations MP Capability Matrix.

⁶⁷ James Dobbins, et al., 48.

do.⁶⁸ Nevertheless, it must be understood that GF's can only be assigned "to one or the other element of mission" at a time. Consequently, from a command and control perspective, despite having the flexibility to operate in both mil-civ command and control structures, they are not able to do so concurrently.⁶⁹ As a result, interoperability amongst NATO forces is not enhanced.

CONCLUSION

When entering a fragile state during or post-conflict, NATO SP efforts are focused on restoring public order and security in order to assist the host nation in re-establishing the rule of law. To properly assist the host nation, NATO planning staff must pay careful attention in identifying the appropriate force composition. The force composition must be delivered by personnel that have been appropriately trained in the conduct of law enforcement activities. Although the NATO alliance agrees that CIVPOL should be the lead force in restoring police capacity reform or restoration of security institutions that reduce internal state conflict, they are not permitted to do so in a non-permissive environment during the golden hour transition phase. Consequently, peace capability building and law enforcement activities are conducted by NATO MP or NATO GF's; military units that are trained in law enforcement capabilities.

Despite current NATO doctrine identifying NATO MP and NATO GF's as the two resource providers to conduct stability policing activities during the golden hour transition, there remains a lack of consensus amongst the alliance regarding NATO MP vice NATO GF law enforcement capability. By focusing on the employment capability and authority, resource constraints, and command and control functions of both forces, this paper revealed that a host nation's security stability during the transition from warfighting to stability operations is better

⁶⁸ James Dobbins, et al., 54 and Perito, 224.

⁶⁹ Further, also keep in mind that GF would not operate in a warfighting environment; therefore, interoperability discussions are complete supposition.

enhanced by NATO MP due to the operational constraints that limit the NATO Commander's flexibility when employing GF's.

For example, when comparing the MP and GF's, despite sharing the same "mindset and operational procedures of the military force" there has been much contentious discussion regarding law enforcement capability between the two forces.⁷⁰ It is believed that because GF's conduct law enforcement duties daily, in a large community, in domestic civil operations, their skill-sets are more developed, transferrable, and conducive in SP operations than MP who only police the force. This paper has shown that work experience is not a predictor of workplace success – education is. Because MP and GF's national capabilities are so varied, it is recommended that future discussions amongst the NATO alliance regarding law enforcement capability should take into account the educational backgrounds of MP and GF troop contributing nations who are force generated in support of stability policing efforts. This analysis also concludes that if there is any capability difference between the two forces, it would be marginal. Further, any difference in capability could be mitigated through collective training and assistance provided by the NATO MP Centre of Excellence. As a result, any doubts amongst the alliance regarding capability of the MP and whether or not GF's should remain under the NATO MP umbrella, should be alleviated based on the evidence presented.

From a resource capability perspective, both the NATO MP and NATO GF's have a difficult time to force generate personnel in support of SP operations. NATO MP who are known to be force multipliers, are often dual or triple-hatted in 'police the force' functions that impede their ability to conduct SP operations. Or conversely, when tasked to conduct SP operations, their efforts are re-directed to conduct 'police the force' functions. This limitation is further compounded the less permissive the environment is. Similarly, despite have large numbers of

⁷⁰ AJP-3.22

personnel at their disposal, NATO GF's have nation-state priorities and caveats that impede the state's efforts to force generate the personnel needed in support of SP efforts. However, by ensuring these two forces remain under the NATO MP (i.e., MP "including GF's") umbrella, this offers the NATO Commander more flexibility in being able to force generate personnel under military command and control.

Also, from a command and control perspective, NATO MP have the edge over GF's. Despite having military status, gendarmerie units fall under the command and control structure of the MOI or MOJ; thus, reducing command and control authority over the force generated in support of SP operations. As a result, the NATO Commander has less operational flexibility or adaptability to assign or re-assign tasks based on security environment needs. Further, any civ-mil interoperability advantages that the GF's may benefit from in domestic operations, does not translate into SP operations. GF's are not permitted to operate in concurrent command and control structures; therefore, negating any civ-mil interoperability benefits to the NATO Commander.

Lastly, although NATO SP doctrine states that GF's can operate in a non-permissive environment, a non-permissive environment does not authorize GF's to conduct combat operations or manoeuvre in a warfighting capacity. As a result, NATO MP have the edge in this debate as they are permitted to be embedded in warfighting units. NATO MP are able to transition between warfighting to stability operations and back into warfighting if required. In addition, because NATO MP have been embedded in combat units, they have the requisite area intelligence knowledge related to criminal activities that will facilitate in the proper identification of future follow-on force generation requirements and force employment of police activities to enhance the security environment. This capability allows the Commander to address any security

concerns expeditiously and with clarity due to the continuity of the force and unimpeded information flow.

Conducting law enforcement activities in a fragile state where the security environment is not only unstable but unpredictable requires an adaptable force that is capable of manoeuvring between warfighting and stability operations. A force that is able to employ both soldier and professional law enforcement capabilities that enables a host nation to re-establish or establish order to effectively self-govern is critical to this success. Although there are marginal differences between MP and GF's, due to command and control, and security environment constraints during the golden hour transition, the NATO MP are the more suitable force.

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