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The role of the Netherlands Army in public security during crisis management operations

Peter Neuteboom

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Peter Neuteboom
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Beyond borders

The role of the Netherlands Army in public security during crisis management operations

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Promotiecommissie

Promotor: Prof. dr. J.M.M.L. Soeters

Copromotor: Mr. dr. P.A.L. Ducheine

Overige leden:
Prof. dr. C.J.C.F. Fijnaut
Prof. dr. P.H.A. Frissen
Prof. dr. A. de Ruijter
Prof. dr. M.G.W. den Boer
Prof. dr. B. Schoenmaker

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Foreword and acknowledgements

As an officer of the *Koninklijke Marechaussee*, I participated in two crisis management operations in Bosnia and Herzegovina. During the Dutch presidency of the Western European Union (WEU), I served as WEU liaison officer and adviser to the Dutch Police Commissioner (1994-1995) and was tasked with drafting the blueprint for a multi-ethnic police force in Mostar. In 1997, I worked as SFOR liaison officer to the regional headquarters of the Office of the High Representative and the UN International Police Task Force in the same town. During both missions, there was a security gap due to the inabilities of the local police forces to provide security and the international police mission lacking an executive mandate and, in my view, the ability to supervise the local police effectively. This had a negative impact on society and on the peace-building efforts.

My interest in public security issues during crisis management operations continued also after having left the *Koninklijke Marechaussee*, with a particular focus on the deployment of international police and military in countries where there is a security gap.

Fascinated with the subject, I decided to study the security gap phenomenon in depth. It has been a long journey, starting with the study of a large body of literature, phrasing and rephrasing my research question. While civilian police missions have been the subject of many studies, the role of the military forces as an alternative force that can perform public security tasks has not. There is little available in Dutch literature or military doctrine on the possible role of the military in performing public security tasks, despite the impact this could have in ensuring the success of crisis management operations. This has inspired me to study how the Netherlands Royal Army in fact has dealt with security gaps during three specific crisis management operations. Through this study I hope that I can contribute to increasing the awareness of decision and policy makers on the possibilities a review of the role of the Netherlands Royal Army in public security could offer, and the impact the Army could have in this area.

My research leading to this dissertation would not have been possible without the help of several persons. First, I would like to thank Brigadier General Nico Geerts for his support and logistical assistance. I also want to thank Lieutenant Colonel (ret.) Harry Konings for the discussions we had on military involvement in public security and his feedback and advice on the doctrinal issues discussed in the dissertation. Rokus van den Bout of the *Semi-Statisch Archief* of the Dutch Ministry of Defence helped me with the research of the archives of IFOR/SFOR, KFOR and SFIR, for which I am grateful. I thank Hans Hovens for the many discussions we had, both sharing the fascination with the security gap phenomenon, leading to challenging ideas and research concepts. I owe a lot of gratitude to all the officers who agreed to be interviewed about their experiences in the field of public security during one of the three selected crisis

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I dedicate this book to my son Patrick.

1 Introduction

1.1 Contemporary military missions and challenges

The dissolution of the Warsaw Pact following the collapse of the Soviet Union in the early 1990s ended the Cold War and diminished the direct threat of a nuclear or large-scale conflict between the democratic West and the communist East. The Cold War had a deep impact on international relations and security, and resulted in a military standoff through a nuclear and conventional arms race and mutual deterrence. After the end of the Cold War, the immediate threat of an all-out, total war more or less disappeared. New threats such as intra-state war and regional armed conflicts, international terrorism, and organised crime have instead come to dominate the international security agenda. These threats cannot be seen as a singular phenomenon as the distinction between these threats has become blurred, being dynamic, trans-national, and diverse.[1] None of these threats is purely military or can be solved by military means alone.

The new security threats have changed the character of military conflicts.[2] Van Creveld describes the new conflicts that may arise from contemporary security threats as "non-Trinitarian wars". He argues that there has been a shift from traditional "Trinitarian wars" – in which state-controlled, national mass armies were fighting opposing armies – to "non-Trinitarian" wars that involve irregular warriors without any state affiliation.[3] Kaldor defines these conflicts as "new wars" that 'draw on the experience of both guerrilla warfare and counter-insurgency'[4] and in which the distinction between war, organised crime and large-scale violations has become blurred.[5]

These conflicts take place in dysfunctional, collapsing or disintegrating states. These so-called failed states regularly lack a central authority or government to take on responsibility for maintaining internal security and providing a stable political and economic infrastructure.[6] In the absence of a functioning central government, warlords and armed groups (e.g. militias, terrorists, separatists, guerrillas, rebels, and criminal gangs) fight a conflict that goes beyond the control of a government.[7] As opposed to regular armies, these groups are built on charismatic rather than institutional leadership. They are often motivated by

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1 See for example: Despiegeleire, Frinking, Bearne, Van het Loo & Thomson (2005), p. 1; Gemengde Commissie Veiligheid en Rechtsorde (Commissie Brinkman) (2005), p. 8; Middendorp & Princen (2006), p. 537; Welten (2006), p. 491.

2 Buruma (2003), p. 19.

3 Van Creveld (2002), p. 8.

4 Kaldor (2006), p. 8.

5 Kaldor (2006), p. 2.

6 Moelker & Soeters (2003), p. 427.

7 Holt & Berkman (2006), p. 16; Kaldor (2006), p. 9.

fanatical, ethnic or ideologically-based loyalties rather than by professional standards.[8]

Another characteristic of the new conflicts is the absence of a clear-cut distinction between regular and irregular combatants, and between civilians and soldiers. Civilians have become deliberate targets of violence, resulting in human rights violations, crimes against humanity or other breaches of the laws of war. In addition to death, civilians face displacement, social disruption, disease, starvation, and massive refugee migrations.[9]

The means of financing conflicts have also changed. In the absence of state financing, warlords or militias tend to finance their operations through criminal activities like drug-trafficking, human trafficking, smuggling of for example cars and weapons. Sometimes, these conflicts are financed by rogue states or by individuals sharing ideological views with the warlords or insurgents.[10]

Finally, contemporary conflicts tend to be timeless, as Sir Rupert Smith argues.[11] He notes that 'the trend of our recent military operations is that the more the operation is intended to win the will of the people, the more the opponent adopts the methods of the guerrilla and the more complex the circumstances, the longer it will take to reach the condition in which a strategic decision can be made and a solution be found.[12]

Contemporary conflicts and threats have also changed the character of military operations, as there are no longer clear demarcations between the various levels of force as the level of security can vary in time and place within one single operation.[13] As such, the military have to be capable to deploy a wide variety of military activities varying from offensive to defensive and stabilising activities,[14] in which, for example, they can deploy to prevent or end armed conflicts, to enforce the law and restore public order; to fight terrorism, to mediate in on-going conflicts, to protect the vulnerable; to assist in cases of humanitarian catastrophes, to help displaced persons and refugees, and to reconstruct infrastructure.[15]

To cover this wide range of military action, this study applies the term 'crisis management operation'. The *Netherlands Defence Doctrine* defines a crisis management operation as 'an operation which comprises political, military and civil activities, and which is initiated and conducted in accordance with international law (including international humanitarian law), whereby a contribution is made to the prevention and resolution of conflicts as well as to the management of

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8 Van Creveld (1991), p. 197.

9 Holt & Berkman (2006), pp. 16-17. See also: Osinga (2009), pp. 58-59.

10 Moelker & Soeters (2003), pp. 30-33. See also: Buruma (2003), p. 19.

11 Smith (2005), p. 289. See also: Buruma (2003) p. 19.

12 Smith (2005), p. 292.

13 Koninklijke Landmacht (2008), footnote 5, p. 19. See also: Advisory Council on International Affairs (2009), footnote 6, p. 7.

14 Koninklijke Landmacht (2009), pp. 94-95; Koninklijke Landmacht (2014), pp. 7-3 -7-4; North Atlantic Treaty Organisation (2009), p. 1-6.

15 Haltiner (2003b), p. 159. See also for example: Koninklijke Landmacht (2009), pp. 79-80 & pp. 94-95.

crises in order to achieve the internationally determined objectives.'[16]

During a crisis management operation, the international military force may encounter an environment in which local authorities have lost their power and credibility or legitimacy as the representatives of the local population. Furthermore, they may enter an environment in which the national security system, including the military and police, have been part of the conflict and therefore have lost the trust of substantial parts of the local population. The residual security forces often lack the qualifications or knowledge to serve the population and to maintain public security effectively.

The deficit of a legitimate political and security system often results in a power and security vacuum. The reconstruction of a country's institutions is therefore one of the priorities in a larger and long-term programme of nation building and peace-building. The establishment of a basic level of public order and security is therefore widely seen as the international community's first priority, as it is generally one of the preconditions for achieving peace, stability and development.[17] Without a basic level of security, economic reconstruction and governance assistance programs are likely to fail.[18] As such, security tends to be the platform on which the international community bases its programmes for social-economic development, reconstruction of vital infrastructure, and the reinstitution of governance.[19]

1.2 Public security and crisis management operations

This study deals with the subject of public security, which involves the establishment of law and order in society. As such, public security differs from "general" security, which largely involves the establishment of peace and stability. Although public security is a commonly used term, the literature does not provide a commonly agreed definition.

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16 Ministerie van Defensie (2005), p. 72. Crisis management operations coincide with what NATO defines as non-Article 5 crisis management, which involve a holistic approach of military and non-military measures to 'prevent crises, manage crises, stabilise post-conflict situations and support reconstruction' (http://www.nato.int/cps/en/SID-6733A336-D42495E5/natolive/topics_56626.htm?; accessed December 1, 2011).

17 See for example: Bayley (2001); Call (2007b), p. 8; Dobbins, Jones, Crane & Cole DeGrasse (2007), pp. 12-15; Durch & Berkman (2006), p. 19; Dziedzic (1998); Dziedzic & Hawley (2005), p. 9; Feil (2002), p. 98; Hills (2009), pp. 7-8; Jones, Wilson, Rathmell & Riley (2005), p. 1; Smith, Holt & Durch, (2007), p. 1; Voorhoeve (2007), p. 53; US Department of the Army – Headquarters (2008b), p. vii.

18 See for example: Advisory Council on International Affairs (2009), p. 13; Dobbins, Jones, Crane & DeGrasse (2007), p. 13; Hills (2009), p. 7; Jones, Wilson, Rathmell & Riley (2005), p. 12; Smith, Holt & Durch (2006), p. 8; US Institute of Peace (2009), p. 3.12; Voorhoeve (2007), p. 54.

19 See for example: Advisory Council on International Affairs (2009), p. 13; Dobbins, Jones, Crane & DeGrasse (2007), p. 13; Hills (2009), p. 7; Jones, Wilson, Rathmell & Riley (2005), p. 12; Smith, Holt & Durch (2006), p. 8; US Institute of Peace (2009), p. 3.12; Voorhoeve (2007), p. 54.

NATO, for example, defines security as the 'freedom from persecution, want and fear; adequate provision of essential commodities such as water and food; broader environmental security; and the protection of private property, public assets and cultural values.'[20] In relation to the well-being and safety of citizens, NATO makes a distinction between human security and personal security. NATO characterizes human security as the 'freedom from persecution, want and fear; adequate provision of essential commodities to sustain life; broader environmental security; and the protection of cultural values.' NATO defines personal security as the 'protection of an individual from persecution, intimidation, reprisals and other forms of systematic violence'.[21]

The Dutch government makes a distinction between public security and public order and security. In the *National Plan for Crisis Management 2004-2007* (*Beleidsplan Crisisbeheersing 2004-2007*), for example, the Dutch government defines public security as an equivalent of physical security, i.e. the 'protection of persons and goods,' for example the protection of public health and the environment. [22] Public order and security, on the other hand, relates to the maintenance of public order and the maintenance of public security.[23] Public security in this sense relates rather to law enforcement than to physical security. In its *National Security Strategy* (*Strategie Nationale Veiligheid*), the Dutch government has identified five vital interests that relate to the security of the state: (1) territorial security (integrity of the national territory); (2) economic security (freedom of economic trade); (3) ecologic security (a safe environment); (4) physical security (public health and protection against accidents or (natural) disasters); and (5) social and political stability (social cohesion and respect for democratic values and the rule of law). As such, the Dutch government does not mention public security as one of its vital interest. Public security must rather be seen as a subset of social and political stability for that includes the preservation of the rule of law.[24]

Hills links the term security to public and individual safety. She defines security as a multifaceted social phenomenon, which involves individual and public aspects and domains.[25] In her view, 'security means that inhabitants are not forcibly displaced, raped, robbed, kidnapped, mutilated, tortured or killed.'[26]

Call also relates security to physical security and defines it as 'the safety of individual citizens, social groups, and the state from physical violence.'[27] He regards security as being part of the wider concept of human security. He refers to the Commission on Human Security to define the term human security as the

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20 North Atlantic Treaty Organisation (2011), p. 2-2.
21 North Atlantic Treaty Organisation (2011), p. 2-2.
22 *Kamersstukken II*, 2003/04, 29 668, nr. 1, p. 7.
23 *Kamersstukken II*, 2003/04, 29 668, nr. 1, p. 10.
24 Strategie Nationale Veiligheid, *Kamerstukken II*, 2006/07, 30 821, nr. 1, p. 10.
25 Hills (2009), p. 8.
26 Hills (2009), p. 8.
27 Call (2007b), p. 8.

protection of 'the vital core of all human lives in ways that enhance human freedoms and human fulfilment.'[28]

The Dutch Chiefs of Police refer to social security too when defining the term security. However, in contrast to Hills and Call they also include the safety of civilian properties. They define security as social security, which they view as the provision of an 'orderly state in the public domain and the protection of people against the (perceived) threat to their physical safety and the safety of their property.'[29] According to the Board, social security means 'that people can walk the streets without fear; that they can safely send their children to school; that they can start up a business and be protected against crime and anti-social behaviour.'[30]

Feil rather expands the concept of public security to address the establishment of a safe and secure environment. He includes the development of legitimate and stable security institutions. He defines security as 'the provision of collective and individual security to the citizenry and to the assistors [and] concerns securing the lives of citizens from immediate and large-scale violence and restoring the state's ability to maintain territorial integrity.'[31]

Like Fail, the United States (US) Department of the Army uses the terms public safety to mean the establishment of a safe and secure environment 'in which (…) civilians can live their day-to-day lives without fear of being drawn into violent conflict or victimized by criminals.'[32] In addition to Fail's definition, they also relate the establishment of public safety to the establishment of the rule of law, which entails the security of individuals and accountability for crimes committed against them.[33] As such, security is also related to the provision of law and order.[34]

As literature does not provide a common definition of public security, this study will define it as the condition in which law and order are enforced, a safe and secure environment is established, civilians and their property are protected against physical violence or intrusion of integrity, and where criminal suspects are arrested, detained, and prosecuted in accordance with the law.[35]

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28 Commission on Human Security (2003), cited in Call (2007b), p. 23, endnote 17.
29 Raad van Hoofdcommissarissen. Projectgroep Visie op de politiefunctie (2005), p. 38.
30 Raad van Hoofdcommissarissen. Projectgroep Visie op de politiefunctie (2005), p. 38.
31 Feil (2002), p. 98.
32 US Department of the Army – Headquarters (2008b), p. 1-16.
33 US Department of the Army – Headquarters (2008b), p. 1-17.
34 US Department of the Army – Headquarters (2008b), p. 1-17.
35 Although the term public order and security could also include wider aspects of security in society, such as the protection against accidents, fire, natural calamities, crises, and disasters, in this study the term public order and security refers to law and order in society.

1.3 New military challenges

The establishment of public security in the aftermath of a military intervention can be problematic (see Box 1). So-called security gaps occur due to a 'relative lack of professional police capacity'.[36] The reason for this deficit can be two-fold. First, the local police could be unable to police society either because they have disintegrated or they have lost their credibility due to their conduct before or during the conflict.[37] Second, the deployment of international police could suffer from long deployment lead-times and/or scarcity of resources in donor countries.[38] If no sufficient international police resources are available in the short-term and local security institutions fail to provide public security, the intervening international military forces may be required or expected to offer an alternative and to provide some sort of policing on a temporary basis, such as the provision of basic law enforcement (e.g. arrest and detention of criminal offenders), public order maintenance (e.g. crowd and riot control and protection of high-risk persons and groups), and public assistance (e.g. problem-solving and providing or facilitating the delivery of humanitarian aid).[39]

Troops have not always been successful in establishing sustainable public security, as demonstrated by the US military in Iraq after the defeat of the Iraqi forces in 2003. Winning a war with an overwhelming power and state-of-the-art technology may not be sufficient to ensure a sustainable peace.[40] Several authors have argued that the provision of public security does not fit the structure, culture, training and competences of the military organisation and its members, or argue that such activities would reduce their war-fighting skills.[41] Others see military involvement in public security during the initial stages of crisis management operations as inevitable. They support some sort of military involvement in policing, as long as the military are willing to fulfil these tasks and train for it.[42]

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36 Voorhoeve (2007), p. 59.

37 Dobbins, Jones, Crane & DeGrasse (2007), p. 24.

38 See for example: Call & Barnett (2000), pp. 50-51; Dziedzic (1998), p. 9; Linden, Last & Murphy (2007), p. 159; Voorhoeve (2007), p. 54.

39 See for example: Dobbins, Jones, Crane & DeGrasse (2007), p. 26; Jones, Wilson, Rathmell & Riley (2005), p. 212; Voorhoeve (2007), p. 59.

40 Clark (2003), p. 97.

41 See for example: Bronson (2002), pp. 122-132; Call & Barnett (2000), pp. 43-68; Clark (2001), p. 462; Haltiner (2003b), pp. 162-164; Hillen (2001), pp. 16-20; Hills (1998), pp. 26-41; Hills (2001), pp. 79-98; Smith (2005), p. 9.

42 See for example: Bailey (2001), p. 54; Bildt (2005); Jakobsen (2000), p. 48.

Box 1: The essence of public security in (post) conflict areas: the case of Iraq

On April 9, 2003, US forces captured the capital of Baghdad and toppled Saddam Hussein's Ba'ath regime. Three weeks later, on May 1, 2003 President George W. Bush announced the end of "major combat operations". While he addressed the American people and the international community from the aircraft carrier USS Abraham Lincoln, a banner titled "Mission Accomplished" was displayed behind him.[43] Bush's declaration and the phrase "Mission Accomplished" both turned out to be premature. Shortly after, Iraqis started to loot government Ministries, public offices, and museums. When US soldiers did not intervene, these lootings turned out to be the prelude of public disorder, widespread criminality, sectarian violence, insurgency, and terror in the following years. In not intervening, the Americans had lost the so-called "golden hour" to close the security gap that arose after the end of combat. In not restoring public security, the American forces also lost the support of the Iraqi population.[44] In addition, the standing Iraqi security sector was unable to turn the tides and restore public order after Administrator of the Coalition Provisional Authority (CPA) Bremer dissolved the Iraqi armed forces on May 23, 2003, in order to create a new 'national self-defence capability for a free Iraq.'[45] Although the Iraqi police were not officially dissolved, the majority of Iraqi police officers in Baghdad had abandoned their posts immediately after the Iraqi defeat.[46] Those who remained lacked quality and the popular support of the population who connected the police with the corruption and brutality of the Ba'ath regime.[47] The absence of a reliable and well-functioning security sector resulted in a long-term security gap. The reconstruction of the Iraqi police turned out to be a slow and incremental process. It took until the end of 2003 for the US to start a training program for new police officers. Implementation was hampered by a lack of sufficient professional police trainers, competent recruits, and equipment.[48] In the following years, the Iraqi Police Service remained a poorly-performing institution. The police were unable to protect the population and to fight crime and turned out to be a source of corruption, sectarian violence and organised crime.[49]

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43 See for example: Woodward (2004), p. 412; Woodward (2006), pp. 186-187.

44 See for example: Perito (2005), p. 4; Pirnie & O'Connell (2008), pp. 69-70.

45 Coalition Provisional Authority (May 23, 2003). *Order No. 2: Dissolution of Entities.* Available at http://www.dod.mil/dodgc/ia/docs/dissolution-English.pdf; accessed January 6, 2011.

46 Perito (2005), p. 4.

47 Perito (2005), p. 9.

48 Perito (2005); Moss, M & D. Rohde (May 21, 2006). Law and Disorder. Misjudgements Marred US Plans for Iraqi Police. New York Times. Available at http://www.nytimes.com/2006/05/21/world/middleeast/21security.html?pagewanted=print; accessed January 6, 2011.

49 See for example: Moss & Rohde (May 21, 2006); Perito (2005); Ricks (2009), Woodward (2008).

If troops have to provide public security during a security gap, the question remains whether every soldier needs to be trained for operations along the full continuum of military force or if there should be some organisational differentiation depending on the kind of operation assigned to him. This question has fuelled a discussion on the transformation of the military into constabulary forces.[50] In general, the term constabulary force refers to 'a force organised along military lines, providing basic law enforcement and safety in a not yet fully stabilised environment.'[51] Largely, there are three different concepts of the constabulary force.

The first and most well known version of the constabulary force was introduced by the American sociologist Janowitz in 1960.[52] In this view, the constabulary force is a military force committed to the minimum use of force, focused on the achievement of viable international relations and able to operate in a great variety of situations, ranging from humanitarian support and peace operations at the lower end towards counter-insurgency and war-fighting at the higher end of the spectrum of military force.[53] This constabulary force thus has a pragmatic mission focusing on practical conflict resolution or crisis management,[54] to deal with a wide range of different security scenarios varying from the classical warfare tasks to providing security and stability in (post) conflict environments.[55]

A second version involves the transformation of the military into a hybrid force capable of performing tasks that fall between those of the military and the police.[56] Literature provides different options that could lead to such hybrid forces. Geser suggests the establishment of a cosmopolitan "third force" which combines high-standing police capabilities – like flexibility and community responsiveness – with full-range conventional, goal-oriented military characteristics.[57] Kaldor pleas for the establishment of a "cosmopolitan law enforcement force" being 'a professional service which would include both civilian and military personnel, ranging from robust peacekeeping troops, through police and *gendarmerie*, administrators, accountants, human rights monitors and aid workers.'[58] Kaldor argues that such cosmopolitan law enforcement force cannot be based on current organisational structures and concepts but must be built on 'a new kind of soldier-cum-policeman'[59] tasked 'to protect civilians, before, during and after conflicts.'[60]

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50 See for example: Armitage & Moissan (2005); Brouse (2006); Dziedzic (1998); Haltiner (2003b), Jones et al; Kernic, Klein & Haltiner (2005); Neuteboom (2004); Perito (2004); Shin (2009); Snyder & Field (2000).

51 Schmidl (1998), p. 22.

52 Janowitz (1960), pp. 418-440.

53 Janowitz (1960), pp. 418-419.

54 Born & Metselaar (2003), pp. 88-89.

55 Manigart (2003), p. 329.

56 See for example: Däniker (1995), p. 104; Geser (1996a, p. 48); Haltiner (2003b), p. 178; Kaldor (2006), p. 133.

57 Geser (1996a), p. 48.

58 Kaldor (2003), p. 156.

59 Kaldor (2006), p. 138.

60 Kaldor (2003), p. 156.

A third version of the constabulary force focuses on organisational differentiation and recommends the assignment of public security tasks to specialised military forces, for example the Military Police (MP) or police forces with a military status such as the French *Gendarmerie* and the Dutch *Koninklijke Marechaussee*.[61]

The coverage of the full range of military activity – from all-out military warfare to military assistance to local authorities – puts a high pressure on the military organisation and its personnel. In order to cover the full range of military activity effectively, the professional soldier will need additional diplomatic, psychological, sociological, and linguistic competences to interpret and to solve ambiguous situations and to cooperate with a local population in unknown cultural settings.[62] Soldiers will also need to be able to vary and adjust the intensity of force required and to escalate and de-escalate the application of force within a short period of time, and over short intervals,[63] using competences similar to those of police officers dealing with public order disturbances, deployed in riot squads or special intervention teams. Furthermore, they would need to acquire situational awareness in relation to public security needs and the ability to interact and cooperate with various local actors and agencies, and to build networks to achieve basic levels of public security.[64] These relationships can provide information and help to focus and direct security activities, such as to maintain public order, protect individual citizens, ethnic groups and refugees, solve problems between ethnic groups, arrest alleged war criminals, support electoral processes, gather criminal intelligence, break up criminal gangs, prevent inter-ethnic intimidation and violence, and support the nation and institution building processes.[65]

1.4 Research questions

Research subject

The subject of this study is the provision of public security by the military during a security gap in a crisis management operation. As described above, in (post) conflict environments, national security and justice structures often have ceased to exist or are dysfunctional, unable to restore a law and order and to protect the population against disorder, violence and criminality. If the international police are not available in the short term or in sufficient qualities and quantities, the military may be required to step into this gap to provide some sort of interim policing until local or international police are in place, although these tasks may not fall within their initial mission and purpose.

Since the 1990s, Dutch troops operated in a number of crisis management operations like UNTAC in Cambodia, UNPROFOR, IFOR, SFOR, and

61 See for example: Armitage & Moisan (2005); Field & Perito (2003); Hovens (2008), Pacek (2008). Perito 2004a; 2004b); De Weger (2009).
62 Haltiner (2003a), pp. 182-183.
63 See for example: Soeters (2008), p. 120.
64 Kilcullen (2006), p. 136.
65 Easton (2001), pp. 36-37 & 47. See also: Haltiner (2003b), p. 159; Bayley (2001), p. 53.

EUFOR in Bosnia and Herzegovina, KFOR in Kosovo, SFIR in Iraq, and ISAF in Afghanistan.[66] As Dutch troops have contributed to these operations from their earliest beginnings, they have faced the consequences of a security gap.[67] To determine the extent to which those troops provided some sort of public security to overcome the consequences of such gaps, this study focuses on three different crisis management operations: IFOR/SFOR in Bosnia and Herzegovina (December 1995 – December 2004), KFOR in Kosovo (April 1999 – August 2000) and SFIR in Iraq (August 2003 – March 2005).[68] These three missions then serve to provide findings on how the Dutch military generally operate and organise within the context of a security gap.

Research object

To define how Dutch troops operate in a security gap, this study chooses the Netherlands Army (NL Army) as its main research object. In particular, it focuses on the operational and organisational concept of NL Army as applied in the context of crisis management operations. The choice of the NL Army is relevant for three reasons.

First, from the early 1990s on, the NL Army has acquired extensive experience in crisis management operations. This experience makes it plausible that the NL Army has operated in security gaps where it had to deal with public security issues. The role of the NL Army in providing public security during a security gap has only occasionally been the subject of scientific research or discussion in professional military literature.[69] This study therefore seeks to contribute to further academic and professional debate on this subject.

Second, the need to reduce national public expenditure has fuelled the debate on the future mission and structure of the defence forces. This debate may result in a structural reform and a redefinition of the military's mission and force structure. This study seeks to contribute to this debate. As security gaps seem to be a structural feature of crisis management operations, prioritising public security during missions and in doctrines may be required.

Finally, the choice to focus the research on the NL Army is a pragmatic one. This focus limits expenditure and time spent on travelling to interview experts abroad and in research archives in various countries. The focus on the NL Army allows the researcher to utilise his extensive network within the NL Army.

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66 See for example: Klep & Van Gils (2005); http://www.defensie.nl/ nimh/ geschie denis/internationale_operaties/missieoverzicht; accessed January 6, 2011.

67 The security gaps in Cambodia and Bosnia and Herzegovina (see for example: Oakley, Dziedzic & Goldberg (1998)), Kosovo (see for example: Hansen (2002a & 2002b)) and Iraq (Perito (2005) have been largely documented.

68 For a further explanation of the sampling criteria, see Chapter 5: Research Methodology.

69 A few studies or articles have described Dutch military involvement in public security during recent crisis management operations. De Weger, Grashof and Douma (2007) for example have explored the application of crowd and riot control by the Dutch armed forces during crisis management operations. Brocades Zaalberg (2006) and Van Loon (2000) has characterised the public security role of 1 (NL) Battalion KFOR 1 during the early stages of the security gap in Kosovo. Lastly, Brocades Zaalberg and Ten Cate (2010, 2012) published on Dutch military involvement in interim policing in Iraq.

To define the provision of public security by the NL Army during crisis management operations, the operational and organisational concept of Dutch police will serve as the conceptual lens through which the achievements of the NL Army in this matter is observed. The rationale for using the Dutch police as reference point is twofold.
First, by doing so, this study ensures that it compares two organisations that are rooted in the same national social and cultural context.
Second, and closely related to the first, is that any lessons learned and further development of the NL Army's policing capabilities would likely rely on close cooperation or alignment with the Dutch police. However, the characteristics and mode of operations of the Dutch police cannot be seen in isolation from international developments, theories and studies. Notions like community policing, problem-oriented policing, and intelligence-led policing have influenced the Dutch police and policing.[70] Therefore, international police literature and theories are the starting point for the description of operational and organisational concepts of the Dutch police and Dutch policing. Examples and views of the Dutch police practice complement these international theories and shows commonalities or differences.

Research questions

Following the research object and subject, this study is based upon two assumptions.
First, when deployed in an international crisis management operation, and in the absence of an international police force or a reliable local police, the armed forces will face a security gap. In a security gap, there is an urgent need to restore law and order and to protect the local population. To establish a sustainable level of security quickly, the military will need to take on certain police tasks until a local or international force is able to take over. The fulfilment of these tasks is important to create a basic level of security at community level so that citizens can feel safe and will engage in a wider process of reconstruction and social and economic development. The military will have to take on tasks that are traditionally not part of their formal assignment, but that are indispensible for the overall success of the operation.
Second, if the military have to deal with public security tasks during crisis management operations, these tasks and activities need to be incorporated in its planning, training, operations and organisation. In other words, the military may have to act and organise accordingly and adopt operational and organisational principles comparable to the police in order to be able to deal with these tasks

70 In the Netherlands, police practice largely develops bottom-up (Punch 2009), p.95). The notion of community police was introduced in the report *Politie in verandering* (The Changing Police) that was published in the late 1970s by a group of young police officers inspired by experiments with community policing in the United States (Projectgroep Organisatie Structuren (1977). Since the 1980s, community has become the corner stone of Dutch policing Punch, Van der Vijver & Zoomer (2002); Wiebrens (2004). Regarding intelligence-led policing, experiments in the police in Kent, England, inspired the police in Rotterdam in the 1990s to introduce a Dutch version of intelligence-led policing which later became a national programme (Kop & Klerks (2009), p. 15).

effectively and efficiently. The military may therefore need to expand its professional orientation, and be willing to adopt tactics, techniques and procedures currently unknown to them. The police organisation could serve as a reference point, not only in operational and organisational terms, but also in creating a wider understanding and awareness of public security situations and requirements to deal with interim policing tasks effectively. Based upon these two assumptions, the central research question of this study is twofold:

Did the NL Army operate and organise to promote public security during a security gap in its crisis management operations and how did the operational and organisational concept during these operations compare to those of the police organisation in terms of providing public security?

This central research question can be further refined into six sub-questions:

1. *What kind of crisis management operations could be discerned and how have they evolved over time?*
2. *What is a security gap and what is the role the military could or should play to bridge that gap?*
3. *What are the main characteristics of the police and military organisation and what are their differences and commonalities?*
4. *Has the NL Army encountered security gaps during crisis management operations and what has been the character of these gaps?*
5. *Has the NL Army performed tasks to bridge the public security gap during these crisis management operations and if so, how could these tasks be characterised?*
6. *Did the NL Army's operational and organisational concept enable the provision of public security during these crisis management operations?*

The first three sub-questions will be answered in the theoretical part of this study. The answer to the first research question will serve as a general introduction on crisis management operations while the answers to sub-questions 2 and 3 will serve as theoretical framework for the empirical stage of the research. The answer to sub-question 2 will serve to define the theoretical characteristics of a security gap to be applied in the empirical stage in order to answer sub-question 4. It will identify and interpret the public security environments in which the NL Army deployed, contributing to the IFOR/SFOR, KFOR and SFIR missions. The answer to sub-question 3 will set the theoretical framework for defining the operational and organisational concept applied by the NL Army during these missions, and serves as the analytic framework to answer sub-questions 5 and 6.

1.5 Demarcation

As mentioned above, this study exclusively deals with the execution of public security activities by the NL Army during crisis management operations over the last fifteen years. It therefore excludes a number of subjects and aspects:
First, the main body of the study is descriptive. Literature on the role of the NL Army in the field of public security during crisis management operations is

limited and no empirical theories have been developed to evaluate and test the effectiveness and efficiency of Dutch military involvement in policing and public security in contemporary military missions. In the absence of such empirical evidence, the study does not apply a dedicated theoretical framework on policing strategies in international crisis management environments to test the results of the Army's efforts in the field of public security. Instead, this study serves to create an overview of how the NL Army operated in the area of public security and how the troops were organised to deal with these issues. General theories on police organisation will serve as a reference point or as a conceptual lens. Although the study is primarily descriptive and does not intend to develop new theories, the conclusions based on the results of the study will also have an explanatory and exploratory purpose in order to explain identified patterns and generate new ideas for future operations.

Second, the study focuses exclusively on the role of the NL Army in public security during crisis management operations. The role of other elements of the Netherlands Armed forces that have been engaged in crisis management operations, such as the Dutch Marines in Iraq, are not included in this study. The rationale for this exclusion is that this study intends to describe and explain the consequences of public security challenges in one defined and exclusive Service of the Armed Forces in order to draw conclusions regarding the organisational and operational concepts of that Service, namely the NL Army.

Third, the study is – apart from a general observation of developments and conceptualisations – not an international review or comparison of modes of operation of Western armed forces when dealing with public security in crisis management operations.

Fourth, the study involves public security in an international setting and environment. It therefore does not focus on military assistance to civilian authorities in law enforcement, public order assistance, crisis management and disaster relief in the Netherlands itself. It also excludes the national police tasks as assigned to the *Koninklijke Marechaussee* regarding Article 4 of the Dutch Police Act of 2012, as well as the Dutch military's involvement in national and international law enforcement activities combating drug-trafficking and terrorism outside the context of a crisis management operation.

Fifth, the study has primarily an organisational and institutional character and refrains from legal questions. It examines what has been done in practice in the provision of public security rather than assessing its legal basis or jurisdiction.

Sixth, the study's primary scope is the perspective of the NL Army and deals with the question how commanders and troops have dealt with public security issues. The study does not assess the question of public security from the perspective of individual civilians or communities. It thus excludes normative questions regarding the perceptions of individual citizens or communities about military contributions to public security in their environment.

1.6 Structure of the study

This study is divided into three separate parts (see: Figure 1).
The first part is a literature review and answers the first sub-questions of this study. It reviews material produced by others such as publications, articles, studies and reports and gives an overview of the existing knowledge on the subject of this study. Chapter 2 to 4 constitute the theoretical part of this study. Chapter 2 explains the development of crisis management operations from traditional peace-keeping operations to today's full spectrum operations in which different types of operations can be conducted at the same time and place. Chapter 3 describes the security gap. It discusses the role the military could play to bridge that gap independently or in support of the police. Chapter 4 compares military and police organisation. It discusses the differences and similarities between these two organisations and outlines the function and mission of the police. This chapter serves to develop an understanding of the operational and organisational requirements for the effective and efficient provision of public security duties.
Chapter 5 constitutes the second part of the study and presents the research methodology.
The third part of the study is the empirical phase based on a multiple-case study. Chapters 6 to 8 cover the analysis and conclusions of three separate case studies, namely that of IFOR/SFOR, KFOR and SFIR in which the NL Army deployed from 1995 to 2005.
Chapter 9 forms the last part of the study, involving the synthesis and discussion of the empirical findings through a cross-case analysis, and finally answers the central research question.

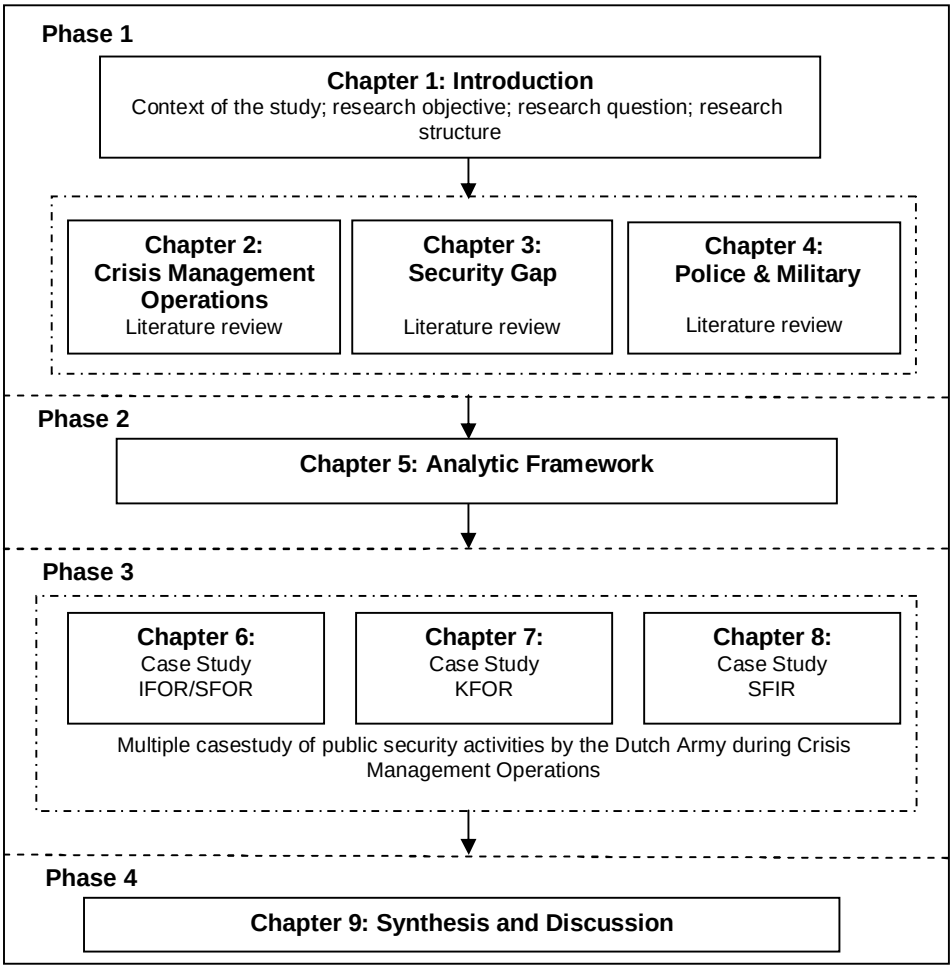

Figure 1: Structure of the Study

2 Crisis management operations

2.1 Introduction

Since the 1990s, the character of military conflict changed significantly. Whereas before and during the Cold War, military conflicts largely had an inter-state character and were fought by regular armies, nowadays conflicts are largely intra-state. They may involve irregular combatants without any state affiliation and occur among the population in dysfuntioning, collapsing or disintegrating states.[71] Over the years, international military forces have contributed to various forms of crisis management in order to find a lasting solution to such situations.

This chapter discusses the evolution of crisis management operations, since they have been subject of political and professional debate in order to find suitable arrangements to deal effectively with international conflicts, crises and humanitarian catastrophes. As such, it answers the second research question and outlines what crisis management operations are and how they have evolved over time, from the classical UN peace-keeping operation to contemporary stabilisation activities. The chapter begins by outlining the political and legal frameworks that enable and authorise crisis management operations. Next, it describes the conceptual development of peace operations as examples of classical crisis management operations: traditional peace-keeping, wider peace-keeping and peace support. Then, it reflects on counter-insurgency as an example of a contemporary crisis management instrument, especially to deal with volatile environments, followed by a characterisation of stabilisation activities as a comprehensive, multi-agency approach to stabilise a (post) conflict environment by providing security, support for governance and reconstruction.

2.2 Political and legal foundation of UN peace operations

The history and development of peace operations is strongly related to the United Nations (UN).[72] The rationale for UN peace operations can be found in the general provisions in Chapters VI and VII of the UN Charter. These Chapters are governing the powers of the Security Council to maintain international peace and security. Chapter VI deals with the "Pacific Settlement of Disputes" and outlines the UN's first step to seek peaceful resolutions to disputes between parties which continuation could endanger international peace and security. It provides the UN Security Council with the authority to call upon the parties involved to settle their dispute by 'negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.'[73] Chapter VI activities are commonly known as peacekeeping operations although the UN

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71 See for example: Burema (2003), p. 19; Van Creveld (2002), p. 8; Kaldor (2006), pp. 8-9; Smith (2005), pp. 16-17.

72 Bellamy, Williams & Griffin (2004), p. 45.

73 UN Charter (1945), Article 33.

Charter does not provide an explicit reference to this term.[74] Moreover, Chapter VI does not refer to any involvement by the military, nor does it provide a clear and effective political or strategic guidance, or provisions to conduct low-level military UN peace operations.[75]

If measures based upon Chapter VI prove to be ineffective, Chapter VII offers the UN a framework for non-military and military measures to maintain or restore peace and security. Contrary to Chapter VI, Chapter VII measures do not need the consent of the parties concerned. They provide the Security Council with the instruments to impose economic and diplomatic sanctions.[76] If these sanctions fail, the Security Council 'may take action by air, sea or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade and other operations.'[77] The emphasis of this action is, therefore, on coercive military operations.[78]

The emphasis on coercive military operations is in strong contrast to Chapter VI operations. As such, there is a gap between the pacific, diplomatic measures of Chapter VI and the coercive, military action of Chapter VII. Former UN Secretary-General Dag Hammarskjöld therefore argued that peace-keeping missions are in fact "Chapter Six and a Half" operations because they 'fall short of the provisions of Chapter VII and at the same time they go beyond purely diplomatic means of those described in Chapter VI of the Charter.'[79] In order to find a solution to bridge this gap, some commentators focus on either Article 36 in Chapter VI – which speaks of 'appropriate procedures or measures of adjustment' – or on Article 40 in Chapter VII – which speaks of provisional measures – to identify a formal ground for UN action to maintain international peace and security. The emphasis on voluntary cooperation of the concerned parties makes Article 40 the most explicit justification for peace-keeping missions, which are then viewed as provisional measurers deployed with the consent of the concerned parties.[80]

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74 Peacekeeping was the term coined to describe the tasks of the UN mandated troops deployed after the Suez Crisis of 1956. It gained official status when the UN General Assembly set up the "Special Committee on Peacekeeping Operations" in February 1965, just after the UN forces finished their first operation in the former Belgian Congo (Rikye (1984), p. 1). However, the term was not defined in any UN document until it appeared in *An Agenda for Peace* in 1992 as part of the formal UN terminology (Durch & Berkman (2006a), p. 5).

75 Bellamy, Williams & Griffin (2004), p. 46; Hillen (2000), p. 9.

76 UN Charter (1945), Article 41.

77 UN Charter (1945), Article 42.

78 Hillen (2000), p. 11.

79 United Nations (2000a), p. 5.

80 Hillen (2000), pp. 9-10; Kirsch (1993), pp. 18-19; White (1993), p. 201.

2.3 Traditional peace-keeping: first generation peace-keeping: Characteristics of traditional peace-keeping

Early UN peace operations are generally addressed as "traditional peace-keeping" or as "first generation peace-keeping" operations.[81] Traditional peace-keeping operations are 'intended to assist in the creation and maintenance of conditions conducive to long-term conflict resolution by the parties themselves, often in conjunction with international mediation.'[82] In these operations, UN forces observe, monitor, supervise, or verify cease-fire and related agreements. The purpose is then to prevent further outbreaks of the conflict and to facilitate conflict resolution by creating a degree of confidence between the belligerents that opens up a space for political dialogue leading to long-term conflict resolution.[83]

Traditional peacekeeping has three fundamental principles: consent, impartiality and the minimum use of force.[84] This so-called "holy trinity" of peace-keeping involves 'non-coercive, consent-based activities, usually to support a peace process or interim ceasefires, to help prevent the resumption or escalation of violence and establish a stable peace.'[85] As such, the success of the traditional peace-keeping depends upon the cooperation and consent of the disputing parties.[86] Following the principles of the "holy trinity", in traditional peace-keeping operations peace-keepers typically form an objective and non-partisan, inter-positional buffer zone between the opposing parties.[87] These operations fit with the "Westphalian" tradition of international law. This tradition recognises the sovereignty of territorial states and presumes that states resolve their differences based on consent. Consequently, the internal issues of a sovereign state are beyond the scope of traditional UN peace-keeping.[88] To express their neutrality, the traditional peace-keepers are usually lightly armed, and function under rules of engagement that permit them to use arms only in self-defence or if the execution of the mission is seriously jeopardised.[89]

Most traditional peace-keeping operations were initiated during the Cold War.[90] These "Westphalian" operations also fitted well with the Cold War atmosphere

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81 See for example: Bellamy, Williams & Griffin (2004), pp. 96-110; Hillen (2000), pp. 79-107; Holt & Berkman (2006), p. 18; Koninklijke Landmacht (1996), pp. 185-186; Koninklijke Landmacht (1999), p. 77; Schmidl (1998), pp. 29-35.

82 Bellamy, Williams & Griffin (2004), p. 95.

83 Bellamy & Williams (2004), p. 3.

84 Bellamy, Williams & Griffin (2004), p. 95.

85 Bellamy, Williams & Griffin (2004), pp. 95-96.

86 Bellamy, Williams & Griffin (2004), p. 96; Hillen (2000), p. 22.

87 Bellamy, Williams & Griffin (2004), p. 97; Hillen (2000), p. 22; Ramsbotham, Woodhouse & Miall (2005), p. 134.

88 Bellamy, Williams & Griffin (2004), pp. 21-32.

89 Klep & Van Gils (2004), p. 398.

90 Hillen (2000), pp. 22-23. For example: UNEF-1 in Egypt (1956-1967), UNSF in West New Guinea (1962-1963), UNFICYP in Cyprus (1964-present), UNEF-2 in Egypt (1973-1979), UNDOF in the Golan Height between Syria and Israel (1974-present),

of non-intervention. Interventions within one of the super-powers' hemisphere were especially inconceivable. Moreover, peace-keeping operations were not ambitious enough in their characteristics to provoke or challenge super-power interests. On a strategic, geo-political level, traditional peace-keeping focused on maintaining the balance between the Cold War super-powers. On a micro level, it focused on achieving and maintaining compliance with peace agreements between warring parties.[91]

Not every peace operation conducted by the UN was of a "Westphalian" or peace-keeping nature, however. The UN undertook two peace enforcement operations at the opposite end of the spectrum: the Korean War in 1950 and the Congo mission in 1960. Within the Cold War context, these two operations could be viewed as anomalies in comparison with the vast majority of peace operations during that period.[92] Unlike peace-keeping, peace enforcement operations are undertaken without the consent of (one) the parties involved and entail the explicit authorisation to use force by military forces to restore or maintain international peace and security.[93] In addition to the restoration of peace and security, these operations could also focus on enforcing sanctions, defending the personnel of peace-keeping operations, providing physical protection to civilians in conflict zones, protecting humanitarian or facilitating activities and intervening in so-called internal conflicts.[94]

2.4 Wider peace-keeping: second generation peace-keeping

The end of the Cold War and the success of the UN-sanctioned operation Desert Storm in 1990-1991 fuelled the idea that the Security Council could play a more active role in international security affairs through UN-managed operations.[95] The end of the Cold War also changed the nature of the conflicts that traditional peace-keepers faced.[96] Whereas the traditional peace operations of the Cold War period, such as UNIFIL in Lebanon and UNFICYP in Cyprus, were limited to the deployment of an interposition force between consenting

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UNIFIL in Lebanon (1978-present), UNPREDEP in Macedonia (1995-1999), and UNOSOM in Somalia (1992-1993).

91 Eide (2001), p. 6.

92 In Korea the UN Security Council mandated the United Nations Command (UNC), a US-led coalition to enforce the withdrawal of North Korean troops from South Korea in order 'to repel the armed attack and to restore international peace and security in the area' (UNSCR 83/S/1501 (1950). Available at http://www.un.org/documents/sc/res/1950/scres50.htm; accessed June 13, 2007. The UNC operation was made possible due to the temporary Soviet boycott of Security Council in the early 1950s. (Klep & Van Gils (2004), p. 403). The UN Operation in Congo (UNOC) was mandated to maintain law and order following decolonisation after Belgian rule. The disintegration of the security situation forced UNOC into a more enforcement role in order to defend Congo's territorial integrity (Hill & Malik (1996), pp. 37-41).

93 Koninklijke Landmacht (1999), p. 17.

94 Bellamy, Williams & Griffin (2004), p, 147.

95 Hillen (2000), p. 139.

96 Call & Barnett (2000), p. 48.

warring factions, the conflicts from the early 1990s onward were intra-state rather than inter-state. These internal conflicts, such as in the Balkans, Somalia and Chechnya, lacked clear front lines or cease-fire lines, they were complex and dynamic, involved many parties, and comprised not only military but also an increasing number of civilian and humanitarian aspects.[97]

These conflicts revealed a gap between the Chapter VI and VII peace operations and confronted the international community with new challenges. According to Jakobsen, the 'key problems with peace-keeping operations in the 1990s were caused by military weakness: the traditional principle of impartiality and the restrictive rules of engagement, which prevent troops from using force to protect civilians and to implement the mandate.'[98] These new demands made traditional peace-keeping increasingly obsolete. The UN operations in Cambodia (UNTAC), former Yugoslavia (UNPROFOR), and Somalia (UNOSOM II) already represented a transformation in the pattern of UN peace operations, as they were significantly larger and more complex military enterprises than any of their traditional peace-keeping predecessors.[99]

To deal with these new challenges, in 1992, then UN Secretary-General Boutros-Ghali released a conceptual framework, called *An Agenda for Peace*. In this framework, the UN recognised the gap between traditional peace-keeping and the complexity of the post-Cold War security demands and categorised four types of conflict intervention: preventive diplomacy, peace-making, peace-keeping, and peace-enforcement, which the UN regarded as interrelated concepts.[100] The framework aired a plea for the establishment of an international rapid-reaction peace-enforcement capability to undertake more complex and robust UN military operations in order to 'fill the gap between traditional UN peacekeeping units (…) and large-scale operations.'[101] These peace-enforcement units 'would have to be more heavily armed than peace-keeping forces and would need to undergo extensive preparatory training within their national forces. Deployment and operation of such forces would be under the authorisation of the Security Council and would, as in the case of peacekeeping forces, be under the command of the Secretary-General.[102]

Despite the international post-Cold War optimism, and Boutros-Ghali's attempts to give the UN an enduring prime role in international conflict resolution, the UN failed to do so.

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97 Hillen (2000), pp. 140-141.

98 Jakobsen (2000), pp. 38-39.

99 Hillen (2000), p. 142.

100 In *An Agenda for Peace* peacekeeping was described as 'the deployment of a United Nations military presence in the field, hitherto with the consent of all parties concerned (United Nations (1992), §20). However, *An Agenda for Peace* did not provide a definition for peace-enforcement.

101 Boutros-Ghali (1999), p. 27.

102 United Nations (1992), §44.

First, '*An Agenda for Peace* did not provide a coherent blueprint or practical guidance needed to deal with the new peacekeeping challenges within environments of on-going conflict (…) and failed to provide a coherent blueprint for peacekeeping.'[103]
Second, the UN did not succeed in fulfilling its ambitions to respond adequately to international crises and to conduct complex UN peace operations. For example, the UN showed unable to stop civil war, crimes against humanity, starvation, and/or ethnic cleansing in Bosnia and Herzegovina, Rwanda and Somalia. These missions failed not only because the prevailing concept of peacekeeping could no longer be applied to these kinds of complex crises, but also because of a lack of international political will to intervene, insufficient resources and funding, ambiguous rules of engagement and/or bad operational management.[104]

In its position paper *Supplement to An Agenda for Peace*, the UN recognised these problems, emphasising that contemporary, complex intra-state conflicts were of another nature than the classical conflict that enabled peace-keeping solutions which 'were mainly to monitor cease-fires and control buffer zones with the consent of the States involved.'[105] It acknowledged that the UN had to downplay its role in leading large, complex, and sometimes coercive military peace operations and underlined that it did not hold the monopoly on conducting peace operations. It therefore needed the cooperation and support of member states, and regional and non-governmental organisations to achieve an integrated approach to conflict control and resolution.[106] However, the paper itself did not provide a political and functional framework to close the gap between the two different kinds of UN peace operations.[107] Nevertheless, it did open the way for others to find new solutions and arrangements to the prevailing security challenges.

The UN retreat from their peace operations and the lack of a functional conceptual framework fuelled the debate over the definition and classification of post-Cold War crisis management operations during the mid-1990s. Various actors were involved in this debate, varying from national governments and governmental organisations to individual scholars. Solutions more-or-less materialised bottom-up, often referred to as "wider peacekeeping" or "second-generation peacekeeping".[108] These terms had in common that they conceptualised the need for a more "robust" kind of peacekeeping.[109] In 1992,

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103 Bellamy, Williams & Griffin (2004), p. 109.
104 See for example: Bellamy, Williams & Griffin (2004), p. 180; Hillen (2000), p. 240; Klep & Van Gils (2004), p. 402; Ramsbotham, Woodhouse & Miall (2005), pp. 137-138.
105 United Nations (1995), p. 5.
106 United Nations (1995), p. 19. See also: Hillen (2000), p. 240; Ramsbotham, Woodhouse & Miall (2005), p. 194.
107 Lightburn (2001), p. 12.
108 Bellamy, Williams & Griffin (2004), p. 129.
109 Although the term "robust" is subject to interpretation, in general it can be taken to mean deploying sufficient force (in both numbers of troops and sufficient weaponry) to overawe any potential adversaries (Cline (2003), p. 166).

Mackinley and Chopra introduced the term second-generation peacekeeping.[110] Since then, the term is widely accepted and has also become an official UN term.[111]

Bellamy, Williams and Giffin further conceptualised the concept and identified six characteristics of wider peacekeeping operations. First, wider peacekeeping operations 'occur within a context of on-going violence.' Second, they 'tend to take place during "new wars" rather than traditional inter state conflicts.' Third, soldiers engaged in wider peacekeeping are given tasks beyond those of traditional peacekeeping, including the separation of forces, disarming the belligerents, organising and supervising elections, delivering humanitarian aid, protecting civilian UN personnel and those from other governmental and non-governmental organisations, guaranteeing freedom of movement, host-state capacity building, monitoring ceasefires and enforcing no-fly zones.' Fourth, they include a wide variety of civilian actors 'that peace-keepers [have] to coordinate their activities with.' Fifth, wider peace-keeping operations 'have frequently changing mandates.' Sixth and last, 'there is a gap between means and ends. Although wider peace-keeping entails the adoption of more tasks by peace-keepers, they are not accorded the necessary [resources] to accomplish those tasks.'[112]

However, according to Bellamy, Williams and Giffin, wider peace-keeping still preserved the "holy trinity" of traditional peace-keeping, 'including the notion of that the preservation of consent was a prerequisite for a successful mission.'[113] As such, it maintained the clear line between peace-keeping and peace-enforcement. An operation therefore could not 'move from wider peace-keeping to peace enforcement and back again.'[114] As a result, wider peacekeeping obliged peacekeepers to remain impartial and to refrain from a more robust use of force to protect civilians when needed. That these restrictions had become obsolete within intra-state conflicts became painfully clear in 1995 during the fall of the so-called "safe area" of Srebrenica in Bosnia and Herzegovina and the ethnic cleansing and genocide in Rwanda in 1994 that since have become to symbolise the failure of wider peace-keeping.

2.5 Peace support operations: third generation peace-keeping

Background

The failure of wider peace-keeping resulted in an international need to rethink the concept of UN peace operations in order to fill the grey area between peace-

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110 Mackinlay & Chopra (1992), pp. 113-131.

111 Hillen (2000), p. 257. The Dutch *Military Doctrine* of 1996 applies the term too as it defines second-generation peacekeeping as 'operations in which, with the consent of the parties involved, troops are deployed to support a political solution and to supervise its compliance' (Koninklijke Landmacht (1996), p. 186).

112 Bellamy, Williams & Griffin (2004), pp. 129-130.

113 Bellamy, Williams & Griffin (2004), p. 132.

114 Bellamy, Williams & Griffin (2004), p. 132. See also: UK Armed Forces (1995), p. A-7.

keeping and peace-enforcement. This was achieved by conceptualising a third concept of UN peace operation: "peace support operations".[115] This new concept created a fundamental shift in the thinking of peace operations. It resulted in the recognition of a need for a wider international inter-agency approach (…) in which the traditional trinity of consent, impartiality, and restrained use of force was being replaced by 'a concept of campaign authority, vested in an international coalition or regional security alliance and derived from a mandate.'[116]

The new concept was first set out in the *Report of the Panel on United Nations Peace Operations*, the so-called *Brahimi Report* from 2000. This report outlined a strategy for improving UN peace operations. The aim of the report was to avoid the failures of the past, for instance those in Bosnia and Herzegovina and in Rwanda. It made three specific recommendations that provided a framework for peace support operations.[117]
First, the report underlines the need for clear, credible and achievable mandates: 'UN peacekeepers [must] be able to carry out their mandates professionally and successfully and be capable of defending themselves, other mission components and the mission's mandate with robust rules of engagement, against those who renege on their commitments to a peace accord or otherwise seek to undermine it by violence.'[118] Hereby the Brahimi report 'increases the conceptual distance between neutrality and impartiality.'[119] Bellamy, Williamson and Griffin further clarify this distance noting that '[w]hereas neutral peacekeepers play no political role whatsoever, impartial peacekeepers discriminate between belligerents according to their adherence to the mandate and treat breaches in similar ways.'[120] In other words, the use of force does not challenge impartiality as long as this force is directed against specific breaches of the mandate and is linked to clearly defined outcomes.[121] As a result, military peacekeepers must be able to move swiftly from traditional peacekeeping to peace enforcement and vice versa, if required.[122]
Second, in order to close the gap between ambitious goals and limited resources, 'the Security Council should leave in draft form resolutions authorising missions with sizeable troop levels until such time as the Secretary-General has firm commitments of troops and other critical mission support elements including peace-building elements, from Member States.'[123]

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115 Bellamy, Williams & Griffin (2004), pp. 165-173.
116 UK Ministry of Defence (2009b), p. 2-12.
117 Bellamy, Williams & Griffin (2004), p. 169.
118 United Nations (2000b), p. 10.
119 Bellamy, Williams & Griffin (2004), p. 170.
120 Bellamy, Williams & Griffin (2004), p. 170.
121 Bellamy, Williams & Griffin (2004), p. 170.
122 See for example: Bellamy, Williams & Griffin (2004), p. 170; Holt & Berkman (2006), p. 118.
123 United Nations (2000b), pp. 11-12.

Third, the report recommended that future UN peace operations should have clear chains of command, especially when forces were deployed in potentially dangerous environments.[124]

The UN's formal answer to the Brahimi report followed in 2008 when it published its peacekeeping capstone doctrine.[125] However, this doctrine does not recognise peace support operations as such. Instead, it presents the concept of "multidimensional peacekeeping" as a contemporary answer to the changed security environment since the end of the Cold War.[126] In the view of the UN, multi-dimensional peace-keeping operations are 'deployed in the dangerous aftermath of a violent internal conflict and may employ a mix of military, police and civilian capabilities to support the implementation of a comprehensive peace agreement.' The UN notes that the prime objective of these operations is to create a secure and stable environment 'with full respect for the rule of law and human rights.'[127] With the concept of multi-dimensional peace-keeping operations, the UN intends to help filling the security gap in (post) conflict environments, for example by contributing to a wider process of 'establishing legitimate and effective institutions of governance.'[128] Finally, it offers a framework in which donor countries are able to coordinate their efforts within a comprehensive approach.[129]

In general, multi-dimensional peace-keeping and peace support could be regarded as synonyms; however, they do not involve the same activities. The UN recognises that the 'boundaries between conflict prevention, peace-making, peace-keeping, peace-building and peace enforcement have become blurred,[130] and 'rarely occur in a linear or sequential way.'[131] Nevertheless, the UN regards multidimensional peacekeeping as a separate activity among the other activities undertaken by the UN or other international organisations 'to maintain international peace and security throughout the world,'[132] whereas peace support explicitly includes these activities. As such, multi-dimensional peace-keeping can

124 United Nations (2000b), p. 12. After the failures to restore peace in Bosnia and Herzegovina, Somalia and Rwanda, the UN role in conducting complex peace operations has diminished significantly (See for example: Bellamy, Williams & Griffin (2004), pp. 80-81; Klep & Van Gils (2004), pp. 402-403). To establish clear chains of command, NATO and the EU have become major executors of UN-mandated peace operations. In Bosnia, NATO deployed the UN authorised peace operation IFOR/SFOR, later succeeded by EUFOR mission, which succeeded NATO in Bosnia. In 1999, NATO deployed the KFOR peace operation in Kosovo and in 2001, the UN mandated NATO to launch the ISAF operation in Afghanistan (Eide (2001), p. 8).

125 United Nations (2008), p. 10.

126 United Nations (2008), pp. 21-22.

127 United Nations (2008), pp. 22-23.

128 United Nations (2008), p. 24.

129 United Nations (2008), p. 23.

130 United Nations (2008), p. 18.

131 United Nations (2008), p. 20.

132 United Nations (2008), p. 17.

be regarded as a synonym to second generation peacekeeping rather than to peace support.

Definition

Although the UN does not define peace support operations, the international military community has widely adopted its concept and has, with variations, provided a doctrinal foundation for recent crisis management operations,[133] such as the IFOR/SFOR mission in Bosnia and Herzegovina, the KFOR mission in Kosovo, and the INTERFET mission in East Timor.[134] However, military literature does not provide a commonly agreed definition.

NATO underlines the long-term character of peace support operations. The NATO doctrine defines a peace support operation as an 'operation that impartially makes use of diplomatic, civil and military means, normally in pursuit of United Nations Charter purposes and principles, to restore or maintain peace. Such operations may include conflict prevention, peace-making, peace-enforcement, peacekeeping, peace-building and/or support to humanitarian assistance.'[135]

US military doctrine does not recognise the term "peace support operation". It rather uses the term "peace operations" which largely involve the same activities as included in NATO's peace support operations: peacekeeping, peace-enforcement, peace-making, peace-building, and conflict prevention efforts.'[136] According to the US doctrine, peace operations 'encompasses multiagency and multinational crisis response and limited contingency operations involving all instruments of national power with military missions to contain conflict, redress the peace, and shape the environment to support reconciliation and rebuilding and facilitate the transition to legitimate governance.'[137] According to the US doctrine, peace operations are primarily conducted through the execution of "stability operations".[138]

The Dutch definition of peace support operations draws on the NATO definition. The *Netherlands Defence Doctrine* of 2005 defines a peace support operation as 'an operation that is conducted with the objective of achieving a lasting political solution to a conflict and in which the deployed military force stands above the parties involved in the conflict. The force's mandate is generally based on a UN resolution or a corresponding decision by another international

133 Ramsbothan, Woodhouse & Miall (2005), p. 143.
134 See for example: Bellamy, Williamson & Griffin (2004), pp. 173-181; Ramsbothan, Woodhouse & Miall (2005), pp. 143-144.
135 North Atlantic Treaty Organisation (2010), p. 1-5
136 US Department of the Army – Headquarters (2008a), p. 2-8.
137 US Department of the Army – Headquarters (2008a), p. 2-8.
138 US Department of the Army – Headquarters (2008a), p. 2-9.

organisation, such as the OSCE.'[139] In line with British and NATO doctrines, the *Netherlands Defence Doctrine* distinguishes between five peace support activities:[140]

1. *Conflict prevention*: activities involving a range of diplomatic and military efforts, such as the identification of potential causes of conflict, the monitoring of conflict indicators and the early deployment of activities to prevent the development or the (re)emergence of a conflict between states or within a state.
2. *Peacekeeping*: operations under Chapter VI of the UN Charter, which are conducted after a peace agreement or cease-fire, have been agreed. They need the consent and compliance of the parties involved.
3. *Peace-enforcement*: operations under Chapter VII of the UN Charter, which are conducted to restore peace between warring parties. These operations do not necessarily need the consent of the warring parties. Peace-enforcement operations can be intra- or inter-state and often involve the use or threat of force.
4. *Peace-building*: activities conducted by civil organisations, if necessary with military support, to sustain a fragile peace after the settlement of an armed conflict. They include nation and institution building and establishing the rule of law.
5. *Humanitarian activities*: activities such as the deployment of medical relief teams or aid to refugees or displaced persons. They can be conducted independently or as part of a peace support operation.[141]

Peace Support as operational theme

Today, peace support is defined as an "operational theme"[142] or a "campaign theme"[143] rather than as a separate operation.[144] For example, like NATO, the NL Army doctrine *Land Operations* places peace support along with peacetime military engagement, security, and major combat at an ascending scale of conflict ranging from stable peace to general war.[145] Within this spectrum of conflict, there are four campaign themes: "peace-time military engagement", "peace

139 Ministerie van Defensie (2005), p. 73.

140 These activities importantly require a comprehensive approach to be successful (see for example: UK Ministry of Defence (2004), p. 1-8).

141 Ministerie van Defensie (2005), pp. 75-77.

142 UK Ministry of Defence (2009b), pp. xv-xvi; US Department of the Army – Headquarters (2008a), pp. 2-3 – 2-9.

143 Koninklijke Landmacht (2009), pp. 94-95.

144 The NL Army defines a campaign as 'an aggregate of military operations that are planed or executed to achieve a strategic objective' (Koninklijke Landmacht (2009), p. 94).

145 Koninklijke Landmacht (2014), pp. 7-2 – 7-3; North Atlantic Treaty Organisation (2013), p. 1-9.

support", "security" and "major combat".[146] The individual campaign themes are not monoliths as they increasingly overlap and merge and contain characteristics of other themes because of changing operational conditions or political guidelines (see Figure 2).[147] The Dutch doctrine regards the operational themes container notions in which contemporary operations are deployed.[148] In these operations, there is neither a clear distinction between the various levels of force nor a clear distinction between the various modes of military activity.[149] As a result, the objective of the campaign theme "peace support" is not only focused on the return to a peaceful situation in a country or a region, for example through prevention, intervention and/or peace-building, but can also include peace-enforcing (offensive activities) to fight and disrupt insurgents and/or warring parties.[150]

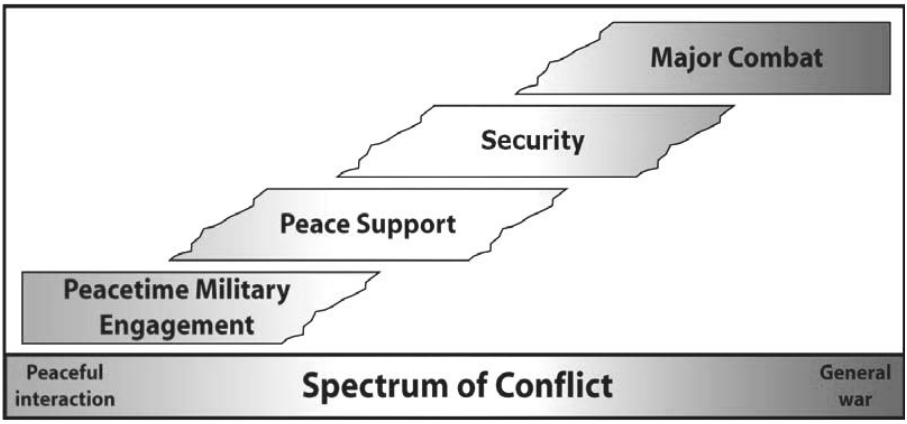

Figure 2: Campaign themes within the spectrum of conflict (North Atlantic Treaty Organisation (2013), p. 1-9).

2.6 Counter-insurgency

Introduction

During the Cold War, Western armed forces primarily focused on preparation for conventional and large-scale military conflicts while during the 1990s they mainly engaged in peace operations. Throughout these years, counter-insurgency

146 Peace-time military engagement involves humanitarian and civilian evacuation operations, both nationally and internationally. Peace support focuses on international crisis management to prevent or contain armed violence. Security concentrates on establishing security and stability in a crisis area by a multi-agency approach to restore the rule of law, essential services and good governance. Major combat involves military engagement in a large-scale armed conflict (Koninklijke Landmacht (2014), pp. 7-2 – 7.3).

147 Koninklijke Landmacht (2009), p. 94; Koninklijke Landmacht (2014), p. 7-2.

148 Koninklijke Landmacht (2009), p. 144.

149 Koninklijke Landmacht (2009), p. 80. See also: Koninklijke Landmacht (2008), p. 39.

150 Koninklijke Landmacht (2009), pp. 94-95; Koninklijke Landmacht (2014), p. 7-3 & pp. 7-19 -7-20.

received little or no attention from military commanders and planners.[151] Since the early 2000s, counter-insurgency faced a revival in military thinking. Confronted with irregular warfare, terrorist attacks, armed criminal gangs, and organised crime during operations in Iraq and Afghanistan, Western military forces had no effective or efficient answers to neutralise these threats and to win the hearts and minds of the population at the same time. Commanders in the field realised that that they could not achieve military success by conventional strategies. During these missions, they understood that they were conducting a counter-insurgency operation, which required a combination of hard power to fight the insurgents and soft power to support the population and to sustain reconstruction and development.[152]

Doctrine

The immediate need for answers and guidelines on the ground fuelled debates between military experts and initiated the development of new doctrines, which is still evolving. Between the military doctrines of, for example, the United States, United Kingdom, the Netherlands, and NATO there is not yet a consensus of how to situate counter-insurgency within the spectrum of conflict. In fact, this lack of consensus does not provide a lot of clarity on the status of counter-insurgency in relationship to other types of military activity and operations, which may lead to some confusion. Like NATO, the NL Army doctrine regards counter-insurgency as part of the campaign theme "security".[153] The British doctrine describes counter-insurgency as a subset of counter-irregular activity,[154] while the US doctrine considers counter-insurgency as a subset of irregular warfare.[155] How these two doctrines relate counter-insurgency to stability operations is, however, confusing. The British Army doctrine *Countering Insurgency* places a counter-insurgency operation 'within the three major sectors of a stabilisation campaign: governance, security and development.' The contribution of counter-insurgency in a stabilisation campaign then depends on the scale of the insurgency and could therefore vary in size as the campaign develops.[156] As such, in the British doctrine counter-insurgency is a subset of a stabilisation campaign. The US doctrine *Field Manual (FM) 3-24 Counterinsurgency*, on the other hand, describes counter-insurgency as 'a combination of offensive, defensive, and stability operations,'[157] which implies that a counter-insurgency campaign involves a full-spectrum operation, of which a stabilisation campaign is then a subset.[158]

151 See for example: Alderson (2010), p. 28; Brocades Zaalberg (2007), p. 291; Nagl (2007), p. xiv; Kitzen (2008); Mockaitis (2005), p. 259 & p. 261.

152 See for example: Kitzen (2008), pp. 131-132.

153 Koninklijke Landmacht (2014), p. 7-4 & pp. 7-19 – 7-20; North Atlantic Treaty Organisation (2013), p. 1-13.

154 UK Ministry of Defence (2009a), p. xv.

155 US Department of the Army – Headquarters (2008a), p. 2-4 & p. 2-10.

156 UK Ministry of Defence (2009a), p. 1-4.

157 US Department of the Army – Headquarters (2006), p. 1-19.

158 Sewall (2007), p. xxiii; Siegl (2007), p. 100.

Despite conceptual differences, there is some common understanding regarding its definition. The US military doctrine defines counter-insurgency as 'military, paramilitary, political, economic, psychological, and civic actions taken by a government to defeat insurgency.'[159] The definition used by NATO is quite similar as it defines counter-insurgency as 'the set of political, economic, social, military, law enforcement, civil and psychological activities with the aim to defeat insurgency and address any core grievances.'[160] This definition differs from the American version by changing the word "paramilitary" into "law enforcement" and adding the importance of addressing the primary problems of insurgency and underlining its multifaceted background. The definition used in the British doctrine largely follows that of NATO as it describes counter-insurgency as 'military, law enforcement, political, economic, psychological and civic actions taken to defeat insurgency, while addressing the root causes'[161] The NL Army does not provide a definition of counter-insurgency of its own. Nor has it produced a separate counter-insurgency doctrine. Instead, it adopted NATO's counter-insurgency doctrine as its own leading concept.[162]

Classic principles

Counter-insurgency theory has a long history. Contemporary counter-insurgency principles are largely based upon the lessons learned of British and French colonial counter-insurgency campaigns during the 1950s and 1960s. In particular, the influence of the British military officers Robert Thompson and Frank Kitson, and the French military officer, diplomat and scholar David Galula has been noticeable.[163] Their views show some common principles.

Thompson and Galula for example both point at the importance of focusing counter-insurgency operations on the security of the civilian population in order to assure popular support. The counterinsurgents should prioritise the protection of the population, for example, by separating civilians from insurgents and restraining the use of force in order to prevent popular resentment and the creation of martyrs.[164]

Next, Thompson and Galula prioritise the achievement of political objectives in counter-insurgency operations.[165] Galula for example notes that counter-insurgency is '20 percent military action and 80 percent political.'[166] Military

159 US Department of the Army – Headquarters (2006), p. 1-1.
160 North Atlantic Treaty Organisation (2010), pp. 1-2 – 1-3.
161 UK Ministry of Defence (2009a), p. 1-6.
162 Memorandum Commander of the Armed Forces (*Commandant der Strijdkrachten*), *Oplegnota AJP-03.4.3*, No. B2111022646, July 15, 2011.
163 See for example: Alderson (2010), p. 29; Brocades Zaalberg (2007), pp. 294-295; Crane (2010), p. 62; Kitzen (2008), pp. 130-131; Nagl (2007), p. xix; Ollivant & Chewning (2006); UK Ministry of Defence (2009a), p. 4-3; US Department of the Army – Headquarters (2006), p. viii.
164 Galula (2006), p. 52; Thompson (1966), pp. 50-58. See also: US Department of the Army – Headquarters (2006), p. 1-23.
165 Galula (2006), p. 52; Thompson (1966), pp. 50-58.
166 Galula (2006), p. 63.

action is therefore secondary to political, which means that "political action remains foremost throughout the war" and "every military move has to be weighed with regard to its political effects, and vice versa."[167]

Thompson and Galula also emphasise the need for unity of effort, or a comprehensive approach towards the resolution of insurgency, involving a multifaceted approach that addresses the political, economic, social, cultural, and security dimensions of the root causes of the insurgency. They also argue that successful counter-insurgency requires a long-term political and military commitment. Therefore, counterinsurgents need to understand their environment, engage in the local communities they secure and build networks.[168] For that purpose, Galula suggests that counter-insurgency forces must live among the population on a 24/7 basis: 'The units must be deployed where the population actually lives and not in positions deemed to possess a military value.'[169]

Kitson and Galula underline that counter-insurgency is all about gathering intelligence and creating a solid information position.[170] Intelligence requires a good understanding of the environment and a good relationship with the local population. If the counterinsurgent wants the population to share information, they have to make sure that the population feels protected, as Galula notes.[171] Kitson also suggests that a counter-insurgency force should explicitly organise for intelligence activities. He underlines that the military should reinforce its intelligence organisation at all levels in conducting 'operations designed to develop information by special means'. He also stresses the importance of linguists in developing an in-depth understanding of the local situation and problems.[172]

Finally, Kitson and Galula point at the importance of organisational change. They argue that armies should reform their structure, capabilities and training in order to adapt to the requirements of low-intensity conflict. Therefore, they recommend the establishment of specialised units trained and equipped for counter-insurgency.[173] They also underline that these units should be able to take on civilian tasks.[174] Galula argues that 'to confine soldiers [in a counter-insurgency campaign] to purely military functions while urgent and vital tasks have to be done and nobody else is available to undertake them would be senseless.' Therefore, he adds, 'the soldier must then be prepared to become a propagandist, a social worker, a civil engineer, a school teacher, a nurse, a boy scout.'[175] In line with Galula, Kitson underlines that counterinsurgents must be prepared to

167 Galula (2006), p. 5.
168 Galula (2006), p. 52; Thompson (1966), pp. 50-58.
169 Galula (2006), p. 78.
170 Galula (2006), p. 50; Kitson (2010), p. 165.
171 Galula (2006), p. 50.
172 Kitson (2010), p. 191. See also: Kilcullen (2006), p. 135.
173 Galula (2006), pp. 65-66; Kitson (2010), pp. 186-187.
174 Galula (2006), p. 62; Kitson (2010), p. 166.
175 Galula (2006), p. 62.

perform civilian tasks effectively, arguing that officers not only need command their soldiers, but also to direct the activities of local police officers.[176]

Contemporary views

In addition to the classic views on counter-insurgency, contemporary doctrines also adopted lessons learned from recent experiences, such as in Iraq and Afghanistan.[177]

One of these principles is the use of an appropriate level of force. Like in peace operations, the principle of minimum use of force has become a central value to gain and maintain popular support.[178] According to Aylwin-Foster, a counter-insurgency force must have two skills not required for conventional war fighting. First, issues and action have to be addressed from the perspective of the local population. Second, the relative value of force has to be understood and that excessive force can undermine popular support.[179] As a result, in counter-insurgency operations, defeating the opponent is not the central goal. Instead, the military should focus on the elimination of the root causes of the conflict in order to establish long-term stability and peace.[180] The US doctrine therefore underlines that in counter-insurgency it is important to adopt levels of force appropriate to accomplish the mission without causing unnecessary loss of life or suffering, or collateral damage: 'Sometimes, the more force is used, the less effective it is.' Using substantial force not only risks the loss of popular support, it also 'increases the opportunity for insurgent propaganda to portray lethal military activities as brutal.' [181] 'Having a cup of tea with the locals seems to be less heroic than an armoured patrol but is often much more effective.'[182] On the other hand, restrained force does not only enhance popular support, it may also increase troop vulnerability. According to Baker this must be seen as a short-term risk, which pays off in the long term in order to isolate the population from the insurgents.[183] However, restrained use of force does not imply that fighting and elimination of insurgents will not be necessary. Kinetic action will remain a substantial element of counter-insurgency.[184] In this regard, counter-insurgency differs from classical peacekeeping operations in which kinetic action is only

176 Kitson (2010), p. 166.

177 See for example: North Atlantic Treaty Organisation (2011), pp. 3-2 – 3-27; UK Ministry of Defence (2009a), pp. 3-1 – 3-22; US Department of the Army – Headquarters (2006), pp. 1-20 – 1-26.

178 US Department of the Army – Headquarters (2006), pp. 1-25. North Atlantic Treaty Organisation (2011), pp. 5-5 – 5-6; UK Ministry of Defence (2009a), pp. 3-13.

179 Aylwin-Foster (2005), p. 4. In 2005 Nigel Alwyn-Foster, a British Brigadier General, published his article 'Changing the Army for Counterinsurgency Operations' in *Military Review* in which he openly criticised the US military approach to fight insurgency in Iraq. This article played an important role in fuelling the discussion on the organisational and operational requirements for a successful counterinsurgency campaign.

180 Kilcullen (2006), p. 134.

181 US Department of the Army – Headquarters (2006), p. 1-27.

182 Dimitriu & De Graaf (2009), p. 627.

183 Baker (2006), p. 32.

184 Cohen, Crane, Horvath & Nagl (2006), p. 51; Soldaat (2009a), p. 263.

allowed in terms of self-defence while in counter-insurgency, force is sometimes a necessary option to achieve a military goal.[185]

"Learn and adapt" is another principle in contemporary counter-insurgency doctrines.[186] The US doctrine emphasises that 'an effective counterinsurgent force is a learning organisation.'[187] It regards the process of learning and adaptation to be an ongoing process being a continuous race between the insurgent and counterinsurgent. The actor who has the fastest cycle of adaptation will ultimately win the campaign.[188] In counter-insurgency "learn and adapt" is not limited to tactical operations or the tactical level. It applies to all echelons of the military organisation, from the individual to the institutional level, as both the British and US counter-insurgency doctrines underline.[189] In counter-insurgency, all parts of the military organisation require an effective learn and adapt mechanism, and a mind-set to select, implement and institutionalise best practices.[190] As such, learning and adapting, in counter-insurgency, implies institutional change. As Petraeus notes, counter-insurgency requires flexible and adaptable commanders who are able to innovate and take risks in order to achieve change.[191] Military organisations are 'inherently conservative organisations, however, and cautious about change,' especially when it affects its structure and dominant culture.[192] Nagl also notes that 'military organisations often demonstrate a remarkable resistance to doctrinal change because of their organisational cultures.'[193] He adds that this is especially true if the dominant culture is attuned to conventional warfare: 'an organisation optimised to succeed in one [kind of warfare] will have great difficulty in fighting the other.'[194] "Learn and adapt" may therefore be the most difficult principle to incorporate as it challenges the very basis of the military's organisational cultures.[195]

A final contemporary principle involves the empowerment of the tactical level. Several experts emphasise that counter-insurgency requires a decentralised approach and tactical flexibility to find local solutions to local problems.[196] Counter-insurgency is basically a 'corporal's and a subaltern's war' in which junior officers and non-commissioned officers need discretion to take 'appropriate action in the

185 US Department of the Army – Headquarters (2006), p. 1-20.
186 See for example: US Department of the Army – Headquarters (2006), p. 1-26; UK Ministry of Defence (2009a), p. 3-18. See also Kiszely (2007).
187 US Department of the Army (2006), p. 1-26.
188 US Department of the Army (2006), p. 5-31.
189 See for example: US Department of the Army – Headquarters (2006), p. 44-47; UK Ministry of Defence (2009), p. 3-18.
190 See for example: US Department of the Army – Headquarters (2006), p. 44-47; UK Ministry of Defence (2009), p. 3-18.
191 Petraeus (2006), p. 9.
192 Kiszely (2007), p. 8.
193 Nagl (2002), p. 8.
194 Nagl (2002), p. 219.
195 Kiszely (2007), p. 10.
196 See for example: Hillen (2007), p. 15; Kilcullen (2006), p. 104; Mockaitis (2005), p. 257; Brocades Zaalberg (2007), p. 296.

field without asking up the chain of command.'[197] The US doctrine also emphasises that in counter-insurgency operations 'many important decisions are not made by generals' but require the competence and judgment of soldiers at all levels.[198] According to Petraeus, 'the strategic corporals and strategic lieutenants' will often take decisions with strategic consequences leading to success.[199] Counter-insurgency operations are thus vertically integrated operations. Efforts at the lowest organisational level are a condition for the success of the overall mission.[200]

2.7 Stabilisation activities

Introduction

Stabilisation activities can also be seen as an example of crisis management operation as they primarily focus on deploying political, military and civil action to prevent or resolve an (armed) conflict. The doctrinal development on stabilisation activities is still young. The US military published its first doctrine in 2008 followed by the military doctrines of the United Kingdom in 2009 and the Netherlands in 2009 and 2014.

US Doctrine

Traditionally, the US government has been hesitant to deploy soldiers for stabilisation operations. In their view, soldiers must be trained and equipped to fight high-intensity wars and offensive operations to achieve quick military victories, with overwhelming force, with as few friendly casualties as possible in order to free manpower and resources for future operations.[201] As a result, peace operations and stability operations were seen as secondary to combat operations because they could distract the military from their primary task of fighting wars.[202] However, the difficulties to provide a safe and secure environment in Iraq and Afghanistan created a need to develop a different military approach to achieve enduring peace and stability in conflict environments.[203] The US Army 'recognized that shaping the civil situation through stability operations is often more important to lasting success than winning battles and engagements,' as Caldwell and Leonard point out.[204]

In 2008, two publications were published that underlined the increasing importance of stabilisation operations.
The first involved the US "capstone doctrine" *FM 3-0 Operations*, which explicitly elevated stability operations to being of equal importance to offensive

197 Mockaitis (2005), p. 257.
198 US Department of the Army – Headquarters (2006), p. 1-28.
199 Petraeus (2006), p. 9.
200 Soldaat (2009a), p. 252.
201 See for example: Powell (1992).
202 See for example: Zisk Marten (2004), p. 104; Morgan (2005), p. 159; Rose (2002), pp. 57-84; Schmidl (1998), p. 37.
203 See for example: Caldwell & Leonard (2008); Chiarelli & Michaelis (2005); Gates (2008); Siegl (2007); Wallace (2008).
204 Caldwell & Leonard (2008), p. 9.

and defensive operations. This doctrine gave stability operations equal leverage to combat operations. Stability operations have since become an integral part of "full spectrum operations". These "full spectrum operations" are at the core of US Army doctrine.[205] In these operations, US Army forces are supposed to 'combine offensive, defensive, and stability or civil support operations simultaneously as part of an interdependent joint force to seize, retain, and exploit the initiative, accepting prudent risk to create opportunities to achieve decisive results.'[206] While offensive and defensive operations emphasise the employment of (lethal) combat power to defeat the enemy,[207] stability operations shape the conditions 'to establish a safe and secure environment'; 'facilitate reconciliation among former adversaries'; 'establish political, legal, social, and economic institutions; and facilitate the transition of responsibility to a legitimate civil authority.'[208]
The second publication involved *FM 3-07 Stabilization Operations*, which further specified the doctrinal guidance concerning stabilisation operations.[209] The doctrine defines stability operations as operations that 'encompass various military missions, tasks, and activities conducted outside the United States in coordination with other instruments of national power to maintain or re-establish a safe and secure environment, provide essential governmental services, emergency infrastructure reconstruction, and humanitarian relief.'[210]

These doctrines involve a fundamental change of paradigm in US soldiering. They not only elevate stability operations to equal importance with offensive and defensive operations; they also underpin the importance of a comprehensive approach towards establishing security; justice and reconciliation; humanitarian and social well-being; governance and participation; and economic stabilisation and infrastructure.[211] The rationale of the comprehensive approach is that the solution of modern conflicts involves a long-term endeavour in which various (international) governmental, non-governmental organisations and private companies cooperate to 'support a host-nation government or a transitional civil or military authority when no legitimate, functioning host-nation government exists.'[212] Military forces are then supposed to establish, restore or provide basic civil functions 'until a civil authority or the host nation is capable of providing these services.'[213] As such, stabilisation operations involve the performance of

205 US Department of the Army – Headquarters (2008a), p. 3-1.
206 US Department of the Army – Headquarters (2008a), p. 3-1.
207 US Department of the Army – Headquarters (2008a), p. 3-3.
208 US Department of the Army – Headquarters (2008a), p. 3-12.
209 US Department of the Army – Headquarters (2008b), p. i.
210 US Department of the Army – Headquarters (2008b), p. vi. The doctrine distinguishes five primary stabilisation tasks, namely establishing civil security, establishing civil control, support to governance, restoring essential services, and support to economic and infrastructure development (US Department of the Army – Headquarters (2008a), pp. 3-13 – 3.14). These stabilisation tasks are to be deployed across the full 'spectrum of conflict, from stable peace to general war' (US Department of the Army – Headquarters (2008b), p. 2-9).
211 US Department of the Army – Headquarters (2008b), p. 2-5.
212 US Department of the Army – Headquarters (2008b), p. viii.
213 US Department of the Army – Headquarters (2008b), p. viii.

public security duties in case a host nation fails to do so. These tasks include a wide range of activities, such as the protecting of civilians, law enforcement, public order maintenance, crowd control, and the securing of critical infrastructure.[214] It also involves "security force assistance" which falls under the umbrella of security sector reform and which focuses on building and training local security forces.[215] This means that, if needed, the US military can be assigned to interim policing duties in order to establish, restore or provide public security if local security forces fail to do so.[216]

British doctrine

In 2009, the UK Defence Forces published their first joint doctrine on stability operations, called *Security and Stabilisation: The Military Contribution*. The doctrine underlines that the development of stabilisation theory is still evolving and has yet not fully materialised.[217] The doctrine therefore notes that the British military is currently not yet fully structured, equipped and trained to provide the full range of stabilisation tasks and emphasises that the armed forces have to adapt to the new situational requirements and need to include new qualities and capabilities that that go beyond the classical characteristics of the military.[218]

The British doctrine defines stabilisation as a process that involves a wide range of military and non-military activities to support 'states which are entering, enduring or emerging from conflict, in order to prevent or reduce violence, protect the population and key infrastructure, promote political processes and governance structures [necessary for] a political settlement that institutionalises non-violent contests for power and prepares for sustainable social and economic development.'[219] To achieve this, the British doctrine discerns three major stability activities: "building human and national security", "stimulating economic and infrastructure development", and "fostering host-government capacity and legitimacy".[220] The doctrine regards "building human and national security" primarily as a military responsibility in order to shape the conditions for the wider, civilian stabilisation efforts.[221] The other activities are largely civilian.

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214 US Department of the Army – Headquarters (2008b), p. 3-6.

215 Caldwell & Leonard (2008), p. 12.

216 US Department of the Army – Headquarters (2008b), p. 3-7.

217 UK Ministry of Defence (2009b), p. xiv.

218 UK Ministry of Defence (2009b), p. 2-14

219 UK Ministry of Defence (2009b), p. 2-2.

220 UK Ministry of Defence (2009b), p. 2-19 – 2-21.

221 UK Ministry of Defence (2009b), p. 1-17. The doctrine defines four specific military stabilisation tasks: "shape-secure-hold-develop". "Shape" involves the planning and execution of offensive operations to disrupt the enemy and to create an environment for stability activities. "Secure" involves military and non-military activities to provide security in a defined area and focuses on protecting the local population, and neutralising and isolating insurgents to establish the conditions for "hold" and "develop". "Hold" involves the containment of a safe and secure environment established during "Secure" through a comprehensive approach in which the military focuses on restoring the rule-of-law while and local security forces are trained and deployed to provide local security. "Develop", finally focuses on nation-building activities such as the development of local and national governance structures and functions (UK Ministry of Defence (2009b), pp. 4-18 – 4-20).

Nevertheless, the doctrine stipulates that all activities require an integrated, comprehensive approach of both civilian and military organisations and institutions to achieve the desired end-goal.[222]

Dutch doctrine

The Dutch military does not (yet) have dedicated doctrine on stability operations, although it has established a relevant body of expertise during recent crisis management missions. The 2009 *Land Doctrine Publicatie 1*: *Militaire Doctrine voor Landoperaties* (Land Doctrine Publication 1: Military Doctrine for Land Action) and the 2014 *Doctrine Publicatie 3.2*: *Landoperaties* (Doctrine Publication 3.2: Land Operations) provide some general guidelines on this subject, which are largely based upon NATO's classification and interpretation of stability activities.[223]

Like NATO, the NL Army does not regard stabilisation as an independent operation, but rather as an activity at the tactical level that could occur in one single military operation possibly in combination with offensive, defensive, and enabling activities.[224] These four activities may occur simultaneously or subsequently in one single operation whereby kinetic and non-kinetic activities alternate with each other or occur in parallel at some moment in time.[225] Like NATO, the Dutch doctrine discerns four clusters of stability activities: "security and control"; "support to Security Sector Reform"; "initial restoration of services"; and "support to initial governance".[226] During "stability and control", the military focus on achieving a stable and secure environment in order to enable civilian initiatives and activities for reconstruction and development. Although the doctrine underlines that if local security forces are not available or unable to take on their responsibilities, the (international) military may have to deploy security and control activities in order to achieve a basic level of security,[227] it does not explicitly mention the option of interim policing when local security forces are not available. The doctrine rather focuses on providing public security through Security Sector Reform, which means that the NL Army prioritises the (re)establishment of the local security sector above interim

222 UK Ministry of Defence (2009b), p. 2-27.

223 Koninklijke Landmacht (2014), p. 7-5. The doctrine also refers to the NATO doctrine ATP.3.2.1.1 *Guidance for the Conduct of Tactical Stability Activities* for a more detailed explanation of tactical stabilisation activities (Koninklijke Landmacht (2014), footnote 80, p. 7-36).

224 Koninklijke Landmacht (2014), p. 7-5. Hereby, the Dutch doctrine diverges from the US doctrine that regards stabilisation as an operation in itself, within the wider framework of a tactical operation (Koninklijke Landmacht (2014), p. 7-19). The Dutch military doctrine regards a tactical operation as a coordinated set of activities focused at the achievement of tangible effects. As such, a tactical operation results in the execution of the mission and tasks of a military unit in line with its operational concept by using one or more tactical activities (Koninklijke Landmacht (2014), p. 7-19).

225 Koninklijke Landmacht (2009), p. 145; Koninklijke Landmacht (2014), p. 7-5 & p. 7-19 – 7-20.

226 Koninklijke Landmacht (2009), pp. 145-146; Koninklijke Landmacht (2014), p. 7-8.

227 Koninklijke Landmacht (2014), p. 7-8.

policing. As such, the Dutch doctrine fails to conceptualise how public security could be achieved in case of a security gap.
The Dutch doctrine also regards stabilisation as a comprehensive, multi-agency approach.[228] The four stabilisation activities thus have a hybrid character and require both military and civilian involvement, although the level of this involvement may differ from situation to situation and activity to activity. For example, activities in the field of "stability and control" and "support to Security Sector Reform" are in majority military based while initial restoration of services; and support for initial governance activities are basically civilian in which the military can only fulfil a supportive role.[229] Nevertheless, as the doctrine underlines, all four stabilisation activities require close cooperation and coordination with various organisations and agencies, both local and international and governmental and non-governmental, in order to create the conditions necessary for development and reconstruction.[230] The Dutch doctrine finally stipulates that the execution of stabilisation activities must not be seen as a military specialisation: every military unit must be able to plan, prepare and deploy them. This implies that the military need to train and equip for these activities already in advance of an operation so that troops are able to deploy them immediately after an initial entry or as a follow-up to a defensive or offensive activity.[231]

2.8 Conclusions

After the end of the Cold War, the character of UN peace operations changed significantly. Conflicts in the early 1990s, like those in the Balkans and in Somalia, revealed that traditional Chapter VI peacekeeping operations, in which peacekeepers were supposed to take on an impartial role and were assigned to separate belligerents or monitor a UN sanctioned cease-fire, had become obsolete. Since the 1990s, conflicts now have an intra--state rather than inter-state character. These conflicts are often too complex and dynamic to be solved by cease-fires and by separating warring parties along clear demarcation lines. As such, the post-Cold War conflict has become a "war amongst the people".[232]

As a result, in contemporary crisis management operations there are no strict dividing lines between offensive, defensive and stability activities. In fact, these activities increasingly overlap and blur. Crisis management operations have therefore developed into a "comprehensive approach" in which organisations and agencies, international and national; governmental and non-governmental; and civil and military cooperate to achieve a common political goal. In this approach the military contribution may vary from civil support to civilian

228 Koninklijke Landmacht (2014), p. 7-37.
229 Koninklijke Landmacht (2014), p. 7-8. The doctrine stipulates that if local institutions fail to provide security and control, the international military have to fulfil these activities ad interim (Koninklijke Landmacht (2014), p. 7-8.
230 Koninklijke Landmacht (2008), p. 21; Koninklijke Landmacht (2009), 146; Koninklijke Landmacht (2014), p. 7-36.
231 Koninklijke Landmacht (2014), p. 7-41.
232 Smith (2005), pp. 16-17.

institutions and organisation to offensive activities to combat military opponents or insurgents which provides military commanders the options to respond in a more flexible or even robust way to breaches of a peace agreement or UN Security Council resolution.

3 Security gap

3.1 Introduction

As soon as a regional or internal armed conflict has ended, one of the top priorities is to break the cycle of impunity and violence and to provide a basic level of public security.[233] The need for immediate public security 'is the lesson of recent international interventions,' as Kaldor notes.[234] Another reason for establishing stability and public security as soon as possible is that these needs are key determinants for short-term reconstruction of basic infrastructure and public services, and long-term nation-building and social and economic development.[235] Public security should therefore be established in what is called the "golden hour".[236] The "golden hour" is the 'timeframe of several weeks to several months, during which external intervention may enjoy some popular support and international legitimacy, and when potential spoilers may have insufficient time to organise.'[237] The "golden hour" is especially important to prevent conflict escalating into a widespread insurgency.[238]

In case an international coalition has ended an internal armed conflict and removed the local authorities from power, the coalition becomes *de facto* responsible for providing public security and for maintaining law and order from day one.[239] This often faces the international community with a dilemma. Ideally, there is a clear division of tasks and responsibilities between an international military and the police, either local or international. The international military will then be responsible for establishing overall security and stability,[240] whereas the police are responsible for providing law enforcement and public order.[241] However, the provision of public security in (post) conflict environments is often problematic. There is often no clear division between conflict and peace; and violence tends to continue after a cease-fire.[242] The availability of (automatic) firearms is often a common feature and people have become accustomed to using

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233 See for example: Cline (2003), p. 177; Dobbins, Jones, Crane & Cole DeGrasse (2007), p. xxvi; Hansen (2002a), p. 67; Kaldor (2006), p. 175; Perito (2004a), p. 96; Voorhoeve (2007), p 59.

234 Kaldor (2006), p. 175.

235 See for example: Advisory Council on International Affairs (2009), p. 13; Dobbins, Jones, Crane & DeGrasse (2007), p. 13; Hills (2009), p. 7; Jones, Wilson, Rathmell & Riley (2005), p. 12; Smith, Holt & Durch (2006), p. 8; US Institute of Peace (2009), p. 3.12; Voorhoeve (2007), p. 54.

236 See for example: Dobbins, Jones, Crane & Cole DeGrasse (2007), p. 15; Jones, Wilson, Rathmell & Riley (2005), p. xi; Voorhoeve (2007), p. 53.

237 Jones, Wilson, Rathmell & Riley (2005), pp. 19-20.

238 Jones, Wilson, Rathmell & Riley (2005), p. 20.

239 See for example: Dziedzic (1998), pp. 9-10; Hansen (2002a), p. 73.

240 Advisory Council on International Affairs (2009), p. 13.

241 Call & Barnett (2000), p. 50; Perito (2004), p. 4; 241 Interchurch Peace Council (1998), p. 20.

242 Voorhoeve (2007), p. 22.

them. Being disposed to lawlessness and violence, people may lack the moral threshold to refrain from it. It is also possible that the police are part of or the source of the problem, for example if they are closely tied to criminal gangs or warring parties and can be seen as politically, ethnically or religiously biased.[243]

In terms of criminality, Hansen discerns four different types of crime that may occur in a (post) conflict area (see Table 1). These can be divided into "political or non-political" and "individual or collective" crimes. On the "individual-political" divide, there is ethnically or politically-motivated harassment. These crimes can also relate to acts of retaliation because of unmet grievances from the conflict. At the "collective–political" divide, there is politically motivated terrorism and insurgency, which in the worst case could result in a renewed outbreak of hostilities. At the "individual–non-political" divide, there is petty crime, such as theft, black marketing, corruption, muggings, kidnappings, and/or rape. These types of crime are often committed by opportunists who take advantage of the existing power and security gap. Finally, at the "collective–non-political" divide there is organised crime, which is mostly trans-national and deeply rooted in the structures of society.

Motivation	**Manner of organisation**	
	Individual	**Collective**
Political	Politically or ethnically motivated	Terrorism/insurgency
Non-Political	Petty crime	(Transnational) organised crime

Table1: Types of crime in (post) conflict societies (Hansen (2000b), p. 91)

Hansen notes that these four types of crime are often related and blur into one another. For example, terrorist groups often finance their political activities through organised crime and criminal organisations often have political links.[244]

In terms of public order, (post) conflict environments often suffer from wide-spread social disorder and chaos. Public order 'implies a degree of predictability, regularity and stability to social and political relationships, institutions and behaviours,' as Hills notes.[245] Ideally, public order refers to arrangements that ensure that each element in the political and social equilibrium is in balance and that each element exercises its proper function. In case of a (post) conflict society, the equilibrium fails to exist and the absence of agreed rules could result in public disorder,[246] notably public quarrels, (political) gatherings and rallies, protests and demonstrations, violation of curfews, looting and riots.

243 Dziedzic (1998), pp. 11-12. See also Linden, Last & Murphy (2007), p. 160.
244 Hansen (2000b), pp. 90-91.
245 Hills (2009), p. 12.
246 Hills (2009), p. 12.

The local police are often unable to solve these problems effectively. The local security infrastructure (police, justice, and penal system, etc.) has often disintegrated or has lost their legitimacy. The police are often ill trained and poorly equipped and may even have criminal offenders in their ranks.[247] Police officers may even have taken active part in the conflict against parts of the population.[248] In such cases, the local police do not receive the trust and respect of the population.[249] Therefore, as Bayley notes, an intervening coalition 'must be prepared to provide some interim police presence.'[250] He argues that 'it is irresponsible, even immoral, to intervene militarily to stop conflict and then not to use that presence to protect the public after initial pacification.'[251] A preferable alternative to replacing or assisting the local police is an early deployment of international police officers.[252] However, the implementation of such an alternative is not always feasible. International police are either not available in sufficient numbers and qualities at short notice or the security situation in the crisis area may be too dangerous for civilian police to function properly.[253]

As a result, crisis management operations often face a so called "security gap". Although each security gap is different,[254] since the 1990s, a security gap 'has been one of the few constants' in international crisis management operations.[255] The phenomenon of a security gap has been introduced and conceptualised by Michael Dziedzic. In 1998, he published a conceptual framework to analyse disorder problems during crisis management operations. In this framework, he divides the security gap into three separate gaps: the deployment gap, the enforcement gap and the institutional gap (see Figure 3). Although these gaps can be seen as subsequent phases, they often overlap or even occur in parallel.[256]

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247 Dziedzic (1998), p. 14; Hills (2004), p. 107.
248 Dobbins, Jones, Crane & Cole DeGrasse (2007), p. 15; Larsen (2002), p. 8.
249 Dziedzic (1998), p. 14.
250 Bayley (2001), p. 54.
251 Bayley (2001), p. 54.
252 Mobekk (2005), p. 3.
253 See for example: Call (2007b), p. 11; Call & Barnett (2000), pp. 50-51; Dziedzic (1998), p. 9; Hansen (2002b), p. 49; Linden, Last & Murphy (2007), p. 159; Perito (2005), p. 2; Voorhoeve (2007), p. 54.
254 Jakobsen (2003), p. 139.
255 Jakobsen (2003), p. 137.
256 Dziedzic (1998), pp. 8-16.

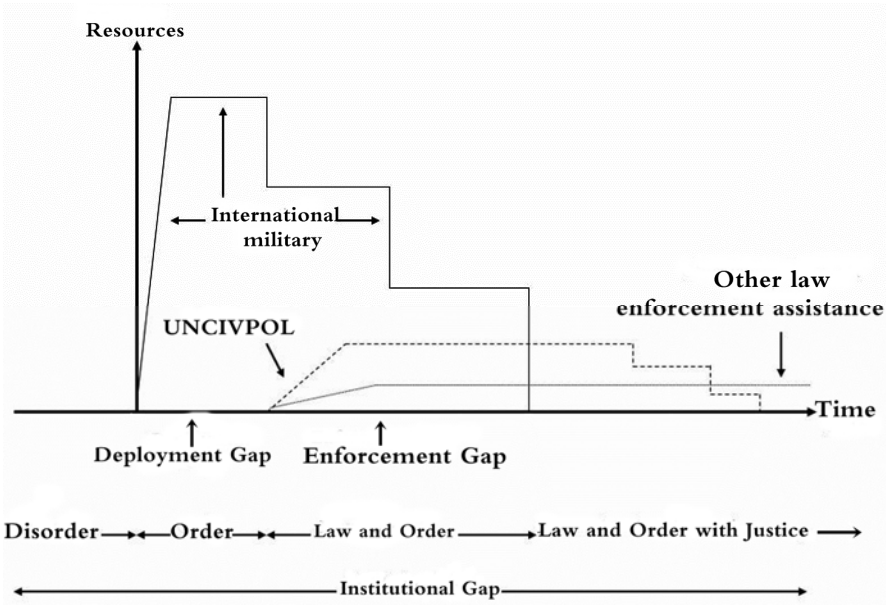

Figure 3: Security gap (Dziedzic (1998), p. 16)

This chapter discusses the characteristics of the security gap. It describes and explains the backgrounds and manifestations of the various security gaps. It discusses the role the military could play in overcoming these gaps. As such, this chapter answers the study's third sub-question.

This chapter has four sections. The first section presents an overview of public security tasks the military may have to provide during a security gap. The second section describes the deployment gap, while the third and fourth deal with the enforcement gap and the institutional gap. The chapter ends with conclusions.

3.1.1 Public security tasks in a security gap

The execution of the police function during a security gap brings with it certain tasks that are critical to establish basic public security. Law enforcement, for example, involves criminal investigations and the collection of evidence (e.g. in relationship to war crimes), the execution of high-risk search operations, arrest and detention of key criminal offenders; combating of political violence and extremism, as well as protection of high-value persons and witnesses. Public order maintenance may involve street patrolling in urban areas, managing public gatherings, providing crowd and riot control, ensuring free movement of the population, and protection of high-value facilities to prevent looting or destruction. Public assistance, finally, may involve the provision and facilitation of

humanitarian aid and the resolution of community problems.[257] Because the provision of public security by the international community can only be a temporary solution, a public security gap requires institutional reform of local police forces. Security Sector Reform (SSR) therefore can be seen as the fourth function within the framework of public security provided by the international community during crisis management operations. Tasks within the framework of SSR are, for example, vetting recruits, and training, advising and mentoring local police forces.[258]

3.2 Deployment gap

3.2.1 Background

Closing the security gap is under normal circumstances a responsibility of the local authorities and police.[259] However, they commonly lack the authority, capacity, motivation and discipline to cope with public security effectively in (post) conflict situations.[260] The police, for example, may either not be available, such as in Kosovo where Serbian police withdrew after KFOR forces took control;[261] or may be distrusted by parts of the population, such as in Bosnia and Herzegovina where the police were divided along ethnic lines.[262] Under these circumstances, continued and significant use of a distrusted police force could undermine international efforts to establish the rule of law and police reform.[263] The choice of the international community is then either to reform the previous force or to create a completely new police force, possibly keeping the old one as an interim solution. In most cases, the choice has been for the latter.[264]

However, reforming and training of local police is not a short-term solution to solve the public security gap. It takes months, if not years, to build or reform police organisations and to recruit, vet, and train credible police officers for the job.[265] Perito subscribes to the view that the establishment of a professional police

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257 See for example: Dobbins, Jones, Crane, Cole DeGrasse (2007), pp. 55-57; Jakobsen (2003), p. 141; Jones, Wilson, Rathmell & Riley (2005), p. 17; Kelly, Jones, Barnett, Crane, Davis & Jensen (2009), pp. 24-35; Rausch (2006), p. 135; US Department of the Army – Head Quarters (2008b), pp. 3-6 – 3-7; United States Institute of Peace (2009), p. 7-75.

258 See for example: Dobbins, Jones, Crane, Cole DeGrasse (2007), pp. 55-57; Jakobsen (2003), p. 141; Jones, Wilson, Rathmell & Riley (2005), p. 17; Kelly, Jones, Barnett, Crane, Davis & Jensen (2009), pp. 24-35; Rausch (2006), p. 135; US Department of the Army – Head Quarters (2008b), pp. 3-6 – 3-7; United States Institute of Peace (2009), p. 7-75.

259 Interchurch Peace Council (1998), p. 20.

260 Dziedzic (1998), p. 9; Hills (2004), p. 107.

261 Cousens & Harland (2006), p. 92; Dziedzic & Kishinchand (2005), p. 31.

262 Doyle (2007), p. 238; Dziedzic & Bair (1998), pp. 262-267.

263 Wilton Park Conference (2004), p. 9.

264 Dobbins, Jones, Crane & Cole DeGrasse (2007), p. 60.

265 See for example: Jones, Wilson, Rathmell & Riley (2005), p. 22; Perito (2007), p. 11; Perito, Dziedgic & DeGrasse (2004), p. 2; US Institute of Peace (2009), p. 1.4-1.5; Voorhoeve (2007), pp. 92-93.

force is a process that requires a long-term investment and commitment: 'Police training is a resource-intensive process that takes at least five years under optimal conditions and requires civilian experts with specialised skills and extensive foreign experience. Attempts to rush the training of local police forces and to put "uniforms on the street" inevitably fail to meet either the short-term need for immediate security or the long-term requirement for professional law enforcement personnel.'[266]

In addition, successful police reforms not only involve police reform in itself; it also 'requires transforming the relationship between police institutions and society.'[267] In Bosnia and Herzegovina by 2004, nine years after the Dayton Agreement, the overall structure of policing still prevented the police from operating effectively and efficiently.[268] The police were still divided along ethnic and political lines and did not work within a single legal framework, resulting in a 'fragmented and ineffective system of law enforcement.'[269] In Kosovo, the establishment of a Kosovo Police Service (KPS) took at least five years to replace the UN Police and become responsible for providing 'an indigenous, multi-ethnic, and professional police force, operating under democratic principles and representing the community in terms of ethnic and gender proportions.[270] In Iraq, a security gap arose because the Coalition failed to prioritise the reform of the police immediately after the defeat of Saddam Hussein. This delayed the professionalisation and modernisation of the police for several years, which – among other causes – contributed to the emergence of large-scale criminality and disorder.[271]

If the local police have become dysfunctional and unable to protect all groups and individuals in society and to enforce the law effectively and impartially, the alternative is to deploy international police to replace, assist, monitor and/or train the local police. Because public security is a problem in most crisis management operations, the involvement of civilian police in international crisis management operations has increased significantly since the end of the Cold War. The first post-Cold War international police operation was the United Nations Transition Assistance Group (UNTAG) mission in Namibia in 1989-1990.[272] During this mission, approximately 1,500 international police officers deployed to monitor the South West African Police (SWAPOL).[273] Ever since, the number of international police deployed in crisis management operations has increased considerably.[274]

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266 Perito (2005), p. 2.
267 Call (2007a), p. 387.
268 Doyle (2007), p. 246.
269 Doyle (2007), p. 246.
270 Rausch (2007), p. 294.
271 Jones, Wilson, Rathmell & Riley (2005), pp. 110-111; Perito (2005), p. 10.
272 Hansen (2002b), p. 17.
273 http://www.un.org/en/peacekeeping/missions/past/untagFT.htm#Structure; accessed May 16, 2011.
274 On January 2011, for example, the UN had dispatched up to 14,377 international police in thirteen different missions (http://www.un.org/en/peacekeeping/ contributors/ docu

However, the deployment of international police in most crisis management operations has been slow and problematic. Dziedzic defined this phenomenon as the "deployment gap", which is the lag time between the arrival of international military and the international police.[275] As such, a deployment gap results from unsynchronised reaction and deployment times.[276]

3.2.2 Nature of the deployment gap

In general, there are two reasons for the development of a deployment gap.
First, a deployment gap can be of quantitative nature. Whereas the military has the capacity to deploy soldiers rapidly for crisis management operations in other countries, the police, almost by definition, have not.[277] Police officers are employed in their domestic capacity at all times and cannot be spared easily for periods of several months.[278] Most Western countries are therefore reluctant to deploy police abroad, especially if they are already short-handed due to increasing domestic public security demands.[279] In addition, countries do not tend to recruit, train, or hold large numbers of police officers in reserve for international police missions.[280] Governments also have to rely on volunteers since they normally cannot order police officers to deploy in (post) conflict environments abroad.[281] Finally, donor governments could perceive the security situation on the ground as too dynamic, which prevents them from deploying their (unarmed) international police officers until the international military has created a relatively secure environment.[282] As a result, sufficient numbers of police officers are rarely available at the outset of an operation.[283] On average, it takes almost a year to build up and deploy an international police force after a conflict has ended.[284]
Second, a deployment gap can also be of qualitative nature. On several occasions, donor countries have seconded international police officers unqualified for the job because they were unable to meet the formal UN recruitment standards.[285]

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ments/Yearly06.pdf; accessed May 16, 2011), while the European Union (EU) had deployed 1,650 European police to the EULEX operation (http://www.eulex-kosovo.eu/en/police; accessed May 16, 2011) and 134 police officers to EUPOL (http://www.consilium.europa.eu/ uedocs/cms_data/docs/ missionPress/files/ 110410%20 FACTSHEET%20EUPM%20-%20version%2012_EN.pdf; accessed May 16, 2011).

275 Dziedzic (1989), p. 9.

276 Kaspersen, Eide & Hansen (2004), pp. 17-18. See also: Schmidl (1998), p. 39.

277 Dziedzic (1998), p. 9; Linden, Last & Murphy (2007), p. 159.

278 See for example: Call & Barnett (2000), pp. 50-51; Smith, Holt & Durch (2006), p. 29.

279 Broer & Emery (1998), p. 379; Smith, Holt & Durch (2006), p. 29.

280 Durch & Berkman (2006b), p. 45.

281 Larsen (2002), p. 9.

282 See for example: Call (2007b), p. 11; Hansen (2002b), p. 49; Linden, Last & Murphy (2007), p. 159.

283 Linden, Last & Murphy (2007), p. 159.

284 Binnendijk & Johnson (2004), p. 7.

285 See for example: Call & Barnett (2000), p. 51; Hansen (2002b), p. 50; Linden, Last & Murphey (2007), pp. 162-163; Smith, Holt & Durch (2006), p. 24; Voorhoeve (2007), p. 171.

Call and Barnett add that even if 'personnel are perfectly adequate police officers in their countries of origin, they often fail to meet the multiple requirements for the mission.'[286] For example, they `may lack the basic policing and language skills to work and communicate in a country with a different culture.[287] Language problems are by far the most compelling. Although the UN requires that international police officers must be able to communicate in the official mission language, this requirement is not always met.[288] In addition, the ability to work in a multicultural environment is sometimes neglected and puts a heavy burden on the intra-organisational cooperation. Occasionally, during police missions, international police officers from various nationalities and cultures work together within the same police station, all bringing in their own agendas, policing traditions, work ethics, religious beliefs, eating habits etc.; all potential causes of cultural and professional tensions.[289] The deficit of professional policing and intercultural skills of some personnel deployed in international police missions can have a devastating effect on the operation as a whole.[290] The UN therefore established a more stringent selection process including interviews, pre-deployment assessment and language tests.[291]

The deployment gap has become a likely feature of international police missions. In Cambodia, the deployment of the UNTAC Police did not reach full strength until approximately nine months after the formal start of mission,[292] which seriously affected the effectiveness and credibility of the overall mission.[293] In Bosnia and Herzegovina, IPTF suffered from initial delays in deployments of police personnel after the implementation of the Dayton Accords in December 1995. It was not until April 30, 1996 that the UN Secretary General declared the IPTF as operational and it took until September 1996 to reach its full strength of approximately 1,700 police officers.[294] The initial deficit of international police resulted for example in the inability of the international community to intervene when militant Serbs forcefully evicted Serbian occupants from their neighbourhoods within Muslim territory to the Republika Srpska and looted and burned their apartments.[295] In Kosovo, inadequate staffing of the police force of the United Nations Mission in Kosovo (UNMiK) also constrained the effectiveness of the police mission during its first year. Until May 2000, almost a year after the deployment of KFOR, UNMiK Police had only reached a deployment of 75 percent in strength.[296] The understaffing undermined the

286 Call & Barnett (2000), p. 51.
287 See for example: Broer & Emery (1998), p. 379; Perito, Dziedzic & DeGrasse (2004), p. 5.
288 Broer & Emery (1998), p. 374.
289 Broer & Emery (1998), p. 377.
290 Hansen (2002b), p. 50.
291 See for example: United Nations (2007).
292 Cline (2003), p. 173.
293 Linden, Last & Murphy (2007), p. 159.
294 Dziedzic & Bair (1998), p. 276.
295 See for example: Bayley (2001), p. 54; Dziedzic & Bair (1998), pp. 282-283; Zisk Marten (2006), pp. 134-135;
296 Dziedzic (2006), p. 348.

credibility of the UNMiK Police as they were unable to meet the security demands of the local population regarding the level of crime on the streets.[297]

3.2.3 Initiatives to bridge the deployment gap

To prevent or overcome a deployment gap, several governmental institutions or international security experts have presented initiatives to increase the availability of international police capacities suited for deployment in the early stages of an international crisis management operation.[298]

In 2000, the Panel on United Nations Peace Operations presented the *Brahimi Report* in which it presented a 'clear set of specific, concrete and practical recommendations' to improve the UN's performance in those operations. The report also looked at improving the deployment of the of UN police. It recommended that each member state would 'establish a national pool of civilian police officers that would be ready for deployment to UN peace operations on short notice, within the context of the UN standby arrangements.'[299] The report also recommended to create an 'on-call list of about 100 police officers (…) to be available on seven days notice' which could serve as a pool from which the UN police component of a new peacekeeping operation could be assembled.[300] This recommendation was met in 2004, when the UN General Assembly approved the establishment of a UN Standing Police Capacity (UNSPC) of 50 to 100 officers. As of October 2007, the UNSPC had become operational.[301]

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297 Hartz, Mercean & Williamson (2005), p. 169.

298 See for example: Langille (2002); Smith, Holt & Durch (2006); Solana (1997); United Nations (2000b), §86-91; United Nations (2001), §132-139; Wilton Park Conference (2004).
The Dutch government endorsed the idea of a UN Standby Police Force too. See for example the address of Minister of Defence J.J.C. Voorhoeve at the Seminar on UN Peacekeeping Operations. *Improving UN Peacekeeping Operations. A Proposal for a UN Standby Police Force*. New York, November 17, 1997; In May 1998 the Netherlands took further steps on this issue and drafted a proposal to establish a UN Standby Police Force within the UN Standby Arrangements System. The Dutch proposal was presented to Argentina, Ghana, Ireland, Pakistan and Portugal to reach a broad geographical representation. The idea was to create a capacity of at least half a dozen nations that would add up to a total of a few hundred police officers with basic training in post-conflict peace support and monitoring duties. The standby force would preferably consist of various types of police, ranging from regular civilian police officers to *gendarmerie*-type forces. (Ministerie van Defensie, Directie Algemene Beleidszaken (1998). *Oproepbare vn-politiemacht*. Nota D98/578, 28 oktober 1998. Den Haag: Ministerie van Defensie). In the end, however, this Dutch initiative failed.

299 UN General Assembly & Security Council (2000), p. 21.

300 UN General Assembly & Security Council (2000), p. 21.

301 Following the earthquake in Haiti in early 2010, the UN was able to deploy half of the SPC to the United Nations Stabilization Mission in Haiti (MINUSTAH) within the time-frame of one week
(http://www.un.org/en/peacekeeping/sites/police/capacity.shtml; accessed March 18, 2011).

The EU also initiated a sort of standby arrangement for civilian police personnel. During a European Council Meeting in 2000, EU Member States decided to 'provide up to 5,000 police officers for international missions across the range of conflict prevention and crisis management operations,' of which 1,000 police officers should be deployable within 30 days.[302]

However, none of these initiatives or recommendations has yet resulted in a final or viable solution in order to deploy international police on short notice in an emerging security gap.
The UN, for example, still does not have a large standing force of qualified and trained police and law enforcement officers in either form, despite the police officers seconded to the UNSPC.[303] It not only does not have the ability to recruit forces without Security Council authorisation and the cooperation of donor countries.[304] Therefore, planning, organising, mobilising and deploying a UN police force continues to be a challenge as 'the demand for skilled police personnel to implement the mandates of contemporary crisis management operations in public-security sector reform, re-establishment of the rule of law and local capacity building far outstrips current capacities.'[305]

Therefore, the question remains whether international police arrangements will ever be sufficient to provide a sustainable solution to the deployment gap. Carl Bildt, the former High Representative in Bosnia and Herzegovina also expressed his doubts stating that:

It is an illusion to believe that there will ever be international police forces ready to deploy in anything resembling necessary numbers or that it will be enough with lighter *carabinieri*-type units. Any serious security effort must be able to have escalation dominance in any possible situation, and that effectively means that military forces will have to be the critical part.[306]

So, if donor countries are not able to deploy sufficient international police in the early stages of a crisis management operation, there seems to be no other alternative than to task the military to provide public security until the international community provides a civilian alternative or competent local police are in place.[307] However, the deployment troops as interim police is disputed and has fuelled a discourse between "vacuum-fillers" and "minimalists".[308]

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302 EU Presidency Conclusions of the European Council Meeting, Santa Maria da Feira, June 19-20, 2000. Available at http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/00200-r1.en0.htm; accessed March 18, 2011.

303 Perito, Dziedzic & DeGrasse (2004), p. 5.

304 See for example: Mobekk (2005), p. 4; Perito, Dziedzic & DeGrasse (2004), p. 5; Smith, Holt & Durch (2006), p. 13; Wilton Park Conference (2007), p. 6.

305 United Nations (2005), §49.

306 Bildt (2005).

307 Bayley (2001), p. 53; Bildt (2005); Dobbins, Jones, Crane & DeGrasse (2007), p. 24; Dziedzic (1998), p. 9.

308 Jakobsen (2003), p. 137.

The minimalists argue that soldiers do not have the professional skills for law enforcement and that they are not trained for maintaining public order.[309] In other words, the military and police are trained for different tasks and the areas of responsibility of police and military should not be mixed. Call and Barnett, for example, argue that: 'We generally do not ask the police to perform a soldier's job, and we should not be asking soldiers to perform the police's job.'[310] Last supports their view. He says that 'military forces are effective at guaranteeing security against military opposition. They are much less effective against riots and civilian disturbances.'[311] Former Supreme Allied Commander Central Europe (SACEUR) General Clark also considers most soldiers incapable of performing police tasks effectively, noting that policing should 'not be the primary element responsible for them.'[312] General Sir Rupert Smith also disagrees with military involvement in interim policing. He stipulates that the basic purpose of the military to deploy force has become obscured and misunderstood after the end of the Cold War. As a result, politicians, he notes, have sought 'to both deploy and employ military forces for humanitarian and policing purposes for which they are neither trained nor intended.'[313] Although he agrees that troops can be deployed for other than purely military purposes, he argues that, 'it is necessary to understand that in many of the circumstances into which we now deploy, our forces as a *military force* we will not be effective.'[314] He notes that the US troops in Iraq have been dragged into stabilisation and reconstruction duties they were neither trained nor equipped for and therefore have not been able to fulfil these tasks effectively.[315] Bing West, finally, follows Smith's views and rejects the measures the US Army has taken to cope with public disorder in Iraq more effectively. He argues that the US Army 'did not do a good job of modifying military training and force structure to include police methods and measures.'[316] West is quite clear in his views, stating that soldiers should avoid interim policing simply because 'Soldiers are not policemen.'[317]

The vacuum-fillers, on the other hand, argue that soldiers are obliged to police a (post) conflict environment until the international police or local security forces are operational. In their view, military involvement in public security will be an inherent element of contemporary and future crisis management operations. The vacuum-fillers reason that the military 'must take decisive action to close any public security vacuum as soon as it arrives in the mission area.' As such, the military must be prepared to arrest, judge and jail criminals and armed elements in the initial stage of a peace operation if no one else can.'[318] Accordingly, the

309 See for example: Armitage & Moisan (2005), p. 2; Hansen (2002b) p. 71; Hills (2001), p. 82; Linden, Last & Murphy (2007), p. 160; Mobekk (2005), p. 4; Schmidl (1998), p. 20.
310 Call & Barnett (1999), p. 49.
311 Last (2000), p. 84.
312 Clark (2001), p. 462.
313 Smith (2005), p. 9.
314 Smith (2005), pp. 9-10.
315 Smith (2005), p. 10.
316 West (2009), p. 8.
317 West (2009), p. 8.
318 Jakobsen (2003), p. 138.

military must take immediate action to close that gap because such action is 'key to mission success and only military forces will have the capacity to accomplish this task in the initial phase.'[319] General Sir Michael Jackson, the first KFOR commander, underlined the importance of filling the gap with military assets:

> For those who say this is not for the military, my next question to them would be, for whom is it when there is nobody else there? (…) Or do you just let it go? Do you allow anarchy? What do you do when a foot patrol of soldiers in Pristina comes across a Serb about to murder an Albanian? (...) You do not have a secure environment with murderers running around.[320]

Former High Representative for Bosnia and Herzegovina Bildt agrees with Jackson, noting that in security gaps there is 'no alternative to the use of military force to establish [a] secure environment.'[321] Bronson also does not see any another solution, albeit grudgingly. She faces the hard truth that the military will likely become more rather than less involved in police missions. To her, the reason for this is obvious: 'there is no one else to do the job.'[322] Her view is shared by Kaspersen, Eide and Hansen who also consider the military to be the only institution 'that can effectively move in, see to its own security and still provide basic [security] services.'[323] Bayley too regards the military as the only institution able to intervene in a security gap successfully; even if they have to exceed their rules of engagement.[324] Bayley stipulates that in terms of restoring public order and fighting crime, it is 'better to do some good than to do none at all.'[325]

However, the military cannot perform police tasks without preparation and adaptation.[326] Baylay notes that if military have to act as interim police, they 'must organise and train accordingly.' 'This requires the development and standardisation of policing doctrine for military contingents both among international donors and within the branches of each country's military.'[327] In addition, it has to be kept in mind that filling the security gap with military capabilities is always a second-best solution.[328] Military involvement in interim policing is also a temporary solution. It must be limited and should be handed over to the police as quickly as possible when feasible.[329] Its duration and magnitude will largely depend on the dynamics of security situation on the

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319 Jakobsen (2003), p. 138.
320 Jackson quoted in: Jakobsen (2003), p. 138.
321 Bildt (2005).
322 Bronson (2002), p. 124.
323 Kaspersen, Eide & Hansen (2004), p. 17.
324 Bayley (2001), p. 55.
325 Bayley (2001), p. 54.
326 Kaspersen, Eide & Hansen (2004), p. 17.
327 Bayley (2001), p. 54. See also Jones, Wilson, Rathmell & Riley (2005), p. 225, Shin (2009), p. 25.
328 Jones, Wilson, Rathmell & Riley (2005), p. 225.
329 Kaspersen, Eide & Hansen (2004), p. 17; Last (2000), p. 83; US Department of the Army – Headquarters (2008a), p. 3-13.Voorhoeve (2007), p. 180.

ground. According to Rausch, a swift transition of responsibilities will be unlikely and not be clear-cut: 'even after some functions have been transferred from international military forces to the civilian police, the police may find themselves obliged to call on the international military for assistance in extreme situations.'[330]

3.3 Enforcement gap

3.3.1 Background

Whereas the deployment gap is about timing, the enforcement gap is about function.[331] It refers to a gap in the ability to use force. An enforcement gap occurs when military forces are required to perform functions that fall between the so-called inner shell of public security related to crime and small-scale disturbances, and the outer shell of security related to armed violations of a peace accord or UN resolution.[332] In other words, an enforcement gap occurs if the local or international police lack the capabilities or skills to enforce the law and to maintain public order along the full spectrum of policing.

The role of the international police in an enforcement gap is largely determined by their mandate.[333] In general, there are two kinds of mandates: the classical international police mandate, which is limited to monitoring and advising the local police, and an executive mandate whereby the international police covers the whole range of police tasks and often replaces the local police. Both can be placed on a continuum.

Traditional international police missions work according to the SMART concept, which, in policing, stands for "supporting human rights", "monitoring the performance of local forces", "advising local forces", "reporting of incidents", and "training local forces".[334] Traditional police missions have been deployed in Namibia, Cambodia, El Salvador, Haiti and Bosnia and Herzegovina. In traditional missions, the international police are generally unarmed and do not have (large) executive powers to enforce the law. Their role is limited to monitoring, training and reforming the local police, including vetting new police officers. The overall weakness of traditional international police missions is that they do not allow international police officers to become involved in daily policing. The local police maintain full responsibility while the international police lack the authority to intervene in practical situations and replace the local police when appropriate.

In executive police missions, the international police are authorised to replace the local police and to assume full responsibility for maintaining law and order until a

330 Rausch (2006), p. 134.
331 Dziedzic (1998), p. 11.
332 Dziedzic (1998), p. 11. See also: Hills (2001), p. 81.
333 Hansen (2002b), pp. 34-36.
334 Kaspersen, Eide & Hansen (2004), p. 16; Mobekk (2005), p. 1.

reformed local police is operational. The first executive police missions started in 1999 in Kosovo and East Timor. Executive policing places high demands on international police missions, as it covers the whole range of police tasks.
First, it discharges the host state by taking over its monopoly on legitimate violence.[335] This means that the international police are accountable for all aspects of the police function, from traffic control to community policing to large-scale crowd and riot control.[336] Because the international police have to perform these functions in a foreign country, under foreign law, and under difficult conditions, the execution of the executive police function puts extra demands on the skills and experience of the international police.[337]
Second, executive missions tend to be relatively large. A standing international police force must be large enough to carry out executive missions, which has serious cost implications for the contributing nations. Therefore, executive policing is considered feasible only in relatively small societies or countries in which the international community is willing to make a large investment.[338] In large countries, however, the approach is likely to be less feasible. In 2005, a RAND study estimated that an ideal international police force should be at least 150 officers for every 100,000 citizens for policing streets, defeating and deterring insurgents, patrolling borders, securing roads, and combating organised crime.[339] In Iraq, this would have resulted into a requirement of 46,500 police officers, a number far exceeding the total number of international police deployed by the UN worldwide.[340]

3.3.2 Consequences of the enforcement gap

The consequence of an enforcement gap is that the international police need the support and cooperation of the military. Normally there is a strict division of tasks and roles between the international military and police. Their respective tasks are formalised in a mandate or in rules of engagement. The "inner shell" of public security (e.g. dealing with individual crimes and small-scale disturbances), is provided by the local police while being monitored or assisted by the international police.[341] However, if the local police (in terms of reliability or legitimacy) or international police (in terms of quality or quantity) proves incapable of enforcing the law, military forces could provide backup, engage in

335 Hansen (2002b), p. 9.
336 Dwan (2002), p. 2.
337 Dwan (2002), p. 2.See also: Hansen (2002b), p. 9.
338 Smith, Holt & Durch (2006), p. 42.
339 Jones, Wilson, Rathmell & Riley (2005), p. 19.
340 The population of Iraq in 2003 was estimated by the United Nations at 25,175,000 (http://www.nationsencyclopedia.com/Asia-and-Oceania/Iraq-POPULATION.html; accessed May 18, 2011). The number of civilian international police officers deployed by the UN was in January 2005: 6765, in January 2006: 7371; in January 2007: 9208, in January 2008: 11254; in January 2009: 10785; in January 2010: 12867, and in January 2011: 14277 (http://www.un.org/en/peacekeeping/contributors/documents/Yearly06.pdf; accessed May 18, 2011).
341 The involvement of the "pre-conflict" local police can of course create a moral dilemma. Sometimes it is not possible to replace the police at once, which means that elements of the current police are temporarily kept in place.

counter-terrorism and counter-insurgency, or help with crowd control.[342] The military could also provide assistance to apprehend war criminals. Military support can thus provide relief to civilian police forces and contribute to maintaining public security.[343]

In any case, there has to be a clear understanding of the respective mandates. Otherwise, the cooperation between the military and police may result in "mission creep". Mission creep is for many military commanders and planners an unwelcome phenomenon. They fear the possibility that an operation with limited mandates and goals will expand to include an unreasonable variety of civilian tasks.[344] For this reason, military commanders are often hesitant to cooperate with the police. In Bosnia and Herzegovina, for example, IFOR feared a mission creep and did not want to fill the gap caused by the problems of the domestic police force failing to guarantee law and order.[345] However, challenging the boundaries of mandates can be effective in terms of achieving public security, as a study by Brocades Zaalberg of crisis management operations in Cambodia, Somalia, Bosnia and Herzegovina and Kosovo has shown. Individual commanders who did not fear mission creep and stretched the boundaries of their mandates were able to re-establish the rule of law and to adapt effectively to the needs of the local population and the situation on the ground.[346]

3.3.3 Initiatives to bridge the enforcement gap

To relieve regular troops from providing assistance to the police and to prevent them from getting involved in high-end policing, the international community established so-called "Formed Police Units" (FPU).[347] There are basically four versions of the FPU: NATO's Multinational Specialised Unit (MSU), the EU's Integrated Police Units (IPU), the UN's Formed Police Unit (FPU), and the European Gendarmerie Force (EUROGENDFOR).

NATO deployed its first MSU in Bosnia and Herzegovina in August 1998.[348] This battalion primarily consisted of Italian *carabinieri* (75 percent) and was augmented with personnel from the Argentinean *gendarmes* and the Romanian and Slovenian MPs.[349] As police with military status, the MSU was supposed to fill the void between police and military in terms of equipment and training in the use of force against civilian opposition.[350] The MSU was intended to operate as police rather than as military force. Its main tasks were to promote public security by utilising its ability to serve as strategic reserve; to perform crisis management to maintain public order, including the use of force in riot and

342 Hansen (2002b), p. 66.
343 Hansen (2002b), p. 66.
344 See for example: Brocades Zaalberg (2006), pp. 421-427; Zisk Marten (2002), p. 49.
345 See for example: Bildt (1998), p. 187; Zisk Marten (2004), pp. 106-107; Solana (1997).
346 Brocades Zaalberg (2006), pp. 418-421.
347 Wiatrowski, Pino & Pritchard (2008), pp. 7-8.
348 Friesendorf & Penska (2008), p. 682; Perito (2008), p. 59.
349 Perito (2004), p. 158.
350 Friesendorf & Penska (2008), p. 682.

crowd control; to collect intelligence for operational purposes; and to assist in refugee return by establishing area security. It was not supposed to engage in law enforcement, unless directly ordered by the commander of SFOR.[351] In 1999, NATO also deployed a MSU Battalion in Kosovo,[352] which consisted of (primarily) Italian *carabinieri*, French *gendarmes* and Estonian MPs. Its main mission was to 'provide a security presence by conducting patrols in all [Multination Brigade] areas; it was also assigned the tasks of maintaining public order, crowd control, information gathering, antiterrorism activities, and obtaining intelligence on organised crime.'[353]

The EU has also deployed formed police units after EUFOR took over from SFOR in December 2004. Like NATO's MSU, the EU's Integrated Police Units (IPU) operated at the higher ends of the police spectrum of force and were primarily tasked to fill the enforcement gap between the military and police.[354] Their main assignment was to execute crowd and riot control, high target arrests, and counterterrorism.[355]

Another European initiative to fill enforcement gaps involves the EUROGENDFOR. This force was initiated in 2004 when the Ministers of Defence of France, Italy, the Netherlands, Portugal and Spain[356] signed a Declaration of Intent for the establishment of a European Gendarmerie Force (EUROGENDFOR). Within the framework of the European Security and Defence Policy, these five countries created a robust and rapidly deployable force of approximately 800 persons,[357] 'capable of covering the full spectrum of police missions (…) during all the phases of a crisis management operation.'[358] After it had become operational in 2006, EUROGENDFOR participated in three different crisis management operations: the EUFOR mission ALTHEA in Bosnia-Herzegovina (from November 2007 until October 2010); the NATO-led ISAF mission in Afghanistan (from December 2009 onwards), and the United Nations Mission in Haiti (MINUSTAH; from February until December 2010).[359]

The UN also institutionalised formed police units to fill the enforcement gap. Within the framework of UN peace operations mission, FPUs serve as 'cohesive mobile police units, providing support to United Nations operations and

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351 Perito (2004), pp. 156-157.
352 Friesendorf & Penska (2008), p. 687.
353 Perito (2004), p. 187.
354 Friesendorf & Penska (2008), p. 682.
355 Friesendorf & Penska (2008), p. 684.
356 Romania became a full member state of the EGF in December 2008. Lithuania and Poland are partners of the EGF (http://www.eurogendfor.org; accessed March 18, 2011).
357 European Gendarmerie Force Declaration of Intent of September 17, 2004, Available at http://www.eurogendfor.org/referencetexts/EGF%20declaration%20of%20intent.pdf; accessed March 18, 2011.
358 Treaty between the Kingdom of Spain, the French Republic, the Italian Republic, the Kingdom of the Netherlands and the Portuguese Republic establishing the European Gendarmerie Force; October 18, 2007, Article 3.
359 http://www.eurogendfor.org; accessed March 18, 2011.

ensuring the safety and security of United Nations personnel and missions, primarily in public order management.'[360] As such, the FPUs are supposed to serve as a 'coherent part of the United Nations police component (…) in support of the establishment and maintenance of safe, democratic and human rights abiding communities by delivering professional, responsive and more robust policing in accordance with the mandate.'[361] The tasks of the FPU largely involve crowd and riot control, executing high-risk arrests, combating organised crime, and protecting the security of elections, prisons, sensitive facilities, VIPs and borders.[362] Since the UN deployed its first FPUs in Kosovo in 1999, the importance of IPUs within UN peace operations increased as they comprised almost 50 percent of the overall police capacity deployed in UN peace operations in 2011.[363]

The deployment of FPUs in crisis management operations does not solve the enforcement gap entirely.

The first problem is that the FPU model has to deal with a deficit of available resources. In Bosnia and Herzegovina, for example, the process of recruitment, training and deployment of the first MSU battalion took nearly eight months, as a result of which the first unit did not arrive in theatre until August 1998.[364] In Kosovo, the recruitment and deployment of the UN FPUs took even longer. The first FPU unit did not arrive until April 2000, ten months after the start of the UNMiK mission; the last arrived in February 2002.[365] The resources of the EUROGENDFOR are limited too.[366] For example, each Member State retains the right to decide whether its units would participate in a EUROGENDFOR operation. National needs, available funding and personnel, and prestige may determine the depth and durability of national commitments to the EUROGENDFOR. Consequently, a gap could arise between the numbers of officers formally available in a database and the actual number available for a mission.[367] Many countries have also committed police officers to other missions, such as of the UN and OSCE,[368] which further limits their deployment capacity within the capacity of the EUROGENDFOR.[369]

A second problem concerns the quality of policing. The functions of FPUs ideally need to be performed by police officers who are proficient in their normal police role. FPU units should therefore ideally be drawn from countries with

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360 United Nations (2010), p. 3.

361 United Nations (2010), pp. 3-4.

362 Wiatrowski, Pino & Pritchard (2008), pp. 7-8.

363 Perito (2008), p. 59. In April 2011 the UN deployed 14667 police officers in UN peace operations of which 7156 (49%) have been employed in FPUs (http://www.un.org /en/ peace keeping/documents/bnote010101.pdf; http://www.un.org /en/peacekeeping/ contributors /2011/apr11_3.pdf; accessed May 18, 2011.

364 Perito (2004), p. 142.

365 Perito (2004), p. 205; Perito (2011), p. 59.

366 http://www.pm.nl/artikel/291/de-egf-wil-naar-afghanistan; accessed March 18, 2011.

367 Armitage & Moisan (2005), p. 5.

368 Earle (2004), p. 12.

369 http://www.eurogendfor.org/egfpages/egfparticipationtoalthea.aspx; accessed March 18, 2011.

democratic traditions, as Wiatrowski, Pino and Pritchard note.[370] However, given the nature of the UN system it is possible that FPUs might be dispatched from countries that have less sophisticated traditions regarding for example human rights and police accountability. The question is whether these police forces may have the required skills or experience to help reforming the local police into a democratically accountable force.[371]

3.4 Institutional gap

3.4.1 Background

The institutional gap refers to the absence of a functioning local security sector, without which an international mission cannot withdraw without risking a return to lawlessness and violence.[372] The host nation is in other words incapable of providing public order, especially when measured against international standards for policing and protection of human rights. The institutional gap could cover the time-period between the start of a conflict and the successful re-establishment of the rule of law and democratic security institutions. However, whereas the deployment and enforcement gaps are about security deficits on the ground, the institutional gap is about the re-establishment or reorganisation of the whole security sector and its institutions commonly known as Security Sector Reform (SSR).

Security Sector Reform

Today, SSR is generally seen as an indispensible part of the stabilisation activities during a crisis management operation.[373] SSR can be defined as 'the set of policies, plans, programmes, and activities that a government undertakes to improve the way it provides safety, security, and justice.'[374] SSR programmes aim to achieve an effective and legitimate security sector that is firmly rooted within the rule of law.[375]

The concept of SSR was introduced in 1998 by Clare Short, the then British Secretary of State for International Development, to get a more comprehensive and integrated approach towards the security sector as a whole in the development context.[376] The SSR concept was a further elaboration of the "rule of law

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370 Wiatrowski, Pino & Pritchard (2008), p. 11.

371 Wiatrowski, Pino & Pritchard (2008), p. 8. See also Agordzo (2009), who emphasises the importance of sophisticated training of FPUs based upon his experiences with FPUs in Darfur: Training 'must be grounded in human rights values, otherwise the FPU would end up widening up the Security Gap instead of closing it.' He concludes that 'the FPU could be a catalyst for further conflict unless steps were taken to ensure its professionalism through effective training, retraining and monitoring mechanisms' (Agordzo (2009), p. 293).

372 Dziedzic (1998), p. 14. See also: Schmidl (1998), p. 40.

373 Koninklijke Landmacht (2014), p. 7-9; North Atlantic Treaty Organisation (2009), p. 7-3; North Atlantic Treaty Organisation (2013), p. 2-4.

374 North Atlantic Treaty Organisation (2013), p. 2-4.

375 North Atlantic Treaty Organisation (2013), p. 2-14.

376 Sedra (2006), p. 323.

revival" during the 1990s, entailing donors making large investments in legal, judicial, police and correctional system reform in many developing countries and countries in transition.

This revival has lead to an international rule of law consensus based on two elements. First, 'the belief that the rule of law is essential to virtually every Western liberal policy goal,' and second, 'the belief that international interventions (…) must include a rule of law component.'[377] However, the rule of law concept tends to focus more on constitutions, legality, and enforcement and adherence of the law and less on military defence roles, citizens security, and the legitimacy of police and judicial institutions, and has proven to be imperfect in creating self-sustaining systems of justice and security in post-war societies.[378] SSR tries to overcome this imperfection by following a systems approach.

After its introduction, other European countries adopted the SSR concept, for example the Netherlands, Germany and Norway.[379] Nowadays, the international community has recognised SSR as a prime stabilisation task. For example, in 2005 the UN Security Council acknowledged the importance of SSR stating that: 'security sector reform is an essential element of any stabilisation process in post-conflict environments (…) that is linked with the promotion of the rule of law, transitional justice, DDR [Disarmament, Demobilisation and Reintegration] and the protection of civilians.'[380] Since, SSR has found its way in the military doctrines of, for example the US Army,[381] the UK Army,[382] NATO,[383] and the NL Army[384] to become one of their formal stabilisation activities.

However, 'SSR is still an evolving and contested concept and lessons learned from practical experience are still scarce,' as Bryden and Hänggi note.[385] There is no commonly accepted definition of what the security sector encompasses. In literature, there are two notions of the security sector. First, there is the narrow notion. In this view, the security sector consists of the state security and justice apparatus and the relevant civilian bodies responsible for the management and supervision of that apparatus.[386] The second, wider notion differs from the first by including non-state security actors and non-statutory civil society groups.[387] Box 2 further defines and explains both notions.

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377 Call (2007b).
378 Call (2007b).
379 Sedra (2006), p. 323. See also: Koninklijke Landmacht (2014), p. 7-9.
380 *UN Doc* S/PRST/2005/30 (2005), §10.
381 US Department of the Army (2008b), Chapter 6.
382 UK Ministry of Defence (2009b), Chapter 6.
383 North Atlantic Treaty Organisation (2001), pp. 5-21 – 5-25.
384 Koninklijke Landmacht (2014), p. 7-9.
385 Bryden & Hänggi (2005), p. 24.
386 Bryden & Heiner (2005), p. 25.
387 Bryden & Heiner (2005), p. 25.

Box 2: The two notions of the security sector

An example of the narrow definition of the security is given by the RAND Cooperation. Here the (internal) security sector encompasses three areas:

1. *Police*: Ministry of Interior, local police, border patrol, and counter-drug forces
2. *Military and other security bodies*: Ministry of Defence (when it plays an internal security role), intelligence agencies, and paramilitary forces such as counter-terrorist forces
3. *Justice system*: Ministry of Justice, federal and local courts, corrections facilities, law schools, and the rule of law.[388]

The British Government provides a good example of the wider variant, where the security sector covers a large spectrum of actors, bodies and institutions:

1. Bodies authorised to use force (the armed forces, police and paramilitary units);
2. Intelligence and security services;
3. Civil management and oversight bodies (the President/Prime Minister, the legislature and legislative committees, national security advisory bodies, statutory civil society organisations, the Ministries of Defence, Interior, Finance and Foreign Affairs);
4. Judicial and public security bodies (the judiciary, justice ministries, defence and prosecution services, prisons and correction services, and human right commissions and customary and traditional justice systems);
5. Non-state security bodies (private security companies, political party militias, liberation armies, civil defence forces and militia groupings);
6. Civil society bodies (Non-governmental organisations, advocacy, the media, professional and religious organisations).[389]

In terms of the wider notion, Chanaa distinguishes four dimensions of SSR: political, instrumental, economic and societal. The political dimension involves the development of mechanisms to manage the security sector. The institutional dimension focuses on reform and capacity building within the security institutions. The economic dimension is concerned with the security sector's consumption of resources, stressing the sustainability of reforms. Finally, the societal dimension accords a crucial role to civil society in the supervision and monitoring of security functions of the state.[390]

The distinction between the narrow and wider notions of SSR seems only to be a conceptual one, however. A 2006 case-study of six SSR programmes – Haiti, Bosnia and Herzegovina, Kosovo, Sierra Leone, East Timor and Afghanistan – shows that these programmes have remained limited in scope and have been unbalanced in their focus. Donor efforts have tended to concentrate primarily on

388 Jones, Wilson, Rathmell & Riley (2005), p. 3.
389 United Kingdom Government (2003), p. 3.
390 Chanaa (2002), pp. 27-30.

the efficiency of the statutory security actors and institutions rather than their accountability. They have favoured strengthening statutory security actors as opposed to bringing non-statutory ones under control. International efforts have thus primarily focused 'on the security forces and the public part of the security sector at the expense of the non-statutory actors, and governance and management bodies' capable of overseeing and monitoring the sector.[391]

Holistic approach

SSR requires a holistic approach.[392] If not, the reform will not be sustainable.[393] This means adopting both a horizontal and a vertical approach to security sector reform.

The horizontal approach focuses on the integration of separate security institutions within an SSR programme. The holistic horizontal approach is particularly important when security institutions are interdependent, as is the case with the police, judicial and penal agencies. These form a "three-legged stool", which cannot stand without one of its legs.[394] This view is shared by NATO, arguing that police forces 'should operate as an integral part of the justice system and directly support other parts of the justice sector, including the courts and corrections institutions.'[395] Reconstructing and reforming the police is therefore not enough to create a secure environment and protect civil liberties. Effective policing also requires a functioning justice system.[396] In the past, the linkage between police and judicial reform was often ignored. Judicial reform was seen as nation-building, whereas police reform was not and was approached in an isolated manner. Consequently, police missions used to be carried out in an ad-hoc and inadequate manner, without the necessary focus on institutional development and reform. According to Mobekk, this has now changed. Many scholars and experts see police and judicial reform as essential for the establishment of rule of law and public security, and a priority in peace-building operations.[397] However, after studying several recent judicial reforms, Call concludes that in practice these reforms 'are usually poorly linked to police reforms, continuing the disaggregation of the "triad" of police, judicial and prison reforms.'[398]

The vertical approach primarily focuses on the governance of security sector institutions. Governance issues concern the ability of an organisation to steer itself, ranging from centralised control to self-regulation. Governance could improve by integrating civil management mechanisms and democratic

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391 Law (2006), pp. 121-122.
392 Jones, Wilson, Rathmell & Riley (2005), p. 227; Wilton Park Conference (2004), p. 48, North Atlantic Treaty Organisation (2013), p. 2-4.
393 Oakley & Dziedzic (1998), p. 510.
394 Mobekk (2004), p. 87.
395 North Atlantic Treaty Organisation (2013), p. 2-11.
396 Jones, Wilson, Rathmell & Riley (2005), p. 103.
397 Mobekk (2005), p. 8.
398 Call (2007a), p. 395.

accountability into the security institutions. This part of SSR often seeks to strengthen and reform relevant ministries.

Duration

A security system cannot be changed overnight. Considering experiences from recent crisis management operations, Dziedzic and Hawley conclude 'that simple reconstruction programs coupled with hasty exits will inevitably fail.'[399] Their view is shared by several (military) scholars and analysts. There is common agreement that SSR programmes take at least five to ten years to complete.[400] It takes even longer to fully internalise the changes within the national political or governmental systems.

The long-term character of SSR requires a multi-annual involvement and commitment of the international community. Without this, SSR is likely to fail. Setting an end date to an international mission can be counterproductive, as argued by Hartz, Marcean and Williamson: 'Declaring an intention to depart after a fixed period (…) undermines institution-building efforts by encouraging political extremists and their allies in the criminal underworld to persist in seeking to sabotage the peace process.'[401] 'Political "exit strategies" therefore need to be replaced by "transfer strategies" keyed to realistic and durable benchmarks.'[402]

Local contribution and ownership

SSR can be achieved by either reforming the "old" security sector or rebuilding the security institutions largely from scratch. In case of the police, the RAND Corporation defines three considerations that should be made when choosing between rebuilding and reforming the security sector. 'First, is there enough left of the old police organisation to provide a basis for rebuilding? Second, how discredited and unpopular is the current police force with the local population? Third, how likely is it that the intervening powers will dispose of enough military and police resources to provide for public security during the lengthy time needed to build a new police force?'[403]

Even the most incompetent and corrupt local police force will normally be regarded by an intervening power as better than nothing. 'For practical purposes it is often impossible and imprudent to avoid involving traditional authority structures.'[404] Pushing aside all local chieftains, or dissolving the state and its security forces, could for example lead to anarchy, violence and criminality, as happened in Iraq. Thus, 'the choice of the donors is not between the "bad old and the good new," but between different levels of what might be feasible and

399 Dziedzic & Hawley (2005), p. 7.
400 See for example: Binnendijk & Johnson (2004), p. 7; Durch & Berkman (2006b), p. 100; Jones, Wilson, Rathmell & Riley (2005), p. 22; Voorhoeve (2007), p. 174.
401 Hartz, Mercean & Williamson (2005), p. 163.
402 Bryden & Heiner (2005), p. 36.
403 Dobbins, Jones, Crane & Cole DeGrasse (2007), p. 60.
404 Voorhoeve (2007), p. 93.

meets minimum standards of the population,' such as meeting basic rule of law, a more stable domestic order with greater personal security for the population, a lower level of violence and a higher level of legal conflict settlement.[405]

Forming entirely new security forces may sometimes be difficult or even impossible because it would take more time than the international community is willing to invest in terms of funds and resources. For example, the fact that the US and UK dissolved large sections of the Iraqi security forces immediately after their defeat made their purpose of reconstructing Iraq more difficult than necessary, as Voorhoeve notes.[406]

In all cases, however, the international community has to take domestic demands and desires into account. Nation-building is not a matter of applying a 'one-size-fits-all' template. Ignatieff raises substantial questions about the universal applicability of Western ideas of nation-building or governance to poor, ethnically divided religious societies and societies without state traditions.[407] Nevertheless, recent stabilisation efforts 'have all been driven by the utopia of [the] liberal democratic model, Ignatieff writes.[408] To avoid this, he suggests 'giving power, even in the transitional stages of nation building exercises, back to the local political actors (...) to take responsibility for making their states work.'[409] Ignatieff's opinion is supported by Voorhoeve, who thinks that nation building programmes 'should not be judged only by the high ideals and standards of [Western] states, but by the desire of the population to be more secure than during the war period.'[410] 'If Western values and conditions like individualism, liberalism, personal responsibility and ambition would be necessary preconditions for establishing the rule of law, efforts to import rule of law in non-Western societies, or imposing a "Western" rule of law system, would be short-lived and fail after external actors leave.'[411]

However, local ownership is not an obvious policy, as Sedra notices. He warns that the projection of Western democratic norms and values inevitably results in 'a donor-driven [SSR] process that is not adequately synchronised with local needs.' Moreover, SSR programmes are commonly 'undertaken with a poor understanding of local political, security and socio-economic dynamics.'[412] Scheye and Peake therefore suggest that 'it may be more productive to be less rather than more ambitious to achieve effective, measurable SSR results for an identifiable beneficiary.'[413] On the other hand, local interests and culture may be at odds with international human rights standards and values. In case of SSR, this

405 Voorhoeve (2007), pp. 92-93.
406 Voorhoeve (2007), p. 54.
407 Ignatieff (2005), p. 70.
408 Ignatieff (2005),p. 70.
409 Ignatieff (2005),p. 71.
410 Voorhoeve (2007), p. 92.
411 Voorhoeve (2007), pp. 93-94.
412 Sedra (2006), p. 329.
413 Scheye & Peake (2005), p. 306.

means that the local authorities and the former disputants must support the idea that the new security structures should function in an impartial manner and in accordance with good governance.[414]

The development of local ownership is seen as critical in security sector reform.[415] First of all, local ownership is crucial to restore faith in the police and other security forces in failed states. Civil society involvement is needed to 'narrow the gaps between the security institutions, the newly elected political authorities and the populace, through demystifying a sector traditionally characterised by secrecy.'[416] In addition, local actors need to be involved to build security institutions that reflect the particular circumstances, history, culture, sociology and legal system of the country in question.[417] This is what Van Dinten, from a sociological point of view, defines as "organising in social cohesion". Societal and organisational changes should, according to him, reflect and respect in their design and effect what is meaningful to people. The designs should reflect people's cultural and social orientation. If people cannot recognise themselves in these designs, Van Dinten states, they will feel disconnected from the context they live in and will ultimately lose interest.[418]

Consequently, a dialogue must be conducted with the local population as to what type of security institutions they prefer. Without civil society involvement there is a high risk of failure. In case of the police, 'there is heightened risk that upon international withdrawal the local police will not have legitimacy, because they will not reflect local needs or desires of how policing should be conducted. The most negative outcome could be a return to previous styles of policing.'[419] It must also be understood that consultation is needed to design security institutions that reflect the technological standards of the country in question. State-of-the-art technologies and concepts may be common for Western countries, but might be over the top for security institutions elsewhere in the world.

Although local ownership has become a strong demand during stabilisation, Call concludes that efforts to involve civil organisations and individual citizens in military, police and justice reform processes have so far been difficult or absent.[420] According to Call, there are two reasons underlying this problem. First, SSR programmes are generally top-down reforms, either initiated by the state or directed externally by the international community, which leaves little room for citizens' participation or input. Second, in most failed states civil society organisations are absent or badly organised. They lack the structure, power, or

414 Advisory Council on International Affairs (2009), p. 22.
415 Wilton Park Conference (2004), p. 47; North Atlantic Treaty Organisation (2013), p. 2-9.
416 Bryden & Heiner (2005), p. 37.
417 Kaspersen, Eide & Hansen (2004), p. 20; Voorhoeve (2007), p. 99.
418 Van Dinten (2002).
419 Mobekk (2005), pp. 24-25.
420 Call (2007a), p. 401.

means to participate in or contribute to the debate about how the security sector should be reformed and organised.[421]

3.4.2 International military and Security Sector Reform

In a peace-building operation, the international military's first and most important task is to create a secure environment in which the international community can operate. Along with this task, the international military are usually involved in several SSR programmes. This involvement largely concerns three main activities: (1) the disarmament, demobilisation and reintegration (DDR) of former combatants, militias, insurgent forces and that portion of regular troops that became redundant by peace, (2) reform of the military and its institutions, and (3) assistance for police reform.

Disarmament, Demobilisation and Reintegration

Since the 1990s, DDR programmes have become a standard component of international peace-building programmes.[422] These programmes are being conducted under supervision of the international armed forces, as part of a peace agreement.[423] DDR is an important contributor to security in the short and long term. As the operations in Iraq and Afghanistan demonstrate, without some form of DDR, there can be no lasting peace. Like in SSR, support, consent, and participation of local authorities, politicians and representatives of the former warring parties are therefore essential preconditions for success. This is the case particularly if former combatants and militias resist disarming and demobilising.[424] The three steps of DDR are:[425]

1. *Disarmament*. Disarmament generally involves a weapon survey, weapon collection, and weapon storage, reutilisation, or destruction.[426]
2. *Demobilisation*. The demobilisation of armed groups is both a first-order political problem and a first-order security problem.[427] Demobilisation involves the dissolution of a formerly armed unit or reducing the number of combatants in an armed group. It can also involve dis-assembling, and then re-assembling, the host country's armed forces.[428] If the former combatants meet the qualifications and have acceptable backgrounds they can be incorporated into the official security forces, like the police and defence forces.[429] This provides a mechanism for reintegrating former fighters. 'In the short-run, it strategically fixes ex-combatants in a structure where they can be held accountable. Over time, (…) the capacity of local security forces to

421 Call (2007a), pp. 402-403.
422 See for example: Call (2007a), p. 383; Voorhoeve (2007), p. 106.
423 Dobbins, Jones, Crane & Cole DeGrasse (2007), p. 29; Jones, Wilson, Rathmell & Riley (2005), p. 221.
424 Dobbins, Jones, Crane & Cole DeGrasse (2007), p. 29.
425 Koninklijke Landmacht (2014), p. 7-9; North Atlantic Treaty Organisation (2009), p. 7.3.
426 Dobbins, Jones, Crane & Cole DeGrasse (2007), p. 28.
427 Hawley & Skocz (2005), p. 55.
428 Dobbins, Jones, Crane & Cole DeGrasse (2007), p. 29.
429 Voorhoeve, p. 106.

maintain the peace against the obstructionist elements can increasingly expand.'[430]

3. *Reintegration*. Reintegration is the process under which combatants re-enter the civilian workforce. The objective of reintegration programs is to assist ex-combatants in their social and economic reintegration into civilian society so that they do not return to violence, organised crime or private armies.'[431] There are two main constraints on an effective reintegration of demobilised combatants. First, a possible shortage of resources for DDR could hamper finding jobs for ex-combatants and reintegrating them into society. Second, high unemployment could drive the demobilised combatants back into violence or crime.[432]

Reform of the military and defence institutions

The international armed forces usually contribute to the reform of the local military. This can be achieved by either the reorganisation of the existing military or building a new military force.[433] In small countries, and when there is a relatively large contribution by donor countries, it may be feasible to create new armed services. In larger countries, and in the case of little donor support, it would be better to purge only the war criminals and reintegrate the military by using as much as possible existing personnel.[434] Military reform also includes the establishment or improvement of civil governance and management, and making them accountable to public and political mechanisms. Therefore, military reform includes restructuring the Ministry of defence, building command, control, and co-ordination capabilities, and improving management, personnel, and financial processes. Like police reform, these reforms will only be successful if supported by the host government, including the Ministry of defence and the armed forces themselves.[435]

Assistance for police reform

The military could also participate in reform of the local police, either by assisting international civilian police or independently. The Dutch armed forces, for example, have been involved in the vetting, training, monitoring of and assisting Iraqi and Afghan police. Military assistance to police reform is normally limited to those situations when there is a (international) political or strategic intention to establish a local police force and no international police are available, either due to a deployment gap or because the situation on the ground is still too volatile for international police officers to intervene.[436]

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430 Dziedzic (2005), p. 274.
431 Dobbins, Jones, Crane & Cole DeGrasse (2007), p. 29.
432 Jones, Wilson, Rathmell & Riley (2005), p. 221.
433 Dobbins, Jones, Crane & Cole DeGrasse (2007), p. 34.
434 Voorhoeve (2007), p. 106.
435 Dobbins, Jones, Crane & Cole DeGrasse (2007), p. 36.
436 See Chapter 6, 7 & 8.

3.5 Conclusions

This chapter defined the security gap and explored the role the military could play in resolving such a gap. A security gap exists if, during or after an armed conflict, the local police are unable to enforce the law or to maintain public order. The local police are either non-existent or they have lost their credibility to the population in due to the role they played during the conflict. A security gap divides into three separate characteristics.
First, a deployment gap occurs when sufficient skilled international police officers are not available in the short term for rapid deployment in crisis environments to provide a basic level of public security.
Second, an enforcement gap arises when the "robustness" of the police in terms of mandate, equipment, skills, and training does not match the requirements to operate effectively in (post) conflict societies to enforce the law or restore order.
The institutional gap is the third characteristic of the security gap, which refers to the absence of a functioning local rule of law sector, including the police. Reform programmes such as SSR see to re-establish the security sector in order to overcome the institutional gap. To be successful, efforts to overcome the institutional gap need to be holistic, require local ownership and be long term in nature.

A sustainable solution to bridge a security gap has not yet been found, however, and will continue to be a problem for the near future, as some observers note.[437] A solid standby system has not yet been established and alternatives in terms of FPUs have not yet proven to be a sustainable solution. Training and reforming local police, finally, is a long-term endeavour that does not provide a short-term solution to close the security gap. In absence of immediate and valid solutions to close a security gap, there is often no alternative than to ask the international military to deliver some sort of interim policing in the early stages of a crisis management operation.[438]

Within a security gap, the international military is often the only security instrument available to provide a basic level of public security. It may therefore be tasked to perform some interim police tasks until the police are in place. A swift response to a security gap is crucial to establishing security during the "golden hour" of a crisis management operation and importantly defines its success on the long-term.

Among experts, however, there are different views about whether or not the military should perform these tasks. Opponents, the so-called minimalists, argue that the military are not suited, trained or equipped for interim policing. They argue that the international community should therefore make an effort to create a police standby force or an international *gendarmerie*-based constabulary force.

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437 Jakobsen (2003), p. 148, Oakley & Michael (1998), p. 513.

438 See for example: Jones, Wilson, Rathmell & Riley (2005), p. 15; Mobekk (2005), p. 5; Voorhoeve (2007), p. 59.

The advocates of military involvement in public security, the "vacuum-fillers", claim that there will never be sufficient numbers of international police of any kind to fill a security gap or prevent it from occurring. A turning point in this discussion may be the experiences in Iraq. The lessons that can be drawn from Iraq is that the military cannot stand aloof but have to act as *de facto* police if there are no other alternatives. The US military have now integrated the execution of public order and law enforcement duties in their stabilisation operation doctrine. This new American doctrine may inspire other governments to do the same. The consequence is, however, that troops need to train and equip for these duties and that the military organisation may have to adequately adapt to the requirements of these tasks. The question that arises is what these skills and characteristics are. The next chapter discusses these questions and describes the differences between the military and the police.

4 The police and the military: a comparison

4.1 Introduction

Chapter 3 discussed the characteristics of the security gap. It revealed that a deficit of sufficient local or international police during or in the aftermath of an armed conflict might require the provision of interim policing by a multinational military force. It also illustrated that military involvement in policing is debated among experts. While the "vacuum-fillers" argue for military engagement in policing, opponents underline that such a role is incompatible with the "existential" military function: the provision and application of combat power. They point at the differences between the police and the military and emphasise that soldiers are not suited for policing, which would distract them from their prime mission.

If this is assumption is valid, the question is what these differences are and what exactly defines the military and police organisation? Several authors have elaborated extensively on the differences between the police and military organisation.[439] The police and military are both the state's strong arm tasked to protect its vital interests and citizens and to contribute to its stability and security.[440] However, their institutional focus differs. The military organisation primarily exists to provide or restore external, international security, while the main purpose of the police is to maintain internal law and order.[441] These differences have resulted in different missions, functions and geographical locus. In case of the military, its mission, function, and structure are adjusted to dealing with international security threats, and achieving geopolitical objectives of national governments, and/or international alliances.[442] Police organisations on the other hand have rooted in the geographical territory of a sovereign state.[443] Their mission, structures and function therefore reflect the national political structure, characteristics and traditions of that state.[444]

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439 See for example: Ahlquist, Brehmer & Buxrud (2002); Easton (2001); Enloe (1980); Haltiner (2003a); Haltiner (2003b); Geser (1996a); Gunther Moor & Van der Vijver (2007); Lutterbeck (2003); Neuteboom & Ducheine (2007), Penrose (2003); De Rover (1999); Stichting Maatschappij Veiligheid en Krijgsmacht (2002); De Weger (1998); Welten (2000).

440 See for example: Ducheine (2008), pp. 15-16; Easton (2006), p. 15; Gunther Moor & Van der Vijver (2007), p. 1101-1102; Haltiner (2003), p. 164; Neuteboom & Ducheine (2007), p. 1121; Van Eekelen & Muller (2004), p. 11; Stichting Maatschappij Veiligheid en Krijgsmacht (2002), p. 15.

441 Ducheine (2008), pp. 16-17; Easton (2006), p. 15; Gunther Moor & Van der Vijver (2007), p. 1101-1102; Neuteboom & Ducheine (2007), p. 1121; Stichting Maatschappij Veiligheid en Krijgsmacht (2002), p. 15.

442 See for example: Kaldor (2006); Manigart (2003); Moskos (2000).

443 Ponsaers, Cools, Dormaels, Easton, Van de Walle & Vergage (2010), p. 235.

444 See for example: Bayley (1985); pp. 60-64; Bayley and Shearing (2001), p. 27; Boek (1999), pp. 27-29; Cachet, Van Sluis, Jochoms, Sey & Ringeling (2009), p. 18; Punch, Tieleman & Van den Berg (1999); 269-272; Rosenthal (2007), p. 19; Soeters (2000).

However, difference in focus and locus of the police and military is not clear-cut and sometimes blurred. Some experts even observe a trend of divergence as the police and military increasingly operate and act outside their traditional biotopes.[445] For example, the increasingly trans-national character of crime and terrorism has resulted in a more external focus of the police, leading to increased international cooperation and coordination, whereas the military increasingly assists the police nationally in the field of law enforcement, public order or crisis and disaster management if police capabilities turn out to be insufficient in terms of quantities or certain qualities.[446]

This chapter serves to answer sub-question three. For this purpose, it describes the characteristics of the police and military organisation, and more in particular, that of the NL Army and the Dutch police[447] in order to inventory differences and commonalities regarding their operational and organisational concepts. On the subject of their operational concepts, this chapter deals with their function, the collection, analysis and use of intelligence, inter-organisational cooperation, and the use of force. In terms of their organisational concepts, it describes the level of (de)centralisation, vertical differentiation; and geographical differentiation (deconcentration).

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445 See for example: Easton (2006); Gunther Moor & Van der Vijver (2007); Lutterbeck (2005); Neuteboom & Ducheine (2007); Raad van Hoofdcommissarissen. Projectgroep Visie op de politiefunctie (2005), p. 108; Stichting Maatschappij Veiligheid en Krijgsmacht (2002); Stichting Maatschappij Veiligheid en Krijgsmacht (2003); Welten (2000), p. 2.

446 See for example: Bigo (2000), pp. 181-186; Delaere (2012); Gunther Moor & Van der Vijver (2007); Lutterbeck (2004); Lutterbeck (2005); Stichting Maatschappij Veiligheid en Krijgsmacht (2002); De Weger (1998). For international police cooperation, see for example: Den Boer (2007) and for deployment of police officers in crisis management operations: Sollie (2010).

447 The police organisation and policing serve as conceptual lens to analyse the provision of public security by the NL Army during crisis management operations. Regarding the operational concept of the police, it chooses four characteristics that largely define police work: function, the collection, analysis and use of intelligence, inter-organisational cooperation, and the use of force. The function of the police, for example, explains the mission of the police and its main tasks in society, namely law enforcement, maintaining public order and providing public assistance. Because police work is primarily an intelligence-driven activity, and intelligence largely forms the starting point of police work, this study uses intelligence as the second characteristic to describe the operational concept. Next, since the police are not the single provider of public security in society, the operational concept of the police largely requires cooperation with other security stakeholders, such as authorities, (semi) public agencies, community representatives, the public, and private organisations that perform control, supervision and investigatory tasks, to be successful. Community policing, for example, particularly underlines the need for police – community cooperation to establish public security. The use of force, finally, can be seen as the most exclusive characteristic of the operational concept of police for (together with the armed forces) the police are the monopolists of use of force in society. In terms of the organisational concept, it uses the organisational characteristics of community policing to describe the dimensions of the organisational concept of the NL Army applied in crisis management operations: individuality and autonomy; vertical differentiation and deconcentration (geographical differentiation).

4.2 The police organisation

4.2.1 Operational concept

4.2.1.1 Function

To define the function of the police, is important to make a distinction between the "police" as an institution and "policing" as an activity, as Reiner notes.[448] He argues that "police" refers to 'a particular kind of social institution,'[449] while the concept of policing could be explained as a 'set of activities aimed at preserving the security of a particular social control, or social order in general.[450]

The distinction between police and policing implies that public and private institutions other than the police, such as local and national security inspectorates, private security companies, and neighbourhood watches could exercise elements of the police function.[451] This means that the police organisation may be just one possible option within a set of various social institutions to engage in policing.[452] Therefore, Bayley and Shearing speak of the "multilaterisation of policing" which implies that the 'auspices and providers of policing [have] become mixed in terms of being public or private.'[453] According to Bayley and Shearing, "multilaterisation of policing" could lead to the end of the police's monopoly on public policing which would turn the police in just one among many other providers of public safety and security.[454] Crawford provides a similar observation as he describes this phenomenon as 'policing beyond the police.' Unlike Bayley and Shearing, he argues that that 'a pluralised, fragmented and differentiated patchwork' has already replaced the police as 'the monopolistic guardians of public order.'[455] The Dutch Chiefs of Police also observe a pluralisation of the police function, which they define as horizontal fragmentation.[456] Nevertheless,

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448 Reiner (2000), pp. 1-2.

449 Reiner (2000), p. 1. Literature provides several definitions of the police, which each emphasise different characteristics. Skolnick for example points at the social and political aspects of the police as he defines the police as 'a social organisation created and sustained by political processes to enforce dominant conceptions of public order' (Skolnick (1972), p. 41). Bayley provides another definition in which he – in addition to the social function of the police – also underlines the authority to use force. He describes the police as 'people authorised by a group to regulate interpersonal relations within the group through the application of physical force' (Bayley (1985), p. 7).

450 Reiner (2000), p. 3.

451 See for example: Bayley & Shearing (2001), p. 5; Cachet, Van Sluis *et al.* (2009), p. 18; Crawford (2003), p. 137, Jones (2003), p. 604; Reiner (2000), p. 4; Terpstra (2010), p. 15.

452 Reiner (2000), pp. 1-2.

453 Bayley & Shearing (2001), p. 5.

454 Bayley & Shearing (1996). For examples of pluralisation of policing in the Netherlands, see: Boutellier (2007), p. 1018; Raad van Hoofdcommissarissen. Projectgroep Visie op de politiefunctie (2005), pp. 56-57; Rosenthal (2007), pp. 42-43.

455 Crawford (2003), p. 136.

456 Raad van Hoofdcommissarissen. Projectgroep Visie op de politiefunctie (2005), p. 51. Horizontal fragmentation means 'that various parties perform various different police tasks,' which 'are not included in the notion of the police system' (Ibid, p. 51).

and unlike Bayley and Shearing, they regard the police as the prime supplier of public order and enforcer of the law: 'The police are the authority in the public domain. They are the boss on the streets, the referee, and will enforce respect for their authority if necessary.'[457]

When it comes to define the function of the police, *in casu* policing, there is some sort of consensus among police scholars that it largely involves three main activities: law enforcement, maintenance of public order, and assistance to the public.[458]

Law enforcement

Law enforcement deals with the prevention, detection and settlement of crime. It involves police tasks related to reporting of crimes, collection and analysis of criminal information, forensic research, criminal investigations, and the arrest and interrogation of criminals or law-offenders. Law enforcement activities either result from crimes reported to the police by the public or brought in by the police themselves. The first category comprises the majority of law enforcement. They entail crimes that have already been committed, which makes law enforcement basically an input-driven or even a "reactive activity" as Bayley notes.[459] The second category results from crimes or offences detected by the police themselves. This can be done by uniformed police during their patrol duties or through (long-term) intelligence and investigation by specialised police investigators. The division of tasks between the uniformed and specialised police depends on the priority, magnitude and complexity of the crime.[460]

Ideally, the police should be able to 'investigate every situation in which a criminal law violation is suspected; to attempt to ascertain who violated the law; and to present the relevant information to the prosecutor for his further action.'[461] However, not every crime reported to or detected by the police is investigated.

First, whether the police are to investigate every crime reported to them depends on the penal system of the state. In the Netherlands and Belgium, for example, the investigation of crime and prosecution of suspects is not obligatory in every case. Both countries apply the principle of appropriateness, which means that the Public Prosecutor is authorised to decide whether to start a police investigation or to bring a case to court. On the grounds of general interest, feasibility, or lack of evidence the Public Prosecutor can decide to abstain from prosecution. This

457 Raad van Hoofdcommissarissen. Projectgroep Visie op de politiefunctie (2005), p. 39.

458 See for example: Crawshaw, Devlin & Williamson (1998); Klockars (1985); Poole & Regoli (1980); Sheptycki (2000). In the Netherlands, the function involves enforcing law and order and providing assistance to those needing it (Police Act (Politiewet) 2012, Article 3). However, there are also other classifications that limit the police function to law enforcement and the maintenance of public order. In these classifications, the assistance to the public is seen as part of public order maintenance (See for example: Bittner (1970); Manning (1997); Midgal (1988); Ponsaers, Devroe & Meert (2006); Skolnick (1996)).

459 Bayley (2005), p. 144.

460 See for example: De Poot, Bokhorst, Van Koppen & Muller (2007), pp. 826-830.

461 Goldstein (1960).

principle of appropriateness is opposed to the principle of legality as applied in, for example, Germany. The principle of legality implies that each case known to the police has to be investigated if there are sufficient grounds available for prosecution. There, the Public Prosecutor has no discretion to select crime cases he thinks are appropriate to prosecute. In a penal system that applies the principle of legality, the law itself determines whether a prosecution is started or not.[462]
Second, the number of crimes known to the police regularly exceeds the available criminal investigation capacity. Because enlargement of law enforcement capacity would be very costly, the police need to prioritise their investigation activities. Police departments use strategic or operational priorities or even rational decision-making models to determine what crimes will be investigated or not. Informal criteria, such as the attractiveness of the case, experience with comparable crime cases, or the perceived likelihood of success can also be of importance in the prioritisation process.[463] These criteria imply a risk when the police, in their search for efficiency, focus on their own ends, or opt for a symptom-oriented approach rather than responding to community concerns and needs or investigating the root-causes of crime, as Manning notes.[464]
Third, at the individual level of policing, police officers have a significant degree of discretion. In the context of policing, the term discretion refers to the freedom of the individual police officer to act according to his judgement in particular situations.[465] In other words, police discretion is 'the power to decide which rules apply to a given situation and whether or not to apply them.'[466] Police discretion exists because police officers cannot respond to every situation. They are also confronted with complex tasks, confronting regulations, or ambiguous guidelines.[467] According to Jones, 'the idea of the full enforcement of the law is a myth because of the sheer breath and complexity of situational exigencies which police officers are required to deal with.'[468] When police officers use discretion, the law serves as an 'all purpose control device' from which police officers can choose a range of alternatives appropriate to the situation.[469] Recent developments, however, have influenced the scope of discretion. The implementation of New Public Management (NPM),[470] Intelligence-Led Policing (ILP) and information

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462 See for example: Van Bemmelen & Van Veen (1993), pp. 95-96; Corstens (2008), pp. 55-57; Verstraeten (2007), p 65.

463 See for example Bayley (2005), p. 145; Ericson (2005), p. 237; De Poot, Bokhorst, Van Koppen & Muller (2007), p. 829.

464 Manning (2005), pp. 202-203.

465 Jones (2008), p. 82.

466 Ericson (2005), p. 222.

467 See for example: Ericson (2005), pp. 222-226; Manning (2005), pp. 205-206; Van der Vijver & Terpstra (2007), pp. 367-368.

468 Jones (2008), p. 82.

469 Bittner (1970), p. 108.

470 The New Public Management paradigm evolved in the early 1990s in order to transform the public administration into a business-like agency. As such, NMP has the following central doctrines: 'a focus on management, not policy, and on performance appraisal and efficiency; the disintegration of public bureaucracies into agencies which deal with each other on user-pay basis; the use of quasi-markets and contracting out to foster competition; and cost-cutting' (Hughes (1998), p.2. See also: Rosenthal, Ringeling, Bovens, 't Hart & Van Twist (1996), pp. 202-203.

technology have resulted in a more centralised supervision of policing, which has reduced the individual discretion of the police officer, and enlarged and strengthened the supervision and control mechanisms of police management.[471]

Public order

The second police function concerns the maintenance or restoration of public order. In maintaining public order the majority of police interventions involve communication or (the threat of) force rather than through law enforcement.[472] There are many definitions of public order. Bittner views public order as "keeping the peace" which involves 'to direct, aid, inform, pacify, warn, discipline, roust, and to do everything without making arrests.'[473] To Ericson, public order maintenance has a more corrective connotation. He defines it as an 'activity to transform troublesome, fragile situations back into a normal or efficient state.'[474] As such, public order is not about producing new order, but to maintain and reinforce the existing one: 'The mandate of the patrol officer is to employ a system of rules and authoritative commands to transform troublesome, fragile situations back into a normal or efficient state whereby the ranks in society are preserved.'[475] The notion of the restoration of the normal state is also found in the definition of Van der Meulen who defines public order as the – to time and place restricted – normal state in a public space.[476]

What a disturbance of public order constitutes is difficult to determine. Legislation on public order is ambiguous, as it often does not provide objective and clear rules and guidelines for police action. The range of police powers therefore relates to offences that are deliberately framed broadly – such as a "breach of the peace"[477] – in order to provide police officers with a flexible resource that can be deployed in attempting to achieve the broader objectives of public order management.[478] Police discretion therefore also applies to public order maintenance.[479]

Under normal conditions, maintenance of public order or keeping the peace is part of the basic police function and is carried out by regular patrol officers, for example to manage small-scale disturbances such as night-life incidents or anti-social behaviour of teenagers.[480] However, public order policing often relates to large-scale disturbances that involve larger crowds and that take place within

471 See for example: Cachet & Van Sluis (2009), pp. 452-454; Ericson & Haggerty (1997), p. 398-399; Kampschreur (2005), p. 29;
472 Hoogenboom (2009), p. 7.
473 Bittner (1967), p. 701.
474 Ericson (2005), p. 218.
475 Ericson (2005), pp. 218-219.
476 Van der Meulen (1993), p. 21.
477 Adang defines a "break of the peace" if in public space the freedom of movement is obstructed and/or the safety of people or property is threatened (Adang (2007), p. 803).
478 Jones (2008), p. 82.
479 See for example: Bittner (1970), p. 30; Easton (2001), p. 44; Ericson (2005), pp. 218-219; Jefferson (1987), pp. 48-49; Reiner (2000), p. 112.
480 Adang (2007), p. 803.

larger areas.[481] It is therefore usually distinguished by its scale and associated with large numbers of police officers deployed in riot squads dealing with large gatherings of members of the public,[482] for example in the case of political demonstrations or football hooliganism. These riot squads are trained, organised, and equipped in a paramilitary fashion and can be tasked to re-establish public order by (threat of) the use of force. Adang notes that from an international perspective there are different styles of maintenance of public order, such as hard versus soft, reactive versus preventive, or repressive versus tolerant.[483] McPhail also discerns two different approaches towards public order: escalated force versus negotiated management. In escalated force, the police focus on riot control and apply paramilitary tactics and instruments. Negotiated management, on the other hand, is based upon the principles of community policing and intends to establish communication and cooperation between the police and the protesters in order to prevent public disturbances.[484] In either case, effective maintenance of public order is all about by achieving a balance between observed risks of further escalation and actual police action to keep or restore the peace.

Public assistance

The third function of the police is assistance to the public. According to Bittner, public assistance is all about stopping 'something-that-ought-not-to-be-happening-and-about-which-somebody-had-better-do-something-now!'[485] The ability and willingness of police officers to provide help in those situations therefore largely determines the perception of the quality of daily policing.[486] As such, public assistance could comprise an almost endless list of possible actions. Typical instances are for example: emergency aid at accidents with casualties; saving people from drowning; dispersing a crowd hampering the rescue mission of an ambulance; finding lost children, and interceding in (domestic) violence or quarrels. In many of these instances, the police act as surrogate aid workers, which also demands social and psychological expertise and competences.[487]

In general, public assistance could be divided into two categories: emergency assistance and general assistance. In case of emergency (e.g. a life-threatening situation), assistance is seen as one of the most important assignments of the police. In order to guarantee police support at all times to those who are in danger, the Dutch police prioritise emergency assistance above other police tasks.[488] If there is no imminent danger, and assistance has a more general

481 Adang (2007), pp. 814-815.
482 Waddington (2008), pp. 230-231.
483 Adang (2007), pp. 814-815.
484 McPhail (1991), quoted in Adang (2007), p. 815.
485 Bittner (1975), p. 30.
486 Van der Torre & Van Harmelen (2007), p. 925.
487 See for example: Bayley (2005), p.146; Bittner (1975), p. 31; Greenwood, Chaiken & Petersilia (2005); Van der Torre & Van Harmelen (2007), p. 929.
488 Van der Vijver & Terpstra (2007), p. 358.

character, the police could accord it a lesser priority; meaning that the principle of 'the urgent before the important' is applied.[489]

What the police actually do

In most Western countries, law enforcement is considered by both citizens and police officials to be the basic function of the police.[490] Research in different Western countries has shown that the police spend less than twenty percent of their time or capacity on law enforcement.[491] Banton, for example, argues that the idea of a police that are primarily engaged in law enforcement is misleading: 'The policeman on patrol is primarily a "peace officer" rather than a "law officer". Relatively little of his time is spent on enforcing the law in terms of arresting criminal offenders; far more time is spent on "keeping the peace" by supervising the beat and responding to requests for assistance.[492] Reiner agrees with Banton noting that the assumption that the police's main function is 'catching criminals' is a myth and ignores most of their real functions.[493] Bittner also argues that law enforcement should not be seen as characteristic of day-to-day police work. He argues that 'criminal law enforcement is something that most [uniformed police officers] do with the frequency located somewhere between never and very rarely.'[494] Instead, he adds, policemen are 'rushing to the scene of any crisis whatever, judging its needs in accordance with canons of common sense reasoning, and imposing solutions upon it without regard to resistance or opposition.'[495] Several other police experts support the views of Banton, Reiner and Bittner. They agree that the majority of police work occurs in a grey area between law enforcement, maintenance of public order and service and involves keeping the peace, providing assistance, problem-solving, communicating and negotiating with the public, collecting information, and patrolling, and not to crime investigations and making arrests.[496]

As such, policing is not to be seen only as "making arrests" but rather as a social issue in which the police serve as *primus inter pares* in the provision of public security. In sum, as Bittner writes, policing 'is to address all sorts of human problems when and insofar as their solutions do or may possibly require the use of force at the point of occurrence. This lends homogeneity to such diverse procedures as catching a criminal, (…) evicting a drunken person from a bar,

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489 Van der Torre & Van Harmelen (2007), p. 929.

490 See for example: Bittner (1975), p. 21; Ericson (2005), p. 217; Manning (2005).

491 Bayley (2005), p. 114; Ericson (2005), p. 217.

492 Banton (1964), p. 127.

493 Reiner (1994), pp. 153-154.

494 Bittner (1975), p. 23. Bayley (2005, p. 144) and Manning (2005, p. 199) note that on an average the police spend ten to fifteen percent of their time on law enforcement. In study of the Belgium police, De Valkeneer concludes that only twenty percent of police interventions involved law enforcement (Verwee (2000), p. 43).

495 Bittner (1975), p. 34.

496 See for example: Bayley (2005); Ericson (2005); p. 217; Goldstein (1990); Klockars (1985); Manning (1978); Rosenthal & Van der Torre (2007), p. 288.

directing traffic, crowd control, taking care of lost children, administering medical first aid, and separating fighting relatives.'[497]

That policing goes beyond law-enforcement is underlined in community policing. Community policing is one of the most important developments in policing in the past thirty years, which greatly influenced the operational and organisational concepts of police forces around the world.[498] The concept of community policing developed during the 1970s when various police departments in the United States implemented reform programmes to improve the quality and effectiveness of policing and to increase the level of safety in local neighbourhoods. Community policing replaced the traditional model of policing, which emphasised centralised authority, hierarchical structure, specialisation and bureaucratic rationality.[499]

Also in the Netherlands, community policing has become the guiding principle for policing.[500] A significant driver for its implementation was the report *Politie in verandering* (The Changing Police) published in 1977. The authors envisaged a police legitimised by their ability to take local circumstances and demands and interests of the community into account, and a police capable of initiating social change in society.[501] The police had to leave its distant position and change into an organisation whose work is determined by the needs of society.[502] Today, community policing is the core task, at the heart of Dutch police organisation.[503] However, in addition to the classic focus on geographical areas, e.g. villages or neighbourhoods in towns and cities, the police has also expanded their attention to "policing of communities" which also incorporates policing non-geographic communities such as social networks, the (organised) business sector (retailers associations, business centres, and trade organisations, etc.), social groups and social organisations (health care organisations, schools, cultural organisations, etc.).[504]

Although community policing has become one of the leading Western police strategies, there is no commonly agreed definition,[505] leading to various concepts or interpretations.[506] Punch, Van der Vijver and Zoomer note that community policing has even become an 'ill-defined concept that may mean different things

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497 Bittner (1970), p. 44.

498 Braga & Weisburd (2006), p. 10; Cachet, Van Sluis *et al.* (2009), p. 19 & p. 45; Skogan (2005), p. 74; Terpstra (2010), p. 117.

499 See for example: DeMichelle & Kraska (2001), p. 84; Easton (2001), pp. 54-65; Tilley (2003), p. 311; Van der Torre & Van Harmelen (2007), p. 918; Wiebrens (2004), p. 83.

500 Raad van Hoofdcommissarissen. Projectgroep Visie op de politiefunctie (2005), p. 15; See also: Frissen (2013), pp. 126-127).

501 Projectgroep Organisatie Structuren (1977).

502 Cachet & Versteegh (2007), pp. 1051-1052.

503 Raad van Hoofdcommissarissen. Projectgroep Visie op de politiefunctie (2005), p. 15.

504 Raad van Hoofdcommissarissen. Projectgroep Visie op de politiefunctie (2005), pp. 15-17.

505 Mastrofski (1998), p. 162; Skogan & Hartnett (1997), p. 5; Reiner (1991), p. 112; Tilley (2003), p. 315.

506 See for example: Bayley (1994); Cheurprakobkit (2002), p. 712; Ponsaers (2001), p, 480.

in different countries, or even within a country.'[507] As a result, community policing varies from country to country, and from police force to police force.[508] Eck and Rosenbaum conclude community policing has become some sort of container-notion.[509] According to Bayley, community policing therefore 'means different things to different people.'[510] Manning calls it a "semantic sponge",[511] while Klockars refers to it as rhetoric.[512]

Although community policing may mean 'different things to different people,'[513] there are some useful and often cited characterisations. Friedmann describes community policing as: 'a policy and a strategy aimed at achieving more effective and efficient crime control, reduced fear of crime, improved quality of life, improved police services and police legitimacy, through a proactive reliance on community resources that seeks to change crime causing conditions. It assumes a need for greater accountability of police, greater public share in decision-making and greater concerns for civil rights and liberties.[514] Another characterisation is provided by the "intellectual founding fathers" of community policing, Trojanowitz and Buequeroux. They underline that community policing is primarily a police philosophy: 'which emphasises the working partnership between police officers and citizens in creative ways in order to solve community problems relating to crime, fear of crime, and neighbourhood disturbances.'[515] According to Skogan, this cooperative, proactive, and problem-solving approach requires a decentralised organisational concept that empowers police officers to serve their communities effectively.[516] Skogan and Harnett therefore relate community policing to 'organisational decentralisation and a reorientation of patrol in order to facilitate two-way communication between police and public, [which] assumes a commitment to a broadly focused, problem-oriented policing and requires that the police will be responsive to citizens' demands when they decide what local problems are and set their priorities. It also implies a commitment to helping neighbourhoods solve crime problems on their own, though community organisations and crime prevention programmes.'[517]

In sum, in community policing the police seek to formalise the maintenance of order and crime prevention aspects of their work by increasing citizen involvement and community familiarity, implementing geographical and organisational decentralisation including officers' wider discretion to adjust their activities to

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507 Punch, Van der Vijver & Zoomer (2002), p. 61.
508 See for example: Husain (2007), pp. 127-128; Peak & Glensor (1999), p. 80; Punch, Van der Vijver & Zoomer (2002), p. 61; Skogan & Freydl (2004), p. 232.
509 Eck & Rosenbaum (1994). See also: Easton (2001), p. 70.
510 Bayley (1988), p. 225.
511 Manning (1988).
512 Klockars (2005).
513 Bayley (1988), p. 225.
514 Friedmann (1992).
515 Trojanowitz & Buequeroux (1990), p. 5.
516 Skogan (2005), p. 74. See also Skogan & Roth (2004), pp. xxiv-xxv.
517 Skogan & Harnett (2005), p. 428.

local conditions, and by adopting problem-solving techniques.[518] Bayley captures these core elements in the acronym "CAMPS" which stands for: consultation, adaptation, mobilisation and problem solving. Communities are *consulted*. Police services *adapt* by becoming decentralised and locally responsive. The public and other partners and agencies are *mobilised* in efforts to address crime problems since the police cannot deal with them effectively on their own. Patterns of crime and disorder *problems* are identified and *solved* proactively in the aggregate rather than simply as a series of individual incidents calling for a response.[519]

4.2.1.2 Intelligence

Policing is largely an intelligence-driven activity. It focuses on the identification and analyses of significant problems involving criminality and community unsafety.[520] The focus on the identification and analysis of public security problems evolved after Goldstein introduced the concept of problem-oriented policing in 1979.[521]

Problem-oriented policing elaborated on community policing and supplied it with a clear methodology to approach those problems.[522]Whereas community policing stresses community engagement in identifying and prioritising a broad range of neighbourhood problems, problem-oriented policing focuses on the identification of patterns of crimes by using analytic data systems.[523] It can be seen as complementary to community policing as it puts the community policing philosophy into practice.[524] According to Goldstein, problem-oriented policing is helping the police to move towards a more proactive problem-solving attitude and approach.[525] In his view, policing is all about dealing with behavioural and social problems that arise in a community.[526] Goldstein does not expect the police to solve all those problems, however. Rather, he thinks 'it is more realistic to aim at reducing their volume, preventing repetition, alleviating suffering, and minimising the other adverse effects they produce.'[527] Because the police cannot solve or eliminate every problem that affects communal life, problem-oriented policing seeks to recognise and define the underlying causes of incidents of crime and disorder systematically. After their identification, these problems are thoroughly analysed and understood in order to develop and implement

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518 Bayley (1994), pp. 102-115; Crank & Langworthy (1996), p. 214; Rosenbaum (1998), p. 7; Skogan (2004), pp. xxiv-xxv; Skogan (2005), pp. 74-76; Trojanowicz and Bucqueroux (1990), pp. xiii-xv.

519 Tilley (2003), p. 316.

520 Versteegh (2005), p. 13.

521 Goldstein (2005).

522 Punch, Van der Vijver & Zoomer (2002), p. 61.

523 Skogan (2005), p. 76; Tilley (2003), p. 320.

524 Peak & Glensor (1999), p. 83.

525 Goldstein (2005), p. 393.

526 Goldstein (2005), p. 396.

527 Goldstein (2005), p. 396.

alternative response strategies. Finally, the police assess the effectiveness of its strategies.[528]

Because problem-oriented policing requires information to produce intelligence for targeted action,[529] it has become the forerunner of Intelligence Led Policing (ILP).[530] ILP originated in the United Kingdom and dates from the early 1990s.[531] The essence of ILP is that it helps to prevent the police from operating with a short-term focus only.[532] ILP first collects information in order to produce "intelligence" which is then used to direct the activities of police units and individual officers proactively to disrupt, disable, or undermine criminal behaviour.[533] By analysing information first, it focuses the police to decide what courses of action they need to follow. ILP thus rationalises police work and directs individual policing on specified goals and targets, measured by specified outcomes.[534]

There are several definitions of ILP. According to Tilley, ILP involves 'effectively sourcing, assembling and analysing "intelligence" about criminals and their activities better to disrupt their offending, by targeting enforcement and patrol where it can be expected to yield highest dividends.'[535] Like Tilley, Newburn defines ILP in terms of effectiveness. He regards ILP as 'a model which serves to enhance the effectiveness of policing through a greater emphasis on the collection and analysis of intelligence and the development of targeted responses to that analyses.'[536] Reiner places ILP within the wider concept of pre-emptive policing, which involves a strategy 'of collecting and coordinating the low-level information provided by patrolling.[537]

The Dutch version of ILP is called Information-Driven Policing (*Informatiegestuurde Politiezorg*).[538] The concept of Information-Driven Policing links the policing process and the information process and provides the police with a management tool that combines a problem-oriented approach of crime and insecurity with a process-oriented routine. It focuses on processing urgent public security problems by combining preventive and repressive tactics and involving citizens, local communities and governments, and public and private agencies and organisations. At the strategic top,[539] data and information are used to formulate a

528 Goldstein (2005).
529 Skogan & Frydl (2004), p. 249. See also: Frissen (2013), pp. 126-127).
530 Kop & Klerks (2009), p. 13.
531 Tilley (2008), p. 147.
532 Stol (2007), p. 387.
533 Tilley (2008), p. 146.
534 Tilley (2003), p. 313.
535 Tilley (2003), p. 313.
536 Newburn (2003), p. 727.
537 Reiner (2000), p. 76.
538 Kop & Klerks (2009), p. 15.
539 This study follows the stratification of organisational levels as used in the NL Army: strategic, operational and tactical (see for example: Koninklijke Landmacht (2014), pp. 2-14 – 2-15).

policy on crime-fighting while at the tactical level police management uses the information to prioritise investigations and other police interventions. At the operational level, problem-analyses are used to identify and analyse the magnitude, frequency and background of public security problems. As such, the police can obtain situational awareness of hot-spots, hot-areas and hot-times, as well as of frequent offenders and risk groups and individuals. At the police tactical level, information is processed and used to approach specific public security problems such as hotspots, individual criminal offenders or criminal groups. The operational information is used to brief and debrief police officers before and after their duties.[540]

4.2.1.3 Cooperation

To promote a safe and secure society, the police need to be capable of organising social action and mobilising other parties in society for cooperation if necessary.[541] This cooperation has two dimensions: police-citizenry cooperation and inter-agency cooperation.

The focus on police-citizenry cooperation emerged with the introduction of community policing in the 1980s. Foremost, community policing draws on the cooperation, collaboration and partnership between police and citizens in the definition of crime problems and in focusing police activities to prevent and control crime and public disorder.[542] To establish effective cooperation, the police have to consult the community, enhance constructive information sharing, build trust, and involve them in setting public safety priorities.[543] A precondition for police-community cooperation and coordination is the establishment of structural relationships with key partners in the community,[544] such as local government, social service and community agencies, families, schools, civic and community groups, and neighbourhood and merchants associations.

Community policing is also based on the premise that crime cannot be prevented or solved without the active assistance of the public. Community policing therefore requires the mobilisation and empowerment of communities so that they can act in their own defence and to share policing responsibility with the police.[545] This turns communities into active co-producers of neighbourhood safety and security.[546] They serve as eyes and ears, and as auxiliary to the police.[547] They also participate actively in the definition of security needs, advise about

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540 Raad van Hoofdcommissarissen. Projectgroep Visie op de politiefunctie (2005), p. 17; Versteegh (2005), pp. 13-20.

541 Raad van Hoofdcommissarissen. Projectgroep Visie op de politiefunctie (2005), p. 15.

542 Barlow (2000), p. 225; Cordner (1998); Goldstein (1990); Goldstein (2005); Skogan (2004), p. xxiv; Skogan & Harnett (2005), pp. 428-431; Skolnick & Bayley (1986); Thurman & McGarrel (1997), p. 2; Trojanowitz & Buequeroux (1990), p. 5.

543 Skogan (2004), p. xxiv.

544 Van der Torre & Van Harmelen (2007), p. 924.

545 Bayley & Shearing (2001). See also: Crawford (1995); Crawford and Jones (1995).

546 Bayley & Shearing (1996), p. 588.

547 Tilley (2003), p. 332.

problems requiring attention, give information to the police about suspicious persons, patrol neighbourhoods, maintain the physical environment, mediate disputes and quarrels, install security devices, and persuade fellow residents to adhere to community norms of propriety.[548] Community policing thus stresses policing *with* and *for* the community rather than policing *of* the community.[549]

There are two major conditions for an effective police-community partnership, namely mutual trust and police legitimacy. Trust facilitates greater community interaction, which in turn facilitates police-citizenry communication, which leads to greater trust, and so on.[550] Police legitimacy is established when the police take community needs and their problems into account in the execution of their duties and when the police are effective in their actions and communication.[551]

Police-community partnerships could also involve some problems.
The first problem – and perhaps the most fundamental weakness – is the definition of a "community". In community policing, the term community is often defined or perceived as a 'homogeneous entity, close-knit, non-schismatic and devoid of tension and conflict.' In reality, this is seldom true, as Ellison notes.[552] Communities are often divided, intolerant, and of heterogeneous social, ethnic or religious composition, especially in many Western societies. The collective feeling of responsibility for one's neighbourhood is often low, which makes it difficult for the police to find and establish structural partnerships. Because the level of self-organisation of citizens turned out less than expected, partnerships have been established with institutionalised bodies, such as local government, public agencies, private organisations and public associations.[553]
Second, communities nowadays are not bound to a specific geographical territory anymore. Communities have become virtual or interact in wider (international) networks that reach beyond local communities.[554]
A third issue in community policing is that police officers have to be able to switch between cooperation with community members and enforcement of law and order, if required. It may then be difficult to re-establish and redefine the relationship in terms of community engagement.[555]

Despite these problems, Bayley and Shearing are still convinced that community policing must be the "organising paradigm" of police and public partnership to prevent crime and disorder, especially in poor and high crime neighbourhoods.[556] Terpstra too adds that community policing must also be seen as the most likely and effective answer to an increasing diversification of life-styles and social

548 Bayley & Shearing (2001), p. 9.
549 Tilley (2003), p. 315.
550 Peak & Glensor (1999), p. 77.
551 Cachet & Versteegh (2007), p. 1047; Van der Torre & Van Harmelen (1999), p. 400.
552 Ellison (2007), p. 208. See also Klockars (2005), p. 449-450.
553 Van der Torre & Van Harmelen (2007), p. 927.
554 Raad van Hoofdcommissarissen. Projectgroep Visie op de politiefunctie (2005), pp. 15-16.
555 Tilley (2003), p. 332.
556 Bayley & Shearing (1996), p. 604.

fragmentation in today's society. Nowadays, society articulates the accountability and responsibility of individual citizens. Community policing could therefore help to hold citizens accountable for their relationship and cooperation with the police.[557]

Fragmentation of policing further increased the need for institutional cooperation. Since the 1990s, policing is part of a wider "security system" in which the police and other organisations cooperate in chains or in networks.[558] These chains and networks draw on an inter-agency approach in which the police are just one of the providers of security and therefore requires the involvement of several other partners, both public and private, to deal with security related community problems effectively and efficiently.[559] To create a safe and secure society, the police depend on the contributions and participation of those actors and these institutions. Working in networks and chains therefore demands that partners agree on their contributions, commit to their engagements, and are held accountable for their outcomes.[560] In the Netherlands, for example, municipalities have become a central actor in a network of public or private agencies to improve community safety and security.[561] In that sense, security has become a "nodal security synthesis" in which security is provided through a network of public and private institutions and agencies, non-governmental organisations and civilian associations.[562] According to Ericson and Haggerty, in these networks, the police are no longer primarily concerned with law enforcement and public order, but have moved towards information brokering within a patchwork of organisations and individuals.[563]

4.2.1.4 Use of force

In democratic societies, there is a "social contract" between the state and its citizens. In the tradition of Hobbes and Rousseau, citizens restrain from some of their individual liberties in return for security provided by the state through which every citizen is able to enjoy an "optimal" level of peace, prosperity and liberty.[564] One of the most fundamental tasks of the state is thus to provide internal and external security to protect its vital interests, such as the continuation of democratic polity and values, and to guarantee the safety of its citizens and

557 Terpstra (2009), p. 18.

558 Raad van Hoofdcommissarissen. Projectgroep Visie op de politiefunctie (2005), p. 69.

559 Bayley (1994), pp. 102-115; Cachet & Versteegh (2007), p. 1076; Crank & Langworthy (1996), p. 214; Raad van Hoofdcommissarissen. Projectgroep Visie op de politiefunctie (2005), pp. 69-71; Rosenbaum (1998), p. 7; Skogan (2005), pp. 74-76; Trojanowicz & Bucqueroux (1990), pp. xiii-xv.

560 Cachet & Versteegh (2007), p. 1047; Cachet, Van Sluis *et al.* (2009), p. 451; Raad van Hoofdcommissarissen. Projectgroep Visie op de politiefunctie (2005), pp. 69-70.

561 Boutellier (2007), pp. 1011-1013. For the Netherlands, see also: Van der Torre & Van Harmelen (2007), pp. 934-935.

562 Johnston & Shearing (2003), p. 36.

563 Ericson & Haggerty (1997).

564 Hobbes (1985), Chapter XIV, §5; Rousseau (2002).

integrity of its territory.[565] Ideally, the state's security is guaranteed through political, social, economical and legal arrangements. However, when the interests are at stake, a state could use force or coercion 'to inflict, deter, and absorb physical violence when and if this should become necessary or advantageous.'[566]

To absorb or eliminate these threats the state can use its coercive powers or strong-arm: the police and the military. In this capacity, they both have a monopoly on the use of force. According to Van Eekelen and Muller, however, there is a difference in the intensity and manner how these institutions apply their monopoly, noting that the armed forces are the ultimate instrument to preserve the state's power: 'Not the police, but the Army, Air Force and the Navy have the true monopoly of power in a more instrumental sense.'[567] Rosenthal has a similar view of the division of powers between the police and the military: 'Within the institutional framework from which the state exercises its monopoly of power, the majority of the instruments of force are assigned to the military, the police follows in a considerable distance.'[568]

Nevertheless, the police are the state's internal monopolists in the exercise of legitimate force.[569] According to Bayley, the democratic authorisation to use force is the most fundamental characteristic of the police. He emphasises that the authorisation to use force in society is exclusively assigned to the police and to no other institution. He regards this authorisation as one of the core characteristics of the police.[570] Bittner also places the authorisation to use force as a central characteristic of the police: 'The policeman, and the policeman only, is equipped, entitled, and required to deal with every exigency in which force may have to be used, to meet it.'[571]

The use of force by the police is codified by international law, for example the *UN Code of Conduct for Law Enforcement Officials* of 1979 and the *UN Basic Principles on the Use of Force and Fire Arms by Law Enforcement Officials*. Article 7 of the UN *Code of Conduct* demands that the use of force by police officers is only permitted in case of necessity and in relationship to their formal assignment.[572]

In the Netherlands, Article 7 of the Police Act of 2012 authorises the police officer to use force in the lawful exercise of his duty only if the intended goal is

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565 See for example: Hobbes (*Leviathan*); Locke (*Two treatises*); Montesquieu (*De l'Esprit des Lois*, Livre XI, Chapter 6). Source: Van der Pot & Donner (1995), p. 17-34.

566 Lang (1972), p. 9. See also: Von Bredow (2003), p. 89; Van Eekelen & Muller (2004), pp. 11-14; Rosenthal (2004), p. 197; Tilly (1992), p. 96.

567 Van Eekelen & Muller (2004), p. 11.

568 Rosenthal (2004), p. 197.

569 Reiner (2005), p. 675. See also for example: Adang (1998), p. 108; Bayley (1985), pp. 7-9; Bittner (1975), p. 35; Van Eekelen & Muller (2004), p. 11; Ponsaers, Devroe & Meert (2006), p. 7; Rosenthal (2007), pp. 40-41; Welten (2000), pp. 15-16.

570 Bayley (1985), p. 7.

571 Bittner (1975), p. 35.

572 Timmer (2005), p. 42.

justified and cannot be achieved in an alternative way.[573] In accordance with this article, the Dutch police are allowed to use force only when in accordance with the principles of proportionality and subsidiarity.[574] Proportionality implies that 'the authorisation to use force is conferred upon the policeman with the mere proviso that force will be used in amounts measured not to exceed the necessary minimum of force, as determined by an intuitive grasp of the situation.'[575] Subsidiarity means that the necessity for the use of a particular instrument of force has to be weighed against other, less forceful means.[576] This implies that the use of firearms is considered to be an extreme measure.[577] Use of force also has to be fair and reasonable, which means that the integrity of persons and goods has to be respected as much as possible.[578] Furthermore, police officers are authorised to use force only if they are trained in the use of force and the use of the particular instrument of force.[579] Policing thus requires skills of 'retaining resort to force seeking to avoid its use, and using it only in minimal amounts.'[580] Finally, every instance in which force is used should be reported in the chain of command and to the competent authorities.[581]

The *Ambtsinstructie voor de politie* (Professional Instruction for the Police) regulates the use of force for the Dutch police, and provides an exhaustive list of police weaponry and describes the conditions under which the police are authorised to use them. For daily policing, individual police officers are equipped with side arms and non-lethal weapons like truncheons and pepper-sprays.[582] To restore (large-scale) public disorder the police may resort to the use of tear-gas, water cannons, and police dogs.[583] To arrest armed criminals or terrorists the police may resort to "paramilitary" equipment and tactics and opt for a higher level of weaponry, such as automatic weapons or long-distance precision riffles.[584]

4.2.2 Organisational concept

An organisational concept relates to organisational design or the structure of the organisation. According to Mintzberg, an organisational structure is the set of arrangements to divide labour into separate tasks and the mechanisms necessary to coordinate these tasks.[585] Heffron discerns three dimensions by which the

573 Police Act (Politiewet) 2012, Article 7(1).
574 Timmer (2005), p. 41
575 Bittner (1975), p. 35.
576 Naeyé (2007), p. 698.
577 Naeyé (2007), p. 707.
578 Police Act (*Politiewet*) 2012, Article 7(5).
579 Professional Instruction for the Police (*Ambtsinstructie voor de politie*) 1994, Article 4.
580 Bittner (1975), p. 40.
581 Professional Instruction for the Police (*Ambtsinstructie voor de politie*) 1994, Article 17.
582 Professional Instruction for the Police (*Ambtsinstructie voor de politie*) 1994, Article 7 & 12. See also: Naeyé (2007), pp. 705-715; Timmer (2005), p. 41.
583 Professional Instruction for the Police (*Ambtsinstructie voor de politie*) 1994, Article 13, 14 & 15. See also: Naeyé (2007), pp. 705-715.
584 Professional Instruction for the Police (*Ambtsinstructie voor de politie*) 1994, Article 8 & 9. See also: Naeyé (2007), pp. 710-711.
585 Mintzberg (1991), p. 2.

structure of an organisation can be characterised: formalisation, centralisation and complexity. Formalisation refers to the extent to which jobs, activities, and organisational behaviour are standardised. Centralisation relates to the degree of concentration of decision-making authority and control in the organisation. Complexity, finally, refers to the degree of horizontal and vertical differentiation and the level of geographical differentiation.[586] Traditionally, the structure of the police organisations fit that of the machine bureaucracy, having formalised and standardised rules, procedures, regulations and job-descriptions to control action, a centralised, hierarchical top-down command-and-control structure to allocate resources and to manage the daily operations.[587]

As mentioned earlier, the introduction of community policing influenced the traditional model of the police organisation significantly. The traditional police model turned out to be inadequate to deal effectively with fundamental changes in society that emerged during the 1970s.[588] Apart from cooperating with the community to deal with crime and order related problems effectively, community policing also emphasised organisational reform.[589] This reform largely related to the dimensions of centralisation and complexity. In terms of centralisation, community policing focuses on decentralisation of authority to empower the individual police officers. In terms of complexity, community policing intends to reduce the level of vertical differentiation by minimising the length of hierarchical structure and by enlarging the geographical dispersion of police units.[590] Because the implementation of community policing influenced contemporary police and policing, this study applies the organisational characteristics of community policing to describe the organisational concept of the police organisation: decentralisation of authority, vertical differentiation and geographical differentiation.

4.2.2.1 Decentralisation of authority

Policing can be described as an individualistic activity. Individualism is 'the degree to which individuals are integrated into groups.'[591] Whereas the individual soldier is expected to function exclusively as part of a larger unit, the individual police officer has to do the job alone. Apart from exceptional situations, e.g., riots, arrests of armed criminals or large-scale public assistance, the police officer does not work as part of a larger unit in a military sense.[592] In their everyday operations, they have to act more or less autonomously. They make their own decisions, relatively independent of others and from the formal chain of com-

586 Heffron (1989), p. 19.
587 See for example: Braun (1999), p. 88; Heffron (1989), p. 40; Soeters (2000), pp. 468-469; Van der Vijver & Terpstra (2007), P. 371.
588 See for example: Easton (2001), pp. 54-57; Peak & Glensor (1999), pp. 13-14; Ponsaers (2001), pp. 473-479.
589 Bayley & Shearing (1996), p. 604; Peak & Glensor (1999), p. 80.
590 See for example: Easton (2001); Skogan & Freydl (2004); Skolnick & Bayley (1986); Tilley (2003).
591 http://www.geert-hofstede.com; accessed March 1, 2011.
592 Auten (1981), p. 72.

mand.[593] This is what Crank and Langworthy, in this context define as "loose coupling": 'a loosely articulated relationship between the formal goals and the purposes of the organization, and the day-to-day behaviours of line-level personnel.'[594]

An expression of individuality is the – almost universal – need of police officers to acquire professional autonomy or discretion to interpret and solve situations in what they find the most effective, irrespective formal regulations or policies.[595] Police officers can thus be characterised as "street-level bureaucrats", who, according to Lipsky, are 'public service workers who interact directly with citizens in the course of their jobs, and who have substantial discretion in the execution of their work.'[596]

In community policing, police officers are further encouraged to develop individual awareness and responsibility, to move away from formal routines and procedures, and to use discretion and take initiative in finding solutions unique for the communities they serve.[597] This discretion pushes operational and tactical decision making to the lower levels of the organisation and requires particular styles of supervision.[598] Participative management is greatly increased, and fewer levels of authority are required to administer the organisation; middle-management layers are reduced.[599] In community policing, empowerment will result in loosely coupled relationships between the central authority and street-level police officers. Crank and Langworthy warn, however, that such loose coupling may result in fragmentation of institutional authority and in decoupling with the formal organisational structure.[600]

However, the level of autonomy of the individual police officers appears to be changing since the 1990s and police organisations tend to become more

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593 See for example; Haltiner (2003b), p. 166; Soeters (2000), p. 471.

594 Crank & Langworthy (1996), p. 217.

595 See for example: Lipsky (1980); Manning (1995); Punch, Tieleman & Van den Berg (1999); Reiner (1997); Sykes & Brent (1980); Van der Vijver & Terpstra (2007), pp. 369-370.

596 Lipsky (1980), p. 3. Street-level bureaucrats often face a huge caseload in combination with a deficit of adequate resources to execute the tasks assigned to them. They also have to deal with ambiguous and conflicting agency goals that also interfere with the practice of daily life. To deal with those situations effectively, 'the decisions of street level bureaucrats, the routines they establish, and the devices they invent to cope with uncertainties and work pressures, effectively become the public policies they carry out' (Lipsky (1980), p. xii).

597 Goldstein (2005); Peak & Glensor (1999), pp. 20-21; Skogan (2005), p. 75; Skogan & Hartnett (2005), p. 430.

598 Bayley & Shearing (1996), p. 604.

599 Peak & Glensor (1999), pp. 20-21.

600 Crank and Langworthy note that community policing results in "fragmented centralisation". They argue that however community policing is 'intended to *look* local, it is centralist in origins, sponsorship, and intellectual leadership.' Additional command structures are created to deal with geographical differentiation and functional complexity effectively (Crank & Langworthy (1996), pp. 223-224).

centralised.[601] The introduction of ILP, for example, enhanced the grip of police managers on operational policing. ILP ideally tries to increase public security and reduce crime and disorder in society through strategic choices based upon solid research and information analysis.[602] It also intends to improve the flow of information up and down the chain of command.[603] Authors like Ericson and Haggarty and Kampschreur argue that ILP and information technology reinforce directive control over police officers and hardly improves bottom-up processes. Rather, ILP strengthens top-down control and enhance bureaucratic tendencies due to fixed reporting rules and formats.[604] The introduction of ILP also strengthened the position of the middle management. Through ILP, the middle management is directly involved in the management of daily policing, having a better insight into and influence on the activities and achievements of police officers. As such, middle managers have become a linking pin between the police managers at the top and the operational level at the bottom of the police organisation, which helps to reinforce operational control of policing.[605]

Also the introduction of NPM in the 1990s enhanced centralising tendencies within the police organisation. Under the influence of NPM the leading management orientation shifted from input-oriented control to a focus on outputs and outcomes, and efficiency and effectiveness. Since, police work has been translated into products, quantitative targets and performance contracts.[606] Police officers are being tasked with achieving individual targets for which they are held accountable. As such, the introduction of NPM has helped to redefine the traditional gap between street and management officers as defined by Reuss-Ianni and Ianni.[607] According to Hoogenboom the focus on outputs, accountability and responsibility has increased the grip police management on operational policing and reduced the discretionary powers of street cops.[608]

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601 Das, Huberts & Van Steden (2007), pp. 518-519; Punch, Hoogenboom & Williamson (2005), p. 269.

602 Kampschreur (2005), p. 28.

603 Hoogenboom (2006); see also Den Hengst & Commissaris (2007); Stol (2008).

604 Ericson and Haggarty (1997), pp. 398-399; Kampschreur (2005), pp. 29-30.

605 Braun (1999), p. 180; Van der Torre (2007), pp. 518-519.

606 In his study of the effects of performance management and performance contracts in the Dutch police, Hoogenboom concluded that negative side effects of performance management and performance contracts as perceived by criticasters in fact rarely occur, basically because professional attitudes of both police managers and executives dimmed possible excessive action to achieve fixed goals unconditionally (Hoogenboom (2006), pp. 10-11).

607 In a case study within the New York Police Department, Reuss-Ianni identified a gap between the sub-cultures of "street cops" and "management cops". This gap had resulted in troubled communication and little understanding between the two sub-cultures. The gap also complicated an efficient and effective flow of management information through the hierarchy (Reuss-Ianni & Ianni (2005)).

608 Hoogenboom (2006), p. 79. See also: See for example: Cachet & Versteegh (2007), pp. 1056-1057; Chan (2003); Long (2003); McLaughlin (2007), pp. 96-97; O'Malley (2005), p. 709; Van der Vijver & Terpstra (2007), p. 375.

4.2.2.2 Vertical differentiation

The second organisational feature of community policing is the reduction of vertical differentiation.[609] According to Heffron, vertical differentiation refers to the 'nature and depth of the hierarchical structure created to coordinate the groupings achieved through departimentation.'[610] Community policing intends to increase police responsiveness to community problems and expectations. For that purpose, it advocates a minimisation of the bureaucracy and a shortening of the lines of communications within the police organisation in order to speed up internal and external communication, and to improve internal consultation based upon expertise rather than seniority.[611] The implementation of community policing therefore often resulted in flatter organisational structures, for example by compressing the rank structure, reducing the hierarchical chain of command within the organisation, and by declining social distance between top and base.[612]

As of 2013, the Dutch national police force has five hierarchical levels.[613] At the top, there is the national Chief of Police and his board who are responsible for the overall management and control of the police organisation. The second level consists of ten regional units. These regional units are assigned to fulfil the operational tasks in their area of responsibility. Each regional unit consists of a number of territorial districts and central departments, such as an Investigations Service and a Regional Operational Centre. A district further divides into local teams (*basiseenheden*). The local team (60 to 200 police officers) is the foundation for local policing and is responsible for performing independently the majority of the core tasks of the police, such as community policing, public order, law enforcement, emergency assistance, intake, and service. Finally, there is the individual police officer as the most basic level of the police force. The individual police officer has a general assignment and could, if required, be assigned to execute additional specialist tasks, for example related to frequent offenders or youth related problems.[614]

Although five hierarchical levels in a national police force (with an overall strength of around 58,500),[615] is not exceptional, Fijnaut argues that in comparison to some foreign modern police forces, these levels could be further reduced.[616] Fijnaut considers the current structure over-organised, which to his opinion could lead to bureaucratic problems and hamper the effectiveness and innovation in the future. He argues that a force of four levels would have been

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609 Easton (2001), pp. 82-83.
610 Heffron (1989), p. 35.
611 Easton (2001), p. 83; Skogan & Hartnett (2005), p. 429.
612 Easton (2001), pp. 82-83, Mastrofski (1998), pp. 172-173; Peak & Glensor (1999), p. 21; Skogan (2005), p. 76; Skogan & Hartnett (2005), p. 429.
613 Fijnaut (2012), p. 468.
614 Ministerie van Veiligheid en Justitie (2012a), p. 91 & pp. 108-110; Fijnaut (2012), pp, 460-467.
615 Ultimo 2012, the total strength of the Dutch police was 58,647, while the executive strength was 39,735 (Ministerie van Veiligheid en Justitie (2013), p. 74).
616 Fijnaut (2012), p. 468.

more appropriate. He therefore suggests reforming the regional units and districts into one level of robust districts in the twenty-five larger towns in the Netherlands in order to prevent operational disintegration and disorganisation within the larger cities, which would make these districts more congruent with the current structure and culture of the Dutch society and its public administration.[617] By pointing at the option to further reduce the vertical differentiation of the Dutch police organisation, Fijnaut underlines the premise that policing requires a flat organisation and short lines of communication in order to serve public and other (municipal) stakeholders effectively and efficiently.

4.2.2.3 Geographical differentiation

The third important dimension of institutional change is related to deconcentration or geographic differentiation.[618] Heffron defines deconcentration as 'the extent to which the organisation is physically divided into geographically separated units.'[619] Effective community policing requires the physical decentralisation of police units or individual police officers to fixed and specific geographic areas for extended periods. It is assumed that deconcentration will create a "turf orientation".[620] It will facilitate the development of localised solutions to neighbourhood problems and will improve communication and relationships with neighbourhood residents. It is also believed that deconcentration increases the police officer's ability to act proactively to community problems; to enhance their accountability to the citizens in that area for responding to those problems,[621] and to increase public trust.[622]

In the Netherlands, territorial police units (teams) and individual police officers, such as municipality officers, are assigned to distinct geographical areas, e.g. villages or neighbourhoods in towns and cities.[623] According to the Dutch *Referentiekader gebiedsgebonden politie* (Frame of Reference for Community Policing), these areas are ideally as small as possible to enable an effective exchange of information and cooperation between the police and community members and public and private institutions and organisations.[624] Within these areas, the police organise their 'permanent availability for interventions, project-

617 Fijnaut (2012), pp. 468-469.
618 Crank & Langworthy (1996); Kelling & Moore (1988); Skolnick & Bayley (1988).
619 Heffron (1989), p. 35.
620 Skogan (2005), p. 76.
621 Easton (2001), pp. 83-84; Skogan (2005), pp. 75-76.
622 Raad van Hoofdcommissarissen. Projectgroep Visie op de politiefunctie (2005), p. 59.
623 See for example: Raad van Hoofdcommissarissen. Projectgroep Visie op de politiefunctie (2005), p. 88; Politieacademie (2006), p. 20 & pp. 50-51. Ideally, territorial police officers are tasked to provide overall public security whereas an individual municipality officer operates as a visible and recognisable first point of contact of the local police for neighbourhood-related problems. A municipality officer is supposed to have a up-to-date view of the neighbourhood, establish networks, and to share information with community members and agencies in order to find solutions to local problems (See for example: Bervoets, Van der Torre, Besselink & Van Bolhuis (2009), pp. 10-11; Politieacademie (2006), pp. 50-51).
624 Politieacademie (2006), p. 20.

based work and supervision of the infrastructure,' as Dutch Chiefs of Police note.[625]

4.3 The military organisation

4.3.1 Operational concept

4.3.1.1 Function

Together with the police, the armed forces serve to protect the vital interests, stability, security, and integrity of the state.[626] There is a difference in focus and locus between the two institutions, however. Whereas the police serve to protect the states' internal order by enforcing the law and maintaining public order, the armed forces traditionally defend and protect the state against external threats. For that purpose, they primarily organise, prepare and deploy for waging war and preserving the international rule of law.[627] In the Netherlands, the function of the armed forces is formalised in Article 97 of the Constitution: 'There shall be armed forces for the defence and protection of the interests of the Kingdom, and in order to maintain and promote the international legal order.'[628] The Defence White Paper of 2000 has further specifies the function of the armed forces by defining its three main tasks:

1. Protecting the integrity of national and Allied territory, including the Netherlands Antilles and Aruba;
2. Promoting stability and the international rule of law;
3. Supporting civil authorities in upholding the law, providing disaster and humanitarian relief, both nationally and internationally.[629]

The first main task involves the traditional task of the armed forces: territorial defence. For this purpose, the Dutch armed forces contribute to the military capabilities of NATO and EU in order to safeguard the territorial integrity of all member states. So far, a conventional attack by a hostile government on the NATO territory has been less likely. Instead, contemporary threats tend to be more indirect. To protect the population and the territory of the NATO member states against these threats, NATO forces are now authorised to deploy outside the treaty area in so-called out-of-area operations.[630]
The second main task relates to international crisis management operations, which focuses on the restoration or promotion of the international legal order. Usually, these operations are conducted by regional organisations (e.g. NATO

625 Raad van Hoofdcommissarissen. Projectgroep Visie op de politiefunctie (2005), p. 15.
626 Ducheine (2008), pp. 12-15.
627 Stichting Maatschappij, Veiligheid & Politie (2002), p. 94.
628 Constitution of the Kingdom of the Netherlands (2008), Article 97(1).
629 *Kamerstukken II*, 1999/2000, 26 900, nrs. 1–2, p. 41.
630 Koninklijke Landmacht (2009), p. 38; Ministerie van Defensie (2005), p. 38.

and the EU) or by ad hoc coalitions [preferably] under the authorisation of the UN.[631]
The third main task involves military assistance and support to civil authorities.[632] After 2001, the armed forces have become an integrated national security partner of the police, regional fire departments and medical aid authorities in order to assist and support civilian authorities during crisis and disaster management. Also internationally, the armed forces can deploy to support civilian authorities, for example through providing humanitarian aid and/or crisis and disaster management.[633]

Public security and military doctrine

Following the third main task, the Dutch armed forces have to support civil authorities in upholding the law during international missions. Consequently, it could be argued that providing public security tasks, such as law enforcement and public order management, is an indispensable part of the mission of the NL Army. As explained in Chapter 3, a security gap could require military action to establish a basic level of public security in a (post) conflict environment. In order to examine the extent to which Dutch troops were involved in ensuring public security during recent crisis management operations, this section describes and analyses relevant military doctrines,[634] these being the primary source for providing clarity regarding public security during these operations, for example by defining basic (operational) principles and preconditions.

NL Army doctrine

The NL Army doctrine *Peace Operations* of 1999 considers the restoration of the rule of law essential to establishing internal stability,[635] which is in accordance with the Army's core task to "support for civil authorities in upholding the law". The doctrine regards the restoration of the rule of law a subset of military assistance.[636] Military assistance as such intends to stabilise a crisis so that the people can live a normal and independent life in peace. It focuses on restoring and maintaining the sovereignty of the state, order and authority, and public services and utilities.[637]
Within the framework of military assistance, the doctrine *Peace Operations* underlines that the provision of public security is first of all a responsibility of the

631 Koninklijke Landmacht (2009), p. 38; Ministerie van Defensie (2005), p. 39.
632 Koninklijke Landmacht (2009), pp. 38-39; Ministerie van Defensie (2005), p. 39.
633 Koninklijke Landmacht (2009), pp. 38-39; Ministerie van Defensie (2005), p. 39.
634 Given that the Dutch armed forces are part of the NATO structure and preferably operate in a NATO setting, this section includes relevant NATO doctrines to examine military involvement in public security during crisis management operations.
635 Koninklijke Landmacht (1999), p. 292.
636 Koninklijke Landmacht (1999), p. 291. The doctrine defines military assistance as 'supportive actions of a peace force at the request of a government or of a regional or local authority. If there is no effectively functioning authority or government, military assistance may consist of direct support for the civilian population. The absence of a functioning or legitimate government or authority in 'direct support to the population' (Koninklijke Landmacht (1999), p. 291).
637 Koninklijke Landmacht (1999), p. 292.

civilian police. Only in case there are no local or international police in place to ensure a basic level of public security, the military could provide some sort of interim policing.[638] Nevertheless, military involvement should only occur in extraordinary circumstances and for a short period of time, and must be transferred to international or local police forces as soon as possible.[639]

The doctrine *Peace Operations* discerns seven military assistance activities of which three relate to public security: "support for elections", "forming local police and security units", and "protecting individuals, groups and installations".[640] However, with the exception of "support for elections", which involves the protection of polling stations and monitoring the elections,[641] the Army rather leaves public security activities to other agencies or militaries, such as *gendarmerie* forces.

Regarding "forming local police and security units", the role of the Army is for example limited to supporting the international civilian police force in its responsibility to reform and train the local police. Only in exceptional circumstances, the Army sees a direct involvement in training and equipping the local police.[642] However, the doctrine does not specify what these exceptional situations entail. Furthermore, the doctrine explains that cooperation with the international police force may also involve providing protection in dangerous situations and exchanging information.[643] Finally, the doctrine regards "protecting individuals, groups and installations" as a possible task within the framework of military assistance. Nevertheless, it also emphasises that this task is primarily the responsibility of the civilian police, and if the police are incapable of providing protection, the doctrine suggests assigning this task to *gendarmerie* forces like the *Koninklijke Marechaussee*,[644] which largely excludes the deployment of regular troops.

At the end of the section on military assistance, the doctrine mentions a number of additional public security tasks, noting that during military assistance operations it may be necessary to take 'collective control measures' initially. These measures could involve for example the proclamation of a curfew, deployment of patrols and the search of premises in order to deter violence and crime, to restrict the possibilities for demonstrations, to limit the illegal transport of weapons and smuggling, and to take indicted persons into custody.[645] The doctrine does not elaborate on these tasks, however. Nor does it mention if these tasks are to be executed by the Army or by other forces, like *gendarmerie* forces or international police.

Although providing 'support to civil authorities in upholding the law' during international missions is a core task of the NL Army and restoring the rule of law is seen as an essential activity during crisis management operations, in the doctrine *Peace Operations* the subject of public security remains little discussed. In

638 Koninklijke Landmacht (1999), p. 292.
639 Koninklijke Landmacht (1999), p. 292.
640 Koninklijke Landmacht (1999), p. 293.
641 Koninklijke Landmacht (1999), p. 293.
642 Koninklijke Landmacht (1999), p. 294.
643 Koninklijke Landmacht (1999), p. 297.
644 Koninklijke Landmacht (1999), p. 295.
645 Koninklijke Landmacht (1999), p. 298.

fact, the extent of attention given is incongruent with the status of a core task. The doctrine does not label the issue of public security as a main topic nor does it provide an answer to the question what the military should do in case of a deployment or and enforcement gap. It can be concluded that the doctrine regards public security only a secondary rather than a core task.

The NL Army doctrine *Combat Operations Part A*: *Fundamentals* of 1998 also mentions some public security tasks. It explains that these tasks could occur during a post-conflict operation, which may consist of two distinct parts, namely a transition operation and a follow-up operation.[646] During a transition operation, troops can be assigned to restoring public order and reconstructing infrastructure.[647] In case of a follow-up operation, the doctrine foresees two possible public security tasks, namely "security tasks" and "restoring and maintaining public order and safety in cooperation with civil authorities".[648] However, the doctrine does not explain the character of these tasks, nor does it mention the kind of activities that these tasks should entail. In addition, the doctrine mentions "assisting in the return and shelter of displaced civilians or civilian evacuees" as a military task in a post conflict environment. This task could potentially involve public security activities, but the doctrine notes that it should be limited to providing support in terms of transport and registration.[649]

The NL Army doctrine *Combat Operations Part C*: *Irregular Combat* of 2003 also mentions tasks and activities related to public security. The public security tasks mentioned involve activities that may occur during the various stages of escalation during operations against an irregular combatant.[650] The military could be tasked to assist the local police to maintain law and order, for example in situations where the police lack the required skills, capacities and/or equipment. The tasks mentioned, for example, are deploying checkpoints, crowd and riot control, assisting with border control, the imposition of a curfew, searching of vehicles and premises, and the arrest and search of individuals.[651] The doctrine also mentions combating organised crime as a possible task regarding irregular warfare. The close relationship between organised crime and insurgents and/or terrorists requires a coordinated effort of the military and the police. The doctrine suggests assigning combating crime to specialised forces such as the *Koninklijke Marechaussee*.[652] Although the doctrine lists several public security tasks, they are not labelled as such. They are found in different sections, under

646 Koninklijke Landmacht (1998), p. 130.

647 Koninklijke Landmacht (1998), pp. 131-132. The doctrine mentions that in case of a post conflict operation, a commander – if possible – should deploy other units than those used during the combat operations. The doctrine stipulates that post conflict activities require a different mind-set and training than required for combat operations (Koninklijke Landmacht (1998), p. 131).

648 Koninklijke Landmacht (1998), p. 132.

649 Koninklijke Landmacht (1998), p. 132.

650 These stages are: incidents; coordinated disruption, general resistance, and restoration of control (Koninklijke Landmacht (2003), p. 455).

651 Koninklijke Landmacht (2003), pp. 455-456, p. 546, pp. 615-616 & p. 666.

652 Koninklijke Landmacht (2003), p. 467.

different headings instead of capturing and in a dedicated, comprehensive section or chapter.

The 2009 *Doctrine Publication 1*: *Military Doctrine for Land Action* and the 2014 *Doctrine Publication 3.2*: *Land Operations* do not mention public security tasks when listing a number of stabilisation activities. As mentioned in Chapter 2, the *Military Doctrine for Land Action* and *Doctrine Publication 3.2*: *Land Operations* distinguish four clusters of stability activities: "security and control", 'support to Security Sector Reform", "initial restoration of services", and 'support to initial governance".[653] Nevertheless, the two doctrines do not specify these tasks in terms of possible public security tasks. In that sense, the tend to be more conceptual of character. They only provide a general direction instead of identifying possible tactical activities. For example, *Doctrine Publication 3.2* mentions that military units must be prepared to execute Security and Control in case local security services are not available or unable to establish a required level of security,[654] but does not explain what these activities are and what the conditions are. For that purpose, the *Doctrine Publication 3.2* refers to NATO doctrines.[655]

NATO doctrine

NATO too considers restoring the rule of law an essential requirement to establish internal stability.[656] In its *Allied Joint Doctrine for Peace Support Operations* of 2010, NATO notes that military operations 'will contribute to the overall aim of maintaining law and order.'[657] Although NATO considers public security to be 'a responsibility that rests ultimately with the police and civil authorities,' it also articulates that 'if a situation is degenerating, military enforcement may be necessary to restore the peace and to provide direct support to the police.'[658] However, NATO considers that interim policing is not a military task noting that: 'In normal conditions, it is a mistake to use a soldier as a police officer, and vice versa.'[659] Interim policing should therefore only occur in extraordinary circumstances and for a very short period.[660] And, if the military will have to perform interim policing, NATO underlines that 'such situations should be 'planned, force-packaged and trained for in advance.'[661]

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653 Koninklijke Landmacht (2009), pp. 144-147; Koninklijke Landmacht (2014), pp. 7-8 – 7-10.

654 Koninklijke Landmacht (2014), p. 7-8.

655 See for example: Koninklijke Landmacht (2014), footnote 51, p. 7-9.

656 North Atlantic Treaty Organisation (2010), p. 1-12.

657 North Atlantic Treaty Organisation (2010), p. 3A-8. The *Allied Joint Doctrine for Counterinsurgency* also recognises a role for the military in public security issues noting that '[p]art of the military contribution is likely to involve countering a mix of insurgency, terrorism, criminality and disorder (North Atlantic Treaty Organisation (2010), p. 1-6).

658 North Atlantic Treaty Organisation (2010), p. 3A8.

659 North Atlantic Treaty Organisation (2011), p. 3-25.

660 Koninklijke Landmacht (1999), p. 292 & p. 297; North Atlantic Treaty Organisation (2010), p. 3-4; North Atlantic Treaty Organisation (2011), p. 3-26.

661 North Atlantic Treaty Organisation (2011), p. 3-4.

Stability Activities (Illustrative)

Security and Control - Military Tasks

Patrolling
Separation of Hostile Forces:
- Cease fire lines
- Buffer zones
- Demarcation lines
- Interposition

Route Control
Convoy escort
Curfew
Crowd Control
Observation
Monitoring
Cordon and Search

Guarding
Surveillance
Protection of: persons, organizations, properties, minorities, borders, areas
Enforcement of Restricted Areas
Establishment and maintaining protected areas
Control of the movement of populations; refugees, displaced persons.
Evacuation of threatened persons

Support to Security Sector Reform - Military Tasks

Disarmament of security forces, militias and / or illegally armed groups
Weapons collecting and accounting
Weapons destruction
Protection, escort and transportation of demobilised personnel
Assistance in selection for a new security service
Selection and recruitment of future security force personnel
Allocation and control of equipment and infrastructure
Training, mentoring and transfer of responsibility to indigenous military and, in short term, other security forces such as police and border guards

Support to Interim Governance - Military Tasks

Support border control, boundary security, and freedom of movement
Support Identification Programs
Establish Public Order and Safety
Fostering Sustainability
Clear Unexploded Ordnance
Establish Civil Control
Establish Interim Criminal Justice System
Military Support to SSR
Support Judicial Reform
Support Property Dispute Resolution Processes
Support Legal System Reform
Support Human Rights Initiatives
Support Corrections Reform
Support War Crimes Courts and Tribunals
Support Public Outreach and Community Rebuilding Programs
Support Transitional Administrations
Establish and Support Development of Local Governance

Support to Initial Restoration of Services - Military Tasks

Support Anti-Corruption Initiatives
Support Elections
Restore Essential Civil Services
Support Famine Prevention and Emergency Food Relief Programs
Support Shelter and Non-Food Relief Programs
Support Humanitarian De-mining
Support Public Health Programs
Support Education Programs
Support Economic Generation
Support Public Sector Investment Programs
Support Private Sector Development
Support Agricultural Development Programs
Restore Transportation Infrastructure
Restore Telecommunications Infrastructure
Support General Infrastructure Reconstruction Programs

Information Operations Activity Areas & Public Affairs

Figure 4 Examples of military tasks within stability activities (North Atlantic Treaty Organisation (2010), p. 3-5)

NATO places the provision of public security within the framework of stabilisation activities. These activities 'encompass actions undertaken by or in coordination with indigenous national authorities, mandated authorities or other civil agencies to maintain or bring about a safe environment.'[662] The military's main effort during stabilisation is 'to contribute, along with other actors, to a safe and secure environment to enable non-military efforts.'[663] The NATO doctrine *Peace Support Operations* distinguishes four military stabilisation roles: "security and control", "support to Security Sector Reform", support to initial restoration of services", and "support to interim governance" (see Figure 4).[664] The doctrine also lists a number of public security tasks that could be performed during stabilisation, although the doctrine 'is not intended to be prescriptive or exhaustive.'[665] For greater detail, it refers to *ATP-3.2.1.1 Guidance for the Conduct of Tactical Stability, Activities and Tasks* of 2010.[666]

NATO guidance *ATP-3.2.1.1* also underlines that public security primarily is a responsibility of the local authorities and police. In case the local police fail to

662 North Atlantic Treaty Organisation (2010), p. 3-3.
663 North Atlantic Treaty Organisation (2010), p. 3-3.
664 North Atlantic Treaty Organisation (2010), p. 3-4.
665 North Atlantic Treaty Organisation (2010), p. 3A-1.
666 North Atlantic Treaty Organisation (2010), p. 3A-1.

restore law and order, the military may provide direct support to the police.[667] Ideally, NATO assigns public order assistance tasks to Formed Police Units trained and skilled in providing law enforcement and public order management in the upper segments of the spectrum of police operations.[668] The guideline lists and specifies a large number of tactical policing tasks that can be performed in particular during "security and control" and "support for interim governance". During "security and control" these tasks could involve:

- Patrolling to demonstrate military presence, to gain the confidence of the population, to gather information, investigate and check incidents and reports and to identify and apprehend individuals;[669]
- Route control to detect, limit and avoid threats directed against specific routes;[670]
- Establishing and monitoring the compliance with curfews, for example after riots and public disturbances, to prevent civil movement in an area where a search or investigation is carried out, or to limit the freedom of movement to disrupt hostile groups;[671]
- Crowd control during demonstrations, elections, and public and religious events;[672]
- Cordon and search to isolate a specific area in order to find targeted individuals, equipment and documents;[673]
- Protection of population, organisations, objects and properties, borders, and areas against hostile action;[674]
- Control of movement of population, refugees and internal displaced persons;[675]
- Inspections, searches and confiscations as part of a verification process linked to demilitarisation and arms control.[676]

During "support for interim governance" the military could be tasked to public security, noting that 'tasks within this category provide a broad range of activities to protect the civilian population, provide interim policing and crowd control, and secure critical infrastructure.' These tasks are to be executed 'both during and after direct armed conflict to ensure the long-term sustainability of any reform efforts.'[677] These tasks may involve the following:

667 North Atlantic Treaty Organisation (2012), p. 1-37.
668 North Atlantic Treaty Organisation (2010), p. 3-17; North Atlantic Treaty Organisation (2012), pp. 1-37-1-38 & p. 2-3.
669 North Atlantic Treaty Organisation (2012), pp. 4-3 – 4-8.
670 North Atlantic Treaty Organisation (2012), pp. 4-11 – 4-16.
671 North Atlantic Treaty Organisation (2012), pp. 4-21 – 4-24.
672 North Atlantic Treaty Organisation (2012), pp. 4-24 – 4-40.
673 North Atlantic Treaty Organisation (2012), pp. 4-48 – 4-52.
674 North Atlantic Treaty Organisation (2012), pp. 4-59 – 4-67.
675 North Atlantic Treaty Organisation (2012), pp. 4-71 – 4-80.
676 North Atlantic Treaty Organisation (2012), pp. 4-80 – 4-89.
677 North Atlantic Treaty Organisation (2012), p. 4-125.

- Protecting vulnerable elements of the population (refugees, women, children, internally displaced persons);
- Performing civil police functions, including investigating crimes and making arrests;
- Locating and safeguarding key witnesses, documents, and other evidence related to key ongoing or potential investigations and prosecutions;
- Controlling crowds, preventing looting, and managing civil disturbances;
- Protecting and securing places of religious worship and cultural sites;
- Protecting and securing critical infrastructure, natural resources, civil registries, and property ownership documents;
- Protecting and securing strategically important institutions such as government buildings, museums, religious sites, courthouses;
- Secure records, storage equipment, and funds related to criminal justice and security institutions;
- Training and mentoring of local police forces.[678]

Whereas NATO prefers the deployment of Formed Police Units to provide interim policing, it has to be noted that these assets are relatively scarce as only a few NATO countries deploy *gendarmerie* forces. The question remains whether these units will be sufficient to restore and maintain public security in a volatile (post) conflict environment. Therefore, it may be necessary to deploy additional regular troops for this purpose. NATO appears to leave that option open, noting that only as 'an exception, soldiers can be trained in law enforcement techniques to understand policing requirements so that they can provide effective support to the police when necessary.'[679]

4.3.1.2 Intelligence

Intelligence forms the basis for military operations. The intelligence function intends to increase knowledge about the environment in which military operations are conducted. Traditionally, this function focuses on producing information on the foreign powers, hostile or enemy forces and geographical areas in which military operations occur.[680] Crisis management operations have a wider intelligence requirement. They involve the collection and processing of information on civilian and political aspects that may influence military activities, such as the historical, ethnic and cultural background of the mission area, local public opinions, perceptions, and feelings, ethnic and local tensions, public order and criminality, potential hotspots, attitudes and longer-term objectives of national, regional, local and international actors, media activities, and socio-economic developments.[681] The majority of information and intelligence will come from Human Intelligence (HUMINT) sources, collected through social

678 North Atlantic Treaty Organisation (2012), pp. 4-125 – 4-126.
679 North Atlantic Treaty Organisation (2012), p. 3A-8.
680 Koninklijke Landmacht (1999), p. 118.
681 Koninklijke Landmacht (1999), p. 118 & p. 178; Koninklijke Landmacht (2014), p. 7-9; North Atlantic Treaty Organisation (2010), p. 3A-3.

patrolling and interaction with the local population and local leaders.[682] However, sensitive information – e.g. on the whereabouts of criminal suspects – will ideally be collected by Special Forces, as the NL Army doctrine notes.[683]

In comparison to policing, the military intelligence function is not essentially problem-oriented. The Dutch doctrine for *Peace Operations*, for example, does not mention the option of a problem-oriented approach towards information collecting efforts. These efforts primarily focus on acquiring situational awareness necessary for the planning of military operations rather than collecting information primarily required to solve local community problems. NATO's *Allied Joint Doctrine for Counterinsurgency* of 2011, however, stipulates that effective and successful counter-insurgency strategies should be based upon a 'shared understanding of the problem' underlying the insurgency.[684] It underpins that all intelligence efforts should be focused on understanding the local population, 'including its political, social and cultural organisation.'[685] It also emphasises the need for criminal intelligence, noting that a 'careful analysis of major criminal activities will need to be made and incorporated into any theatre assessments'[686] Hereby, NATO adopts a intelligence strategy that focuses on comparable aspects to the police in terms of problem-oriented policing.

A characteristic of contemporary crisis management operations is that the military to a large extent collect their information overtly and that they are inclined to share information and intelligence with civilian and military partners in the area of operations.[687] The exchange of information can be seen as a positive gesture towards other parties and civilian agencies involved in order to improve and restore mutual trust.[688] However, the Dutch doctrine *Peace Operations* underlines that complete openness cannot be guaranteed at all times and under all circumstances. Commanders are advised to be selective in the exchange of information with local military and civilian actors, for example to ensure the safety of their own personnel and success of sensitive operations.[689] On the other hand, civilian authorities and international agencies, such as non-governmental organisations, may be reluctant to share information with the international military too in order not to jeopardise their own independence. Therefore, the military will have to take these sensitivities into account and plan and execute intelligence efforts carefully and 'on a case-by-case basis' not to endanger carefully established relationships and trust, as NATO notes.[690]

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682 Koninklijke Landmacht (1999), pp. 118-119; Koninklijke Landmacht (2014), p. 7.9; North Atlantic Treaty Organisation (2010), p. 3A-3; North Atlantic Treaty Organisation (2011), pp. 3-22 – 2-23.

683 Koninklijke Landmacht (2003), pp. 575-576.

684 North Atlantic Treaty Organisation (2011), p. 3-23 & p. 4-3.

685 North Atlantic Treaty Organisation (2011), p. 3-22.

686 North Atlantic Treaty Organisation (2011), p. 2-16.

687 Koninklijke Landmacht (1999), p. 118. See also: North Atlantic Treaty Organisation (2010), p. 3A-3.

688 Koninklijke Landmacht (1998), p. 139.

689 Koninklijke Landmacht (1999), p. 85 & p. 112.

690 North Atlantic Treaty Organisation (2010), p. 3A-3.

The process of collecting and processing information has a fixed and cyclical pattern. In the Dutch military, the collection of intelligence is primarily a decentralised activity for which purpose units can be augmented with additional intelligence assets.[691] The intelligence cycle starts with an initial intelligence requirement. This requirement results in an intelligence collection plan, which explains and formalises the commander's intelligence priorities. The execution of the intelligence cycle is a responsibility of intelligence specialists at the level of battalion and higher. They monitor, coordinate, and control the collection process at the subordinate levels. The intelligence cycle consists of the four iterative steps:

- Initiation; implying 'establishing the information requirement, making a collection plan, issuing orders, making requests to adjacent and higher command levels and bringing in other parts of the intelligence organisation.'
- Collection; involving all activities from collecting and transmission of 'information to the processing centres and cells within the intelligence organisation.'
- Processing; entailing 'converting the information into intelligence by registering, evaluating, analysing, integrating and interpreting the information.'
- Distribution; covering the 'timely transmission of intelligence, in the required form, by means of any suitable channel to those who need it.'[692]

This cycle shows a resemblance with that of ILP. Like in ILP, the military intelligence cycle directs the operational processes, focuses and prioritises (future) action and efforts to achieve designated objectives at all organisational levels based on identified issues and requirements.

4.3.1.3 Cooperation

Multi-national cooperation is an important characteristic of contemporary crisis management operations and a prerequisite for success.[693] To achieve this success, the military and civilian organisations have to coordinate their activities and cooperate as much as possible.[694] Crisis management operations require an integral, multi-disciplinary, multi-agency approach in which multinational forces, international organisations, foreign national governmental departments, non-governmental organisations, and local authorities and citizens at all levels participate and focus their efforts on achieving the desired end-state.[695] This multi-agency approach is referred to as the "comprehensive approach".[696] This

691 Koninklijke Landmacht (2003), p. 577.
692 Koninklijke Landmacht (1998), pp. 48-49.
693 Koninklijke Landmacht (1999), p. 67.
694 Koninklijke Landmacht (1999), p. 95.
695 See for example: Advisory Council on International Affairs, p. 7; Koninklijke Landmacht (1999), p. 98.
696 See for example: Koninklijke Landmacht (2008), p. 39 & p. 47; Koninklijke Landmacht (2008), §3601-3608; North Atlantic Treaty Organisation (2010), p. 1-3; North Atlantic Treaty Organisation (2011), pp. 1-5 – 1.6; United Kingdom Ministry of Defence (2009b), pp. 2-27 – 2-28; United States Department of the Army – Headquarters (2008b), pp 1-4 – 1.5; United States Institute of Peace (2009), p. 228.

approach is to 'proactively coordinate the activities of a wide range of actors' and 'seeks to stimulate a cooperative culture within a collaborative environment, while facilitating a shared understanding of the situation.'[697] A comprehensive approach requires proactive action, a shared understanding, outcome-based thinking and cooperation.[698] Within the comprehensive approach, the military primarily focus on establishing a safe and secure environment in which civilian actors and agencies can engage in various nation-building activities.[699]

Formally, the responsibility for achieving a shared understanding and unity of effort rests with the civilian leadership appointed by the international organisation, which authorised the operation.[700] In practice, however, the civilian leadership lacks the overarching hierarchical command structure to control and focus the unity of effort of the various actors.[701] Furthermore, some civilian organisations, especially non-governmental organisations, fear to lose their independence in case their cooperation with the military intensifies.[702] The objectives, agendas, responsibilities, structure and culture of various (international) organisations involved also may differ importantly; they could even conflict.[703] Therefore, inter-agency cooperation is often limited to a tight or loose form of coordination, exchange of information and de-confliction of activities.[704] For example, unity of effort can be achieved through a Memorandum of Understanding between the organisations involved, co-location of staff of military and civilian organisations, establishing mutual liaison, and joint briefings and discussions to clarify each other's objectives.[705]

Besides inter-agency cooperation and coordination, public support is seen as a prerequisite for success and achieving the mission's end-state.[706] A "hearts and minds" campaign can contribute to creating civil support for the overall operation.[707] A "hearts and minds" campaign may involve various activities such as providing (public) security and immaterial and material support (for example by improving conditions of life and reconstructing public services and utilities).[708] Obtaining the support of the population and winning their hearts and minds is mentioned in literature on counter-insurgency. NATO's *Allied Joint Doctrine for*

697 Koninklijke Landmacht (2014), pp. 3-19 – 3-20; North Atlantic Treaty Organisation (2011), p. 1-5.
698 North Atlantic Treaty Organisation (2011), p. 2-6.
699 See for example: Koninklijke Landmacht (1999), p. 297; North Atlantic Treaty Organisation (2010), p. 3-3.
700 Koninklijke Landmacht (1999), p. 95.
701 Koninklijke Landmacht (2014), p. 3-19.
702 Koninklijke Landmacht (2014), p. 3-19. See also Feil (2002), p. 107; Kilcullen (2006), p. 138; Lacquement (2010), p. 28.
703 Koninklijke Landmacht (1999), p. 342; North Atlantic Treaty Organisation (2010), p. 1-3.
704 See for example: Koninklijke Landmacht (2014), p. 3-19; United States Institute of Peace (2009), p. 3-19.
705 Koninklijke Landmacht (1999), pp. 342-344.
706 Koninklijke Landmacht (2003), p. 541 & p. 610; Koninklijke Landmacht (2009), p. 63.
707 Koninklijke Landmacht (2003), p. 541.
708 Koninklijke Landmacht (2009), pp. 64-65.

Counterinsurgency notes that, above all, 'the population is the critical dimension of successful [counter-insurgency].'[709] It also underlines that a 'successful [counter-insurgency] strategy requires close cooperation between civil and military authorities at all levels,[710] although the doctrine does not specifically elaborate on cooperation or interaction between the military and the local population or their representatives.

The Dutch *Military Doctrine for Land Operations* also mentions the need for local contacts, underlining that in order to understand the needs of the population and various authorities, the military have to establish effective networks to get a clear view of the interests, relationships, and key leaders of the various ethnic, religious, cultural, political, or tribal entities within the area of operations.[711] An important instrument in that matter is Civilian-Military Cooperation (CIMIC) which can be deployed at all levels of the military chain of command, either by specialists or by regular troops.[712] CIMIC can, for example, help improving the relationship with the local civil authorities and the population. In this regard, CIMIC activities may help to win local hearts and minds in order to establish or increase the support and trust of the indigenous authorities and populace for the objective of the international mission.[713] In addition to establishing local networks, CIMIC activities can also focus on enhancing interagency cooperation between the multi-national military force and the various international governmental organisations, agencies, and authorities that are deployed within the mission area.

Kilcullen also underlines the importance of military-community interaction.[714] In his *Twenty-Eight Articles* he stipulates that military commanders should know their turf, meaning that they should invest in understanding the population and their leaders in terms of history, religion, and culture, and grievances.[715] Then he advises commanders to deploy and live in close proximity of the population in order to 'establish links with the locals.' [716] He also emphasises the importance of building trusted networks to win the hearts and minds of the population. These networks should include 'local allies, community leaders, local security forces, non-governmental organisations and other friendly or neutral actors in [the] area, and the media.' To stress the importance of building local networks, Kilcullen

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709 North Atlantic Treaty Organisation (2011), p. 3-18.

710 North Atlantic Treaty Organisation (2011), p. 3-23.

711 Koninklijke Landmacht (2009), pp. 63-64. See also: Baker (2007), pp. 37-38; Brocades Zaalberg (2007), p. 294; Hazel (2008), p. 157; Hills (2002), p. 4; Mockaitis (2005), p. 254.

712 See for example: Koninklijke Landmacht (2009), p. 296; North Atlantic Treaty Organisation (2010), p. 3-16. The Dutch Doctrine for *Peace Operations* defines CIMIC as an activity 'primarily designed to support a civil authority, the population, and/or an international or non-governmental organisation [ultimately leading] to the accomplishment of the military objective.'

713 Koninklijke Landmacht (1999), p. 114; Koninklijke Landmacht (2009), p. 142.

714 Kilcullen (2006).

715 Kilcullen (2006), p. 134.

716 Kilcullen (2006), p. 136.

calls them 'the true main effort' of a counter-insurgency campaign. Everything else is of secondary importance, he notes.[717]

4.3.1.4 Use of force

The ability to use force is likely the most prominent characteristic of the military organisation,[718] and provides the military its primary *raison d'être*.[719] According to the Dutch Army doctrine *Land Operations*, it ultimately involves the use of deadly force in a military context.[720] However, soldiering is more than fighting conflicts and applying force. Today, the leading principle during peace support, counter-insurgency and stabilisation is to limit the use of force as much as possible.[721] Military action is about effects and a desired end-goal and is achieved by showing force rather than applying it. The use of force is therefore the ultimate remedy in case there are no other options left to solve a critical situation peacefully.[722]

Legitimacy is a vital aspect for conducting military operations.[723] The use of military force is therefore constrained by national and international law and regulations, and political arrangements.[724] Legitimacy of military force implies that '(1) the military require a *legal base* for their (domestic and international) operations; and that (2) these operations, when conducted, comply with the applicable legal regimes.'[725]

The legal base for the use of military force (*ius ad bellum*) is first and foremost found in the UN Charter of 1945. In principle, the use or threat of force in inter-state relations is prohibited, as Article 2(4) of the Charter notes: 'All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.[726] The Charter urges states 'to seek a solution by peaceful means, such as negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.[727]

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717 Kilcullen (2006), p. 136.
718 Koninklijke Landmacht (1998), p. 19.
719 Koninklijke Landmacht (2014), p. 1-11.
720 Koninklijke Landmacht (2014), p. 1-11. See also: Smith (2005), p. 6.
721 See for example: Brocades Zaalberg (2007), p. 294; Dimitriu & De Graaf (2009), p. 627; Friis (2010), pp, 60-61; Hills (2002), p. 2; Koninklijke Landmacht (1999), pp. 107-109; North Atlantic Treaty Organisation (2010), pp. 2-3 – 2-4; North Atlantic Treaty Organisation (2011), p. 5-5 – 5-6 & p. 5-10; United Kingdom Ministry of Defence (2009b), p. 11-17; United States Department of the Army – Headquarters (2006), p. 1-25, p. 1-27 & p. 7-7; United States Department of the Army – Headquarters (2008b), p. 4-8.
722 See for example: Koninklijke Landmacht (1998), p. 134; Koninklijke Landmacht (2014), p. 1-11.
723 Ducheine & Pouw (2012a), p. 67.
724 Eiting & Van Duurling (1998), p. 171; Koninklijke Landmacht (1996), p. 101; Koninklijke Landmacht (1998), p. 19.
725 Ducheine & Pouw (2012b), p. 33. See also: Koninklijke Landmacht (2009), p. 42.
726 UN Charter (1945), Article 2(4).
727 UN Charter (1945), Article 33.

Although Article 2(4) of the Charter prohibits the use of military force in international disputes, the UN Charter and International Human Rights Law provide three accepted exceptions when the use of force is legitimated:[728]

1. Intervention with the consent of, or invitation by a (host) nation;
2. Authorisation of the UN Security Council under Chapter 7 of the UN Charter;
3. In case of individual or collective self-defence.

The use of force during an armed conflict is regulated through legal regimes, such as international human rights law, the law of armed conflict, and the relevant rules of engagement.[729]
International human rights law is the first regime that controls the use of force by the state. Ducheine and Pouw note that if states act outside their territory, their action may affect individual human rights. This may involve the action of "state agent authority", for example when state agents are involved in the arrest, detention, or abduction of individuals outside the state's territory; or in case of "effective control of an area", for example during a military occupation or a UN mandated operation.[730] During "state agent authority" and "effective control of an area", human rights treaties will be applicable, and, consequently, 'human rights obligations may influence the conduct of operations in general and, the use of force in particular.'[731]
The second legal regime for the control of military force involves the law of armed conflict which are based upon a series of international agreements, conventions and treaties, such as The Hague Conventions of 1907, the Geneva Conventions of 1949, and the Additional Protocols I and II of 1977.[732] The Law of Armed Conflict form the primary legal regime regarding military activities during an armed conflict and once an armed conflict started, it automatically applies to all parties involved.[733] Although contemporary crisis management operations are often not formally labelled as armed conflicts, NATO member states *de facto* apply the restrictions on the use of force as formalised by the Law of Armed Conflict.[734] The Law of Armed Conflict provide five fundamental principles to control the use of military force during an armed conflict (or

728 Dinstein (2005), p. 88; Simma (1999), p. 2.
729 Ducheine & Pouw (2012a), p. 67; Koninklijke Landmacht (2009), p. 42.
730 Ducheine & Pouw (2012a), p. 69.
731 Ducheine & Pouw (2012a), p. 69. See also: Ducheine & Pouw (2010), p. 16-27.
732 Koninklijke Landmacht (1998), p. 20; Kroon & Jacobs (1997), p. 127. See also: Ducheine & Walgemoed (2005), pp. 61-62.
733 Ducheine & Pouw (2012a), p. 71; Eiting & Van Duurling (1998), p. 178; Kroon & Jacobs (1997), p. 127.
734 Ducheine & Pouw (2010), p. 42; Koninklijke Landmacht (2009), p. 46. For example, in case of the SFIR operation in Iraq the Dutch government stated that Dutch troops were submitted to the rules of international humanitarian law (*Kamerstukken II*, 2003/04, 23 432, nr. 117, p. 22).

military operation), namely military necessity, humanity, distinction, proportionality, and chivalry.[735]

Rules of engagement form the third instrument to control and direct the use of force by the military. The NL Army defines rules of engagement as the 'rules for the application and use of force with military means, set for a specific operation.'[736] Gill and Fleck provide another, more elaborate, definition. They describe the rules as 'orders and directives that are intended to ensure commanders and their subordinates use only such force or other measures as are necessary, appropriate and authorised by higher command.'[737] Rules of engagement always comply with the five fundamental principles of the Law of Armed Conflict,[738] and are used in all types of operations: during an armed conflict as well as in a peace operation.[739] The rules of engagement mainly serve two goals. First, they provide commanders a practical framework for the use of force. They inform troops about the restrictions and discretion in performing their tasks and use of force.[740] Second, they help national authorities to supervise and control the use of military force within the political and legal framework.[741] The rules of engagement do not restrict the explicit authority and right of a soldier to use every available, necessary means and take all appropriate measures to ensure the self-defence of his unit or of allied troops in the immediate vicinity,[742] for example in case of self-defence against a hostile act or a hostile intent.[743] In both cases, troops are authorised to use all necessary means to deter or neutralise the (potential) opponent as long the principles of proportionality and necessity are applied.[744]

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735 Military necessity implies that military operations must be focused at diminishing the military power of the opponent in order to achieve a military objective. Humanity means that those who do not participate in the conflict have to be spared and that all persons must be treated humanely. Distinction entails that attacks are permissible as long as they focus at military targets and/or military or armed opponents. Proportionality involves that the use-of-force must be limited to the minimum required to achieve the military objective and that collateral damage must be prevented as much as possible. Chivalry implies that committing acts of subversion is prohibited (Koninklijke Landmacht (2009), p. 47. See also: Ducheine & Pouw (2012a), pp. 74-75; Ducheine & Pouw (2010), p. 42).

736 Koninklijke Landmacht (1996), p. 276.

737 Gill & Fleck (2010), p. 586.

738 Koninklijke Landmacht (2009), p. 47.

739 Ducheine & Pouw (2012a), p. 75; Koninklijke Landmacht (1999), p. 108.

740 Koninklijke Landmacht (2009), p. 47. The rules of engagement can usually be found in a classified annex to the commander's Operational Plan. Each individual soldier receives a so-called Soldiers Card, which informs him on the rules and regulations regarding the use of force. (Ducheine & Walgemoed (2005), p. 59).

741 Koninklijke Landmacht (1998), p. 21; Kroon & Jacobs (1997), p. 127; Ministerie van Defensie (2005), p. 34.

742 Koninklijke Landmacht (1998), p. 21. Koninklijke Landmacht (1999), p. 99. See also: Ducheine & Walgemoed (2005), p. 59.

743 The Dutch doctrine describes a hostile act as 'the use of force by troops, a warring faction or terrorist unit (organisation or individual) against own or allied troops, fellow countrymen or possessions.' A hostile intent is defined as 'the threat of force by troops, a warring faction or terrorist unit (organisation or individual) against own or allied troops, fellow countrymen or possessions and, under a specific mandate, also against those of non-allied countries' (Koninklijke Landmacht (1998), p. 21).

744 Koninklijke Landmacht (1998), p. 21.

4.3.2 Organisational concept

4.3.2.1 Decentralisation of authority

The military can be seen as a hierarchical organisation. Lang explains that the hierarchical structure of the military organisations is needed to provide control and coordination of military capabilities and force in action.[745] Within this hierarchy, the topcommand is concerned with broad questions of strategy and overall management. Directives and information flow from the top to the bottom of the organisation through a closed chain of command. Along this chain of command, plans are converted into specific orders and directives, progressively limiting the discretionary authority of commanders at junior levels.[746] Lang's description of the hierarchical character of the military organisation in 1965 is still valid. The *Nederlandse Defensie Doctrine* (*Netherlands Defence Doctrine*) of 2005, for example, also underlines the importance of a top-down structure of command and control: 'At each level, the orders from above are translated into a number of coordinated actions which may in turn contain orders for the underlying levels. This ensures the synchronisation that is necessary to enable joint actions. A line also runs from the bottom to the top (…). The execution of the orders and the results are relayed back to the higher commander at each level. This enables him to make any necessary adjustments or to deploy extra assets.'[747] Therefore, the hierarchical structure of the military organisation could be perceived as rigid and machine-like.[748]

However, the military organisation intends to operate in a decentralised fashion and "mission-oriented command" has become the leading concept in the Dutch Armed Forces and other Western military forces.[749] Mission-oriented command is a system of decentralisation that enables initiative and decision-making at the subordinate levels of the military organisation thus increasing its flexibility. The system is based on the German military doctrine of Aufragstaktik, which proved its effectiveness in earlier military history.[750] Mission-oriented command is based on the principles of centrally formulated objectives and decentralised execution. Tasks are formulated in terms of what must be achieved and why to achieve the commander's intent. The execution is, within certain conditions, empowered to the unit commander. It thus provides commanders at all levels with a high degree of discretion.[751] The delegation of authority does not relieve the commander of his ultimate responsibility. He remains responsible for his own actions and for those of his subordinates. This means that he must monitor the execution of the

745 Lang (1972), p. 58.
746 Lang (1965), p. 852. See also: Geser (1996b); Haltiner (2003b), p. 167.
747 Ministerie van Defensie (2005), p. 91.
748 Heffron (1989); Soeters (2000); Soeters, Poponette & Page (2006); Teitler (1974).
749 See for example for the US: United States Department of the Army – Headquarters (2003); for the UK: United Kingdom Ministry of Defence (2010), pp. 6-9 – 6-15; for Canada: Canadian Army – Chief of the Land Staff (2008), pp. 5-74 – 5-76.
750 See for example: Van Creveld (1985), p. 275; Wilson (1989), pp. 3-6 & p. 14-18.
751 Koninklijke Landmacht (1999), p. 110.

orders from a distance and, if there is no alternative, intervene if the objective of the operation is at risk.[752]

Mission-oriented command is not obvious or appropriate for every mission, situation or soldier. It rather focuses on empowering junior commanders than individual soldiers. This is different to the police where the individual police officer is empowered to take decisions on the ground in order to solve public security problems. The Dutch *Military Doctrine* also emphasises that 'command and control will be mission-oriented *in theory,* a higher or even the highest command level will in certain cases be required to decide how the mission is to be conducted, in which case it could still be necessary to impose directions and restrictions.'[753] Discretion is an option; it is not an automatism within the military system. The NL Army leaves it up to the commander to determine which method of command he thinks is appropriate for the operation in question, although in principle he is expected to apply the philosophy of mission-oriented command.[754] If, for example, great political importance is attached to the actions of a subordinate unit, a commander may exercise more directive command and control.[755]

Based upon an empirical study of Dutch peace support operations in Bosnia and Herzegovina, Vogelaar and Kramer also conclude that mission-oriented command is not obvious in every situation, noting that these 'missions were characterised by varying degrees of autonomy of action for sub-commanders.'[756] In their study, they distinguish several obstacles to the operationalisation of mission-oriented command. In case of a lack of clear or coherent goals, a lack of means, a lack of mutual trust or in politically sensitive operations, commanders tend to reduce the autonomy of their junior commanders, in particular when the safety of their personnel is at stake or when they are uncertain about the quality of decision-making at the subordinate levels. Paradoxically, the study also revealed that the safer the mission, the more pressure commanders feel to reduce risk and to supervise and control their personnel. Furthermore, the extensive use of command and control networks intensifies the monitoring and supervision of subordinate units and commanders and undermines their operational autonomy. In addition, when a mission continues for a long time, standard operating procedures develop for dealing with and responding to different situations, which prevents sub-commanders from handling non-routine problems and learning from those experiences. The study shows that in politically sensitive situations commanders tend to decrease discretion since they want to control the situation

752 Koninklijke Landmacht (1998), p. 39.
753 Ministerie van Defensie (2005), p. 94 (italics added, PN).
754 Koninklijke Landmacht (1998), p. 39.
755 Koninklijke Landmacht (1998), p. 39. Weick and Sutcliffe note, however, that expertise on the ground should prevail in times of crisis, especially in high reliability organisations. Staff on the ground should be empowered to take all necessary decisions regardless of any hierarchical level. As such, they consider expertise and experience more important than rank (Weick & Sutcliffe (2001), pp. 74-75.
756 Vogelaar & Kramer (2004), p. 422.

themselves, especially in case of media attention. Finally, they note that when a mission is composed of troops from different branches, such as infantry, cavalry, and engineers, and are put together shortly before the start of the mission, differences in procedures and cultures may occur which could make it difficult for commanders to decentralise autonomy.[757] Vogelaar and Kramer conclude that the application of mission-oriented command ultimately depends on trust between the hierarchical levels: 'Commanders will only permit substantial autonomy to their sub-commanders if they believe that they share an appreciation of the mission. This common appreciation should be formed by training together realistically for their missions and having frank and open evaluations of exercises and missions.'[758]

4.3.2.2 Vertical differentiation

In terms of vertical differentiation, military organisations have a hierarchical structure with extended chains of command.[759] The NL Army consists of seven hierarchical levels. The most basic level of the Army is the individual soldier, followed by the section, platoon, company, battalion, brigade, and the Army Command at the top of the organisation.[760] The NL Army currently has three brigades, which are combined arms formations, capable of conducting combat independently for a limited period in a joint, interagency and multinational operation.[761] The battalion is the largest unit (400 to 1000 troops) of a single function of an arm or branch. Like brigades, battalions must be capable of conducting independent operations for a limited period. The next subordinate level is the company. A company is the army's smallest manoeuvre element (60 to 150 troops), usually of a single composition with integrated combat power and combat logistics. The platoon is the next hierarchical level (30-50 troops). Platoons, finally, consist of sections of eight to ten troops.[762]

Because of its complexity and the variety of tasks that could be assigned to military units, contemporary operations require a high degree of organisational flexibility.[763] The *Netherlands Defence Doctrine* emphasises that contemporary military operations are complex, unpredictable and do not follow a fixed pattern. Military forces thus have to be flexible and tailor-made in order to participate effectively in operations, varying from 'conflict prevention by means of preventive deployment to [crisis management] operations, from small scale to large-scale operations, under diverse conditions, from low to high in the spectrum of

757 Vogelaar & Kramer (2004), pp. 422-426. See also: Vogelaar, Oltshoorn & Kramer (2005), pp. 82-89.

758 Vogelaar & Kramer (2004), p. 427.

759 Following Mintzberg's classification of organisational configurations (Mintzberg (1991), the military organisation can be defined as a ideal-typical divisional structure, being a collection of quasi-autonomous formations organised around a specific military outputs or products (e.g. combat, combat support, and service support) under a central command.

760 Koninklijke Landmacht (2014), p. 3-6.

761 Koninklijke Landmacht (1998), pp. 108-109; Koninklijke Landmacht (2014), p. 3-6.

762 Koninklijke Landmacht (2014), p. 3-6.

763 Koninklijke Landmacht (2014), pp. 3-6 – 3-7.

force'.[764] Modularity has become one of the central features of tailor-made military units.[765] Bonin and Crisco, for example, consider modularity as the new military organisational paradigm.[766] Modularity results in flexible, modular-built forces.[767] Dandeker defines these forces as 'a series of coherent, self-contained, mix-and-match sets of units borrowed from various organic commands for a given mission. Such modules can be assembled at short notice to form a mix of appropriate units for the specific demands of unforeseen crisis demanding the use of armed forces.'[768] It creates a large and flexible military capacity of which specific configurations of resources can be composed and recomposed.[769] The modules originate from a standing, or a "parent" organisation, for example a brigade, squadron or a frigate. The standing organisation can thus be seen as a flexible toolbox consisting of all kinds of modules with specific operational capabilities, such as command and control, communications, intelligence, manoeuvre, fire support, logistics, medical support, engineers, air support and air transportation. Modular forces can thus consist of elements of various branches (infantry, manoeuvre, support, logistics, command and control), different services (army, navy and air force), or several countries.[770]

According to De Waard, in the Netherlands modularity has become a method for designing and building military capabilities adequate for specific situations.[771] The NL Army *Doctrine Land Operations* of 2013, for example, distinguishes two versions for modular forces relevant for the NL Army, namely the Battle Group and the Task Force.[772] Through modularity, the Dutch armed forces combine the advantages of relatively fixed structures, such as sections, platoons, companies,

764 Ministerie van Defensie (2005), p. 60.

765 De Waard & Soeters (2007), p. 182; De Waard & Kramer (2008), pp. 3-4. There are several definitions of modularity in management literature. Baldwin and Clark, for example, describe modularity as 'building a complex product or process from smaller subsystems that can be designed independently yet function together as a whole' (Baldwin & Clark (1997), p. 84). Schilling and Paparone consider modularity as a general systems concept; a 'continuum describing the degree to which a system can be separated and recombined, and it refers to both the tightness of coupling between elements and the degree to which the rules of the system enable (or prohibit) the mixing and matching of components' capabilities (Schilling & Paparone (2005)), pp. 280-281

766 Bonin & Crisco (2004), p. 26.

767 Modular forces are often addressed as "tailor-made expeditionary task forces". These forces are "tailor-made" because they are composed of different smaller units that together possess the necessary capacities to perform a specific mission. They are "expeditionary" because the units are sent to different parts of the world, and they are "task forces" because they are composed by assembling basic unit building blocks from the regular armed forces (De Waard & Kramer (2008), p. 7).

768 Dandeker (2003), p. 414.

769 De Waard & Soeters (2007), p. 182; Schilling & Paparone (2005), pp. 280-281.

770 Dandeker (2003), p. 414.

771 De Waard (2010), p. 206.

772 A Battle Group is a unit of combined arms of battalion size, commanded by a separate head quarter and capable of conducting all relevant military operations. For that purpose, it is composed of combat, combat-support, and combat logistical units. A Task Force is a formation of brigade size and composed of various components of battalion-size (Koninklijke Landmacht (2012), §3211).

battalions, and brigades with the flexibility to create different kinds of tailor-made forces.[773] De Waard concludes however, that the Army units cannot be seen as "proper modules". He rather speaks of components. 'They are distinguishable organisational parts that, given their functional character, are not made to function autonomously. For each mission Army Command picks units from all over the organisation and composes a mixture of organisational functional parts that is capable of dealing with the specific operational demands of that particular deployment'.[774]

In terms of vertical differentiation, it is unlikely that the process of modularity will reduce the length of the chain of command significantly. Units deployed consist of regular building blocks such as battalions, companies and platoons, which will likely operate under the formal hierarchical structure applied by the NL Army.

4.3.2.3 Geographical differentiation

Whereas geographical differentiation is a key feature of community policing, it has also become an important feature of military tactics in contemporary crisis management operations in order to protect the population and to encourage civil-military cooperation and exchange of information. However, Dutch military doctrines such as *Peace Operations* and *Irregular Warfare* do not specifically articulate deconcentrated troop deployment.

The subject of deconcentration gained importance after the revival of counter-insurgency theories. The NATO doctrine for counter-insurgency for example notes that 'if military forces remain in their compounds, they risk to lose touch with the population.'[775] Successful counter-insurgency therefore requires establishing 'an enduring presence within the population in order to provide continuous security and development efforts' in order 'to assuring the population's sense of security and long-term outlook,'[776] and involves 'deep integration of the military forces into the population,' unit dispersion, and dismounted patrols.[777] Kilcullen shares this view noting that the 'most fundamental rule of counterinsurgency is to be there.' (…) 'If you are not present when an incident

773 Bonin & Crisco (2004), p. 21; De Waard & Kramer (2008), pp. 7-8.

774 De Waard (2010), p. 209. Although modularity has its advantages in terms of flexibility, De Waard tends to be more cautious. He warns that the process of modular organising could also have a negative impact on the organisational stability of the Netherlands Armed Forces. First, the organisation has to invest heavily in coordination mechanisms to transform the mixture of different functional units into a well working machine. Second, in order to create tailored crisis response modules, the Netherlands Armed Forces have to cut through their organisational boundaries. In the medium and long run, this could lead to organisational fatigue. Third, the process of mixing and matching stimulates the feelings of turmoil within the organisation's workforce.

775 North Atlantic Treaty Organisation (2011), p. 5-10.

776 North Atlantic Treaty Organisation (2011), p. 3-18.

777 North Atlantic Treaty Organisation (2011), p. 3-21.

happens, there is usually little you can do about it.'[778] Kilcullen therefore underlines the necessity of a "residential approach" in which troops live in close proximity to the population rather than in remote and secure bases.[779] Also Fick and Nagel underline the importance of deconcentrated deployment of troops during counter-insurgency: 'Soldiers (…) must get out among the people. (…) Persistent presence – living among the population in small groups, staying in villages overnight for months at a time – is dangerous, and it will mean more casualties, but it's the only way to protect the population effectively.'[780]

In line with Fick and Nagel, the US Army counter-insurgency doctrine endorses the need for geographical troop dispersion: 'The first rule of [counter-insurgency] operations is to establish the force's presence in the AO [area of operations]. (…) This requires living in the AO close to the populace. Raiding from remote, secure bases does not work.'[781]

In the Netherlands, Dimitriu and De Graaf discussed the issue of deconcentrated troop deployment in relation to the Dutch deployment in Uruzgan, Afghanistan. They write that, ideally troops have to live in a small and accessible patrol base in or in close proximity of a village in order to be able to protect the population and to win their trust. However, as they note, Dutch patrol bases in Afghanistan were located on high ground and relatively far from villages or urban settlements.[782] Dimitriu and De Graaf also argue that effective counter-insurgency requires prolonged troop deployment in a certain area in order to secure the population, getting to know the population and their problems, building trusted relationships, and establishing local networks. In addition, they perceive frequent troop rotations as ineffective.[783] Rather, they recommend assigning platoons to fixed areas in order to provide 24/7 presence and security.[784] Soeters and Johnson share these views. They underline that in order to develop and sustain close relations with the populace, troops have to leave their 'gated communities' and will need to live and operate in or in close proximity to urban areas or villages.[785] They conclude that military therefore need to adopt a strategy comparable to community policing enabling them to establish local security, trust, sustainable relationships and to overcome the fear of people to share information with them, or in other words to overcome "informer-phobia".[786] This notion, however, has not been translated into the Army doctrine *Land Operations* of 2013 to guide future troop deployment in this matter.

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778 Kilcullen (2006), p. 136.
779 Kilcullen (2006), p. 136.
780 Fick & Nagl (2009).
781 Department of the Army – Headquarters (2006), p. A-4.
782 Dimitriu & De Graaf (2009), p. 626. Swillens, for example, notes that the choice of a patrol bases is apart from being accessible for the population, largely based upon military criteria such as defensibility, optimal protection against direct and indirect enemy fire, and accessibility by road and helicopter (Swillens (2009), p. 582).
783 Dimitriu & De Graaf (2009), p. 626.
784 Dimitriu & De Graaf (2009), pp. 628-629.
785 Soeters & Johnson (2012), pp. 181-182.
786 Soeters & Johnson (2012), p. 182.

4.4 Conclusions

Function

Both the military and the police are designed to protect the interests and security of the state and its citizens. To execute these tasks, they have the state's monopoly to use physical and armed force. Traditionally, the police serve to protect the internal security of the state and its citizens whereas the military focus on defending the external security. The classical internal and external security divide has blurred, however. The police and military increasingly operate outside their traditional biotopes. The military operate in non-kinetic stability, peace support or humanitarian operations and closely cooperate with various civilian actors, while the police increasingly deal with expanding international organised crime and a higher level of social and criminal violence. Both organisations meet and cooperate in integrated organisational configurations in, for example, counter-terrorism and SSR.

Still, the mission and focus of the police and military differ in various respects. The essence of the police is their function. In democratic societies, the function of the police is threefold: law enforcement, public order maintenance and assistance to the public. Although the core function of the police involves maintaining law and order, the majority of police work occurs in a grey area between law enforcement, maintenance of public order and service and involves keeping the peace, providing assistance, problem-solving, communicating, negotiating and interacting with the public, collecting information, and patrolling, and less to crime investigations and making arrests. Within this wider notion of policing, community policing has become the leading concept in many Western countries. It has been a driver for change and reform in introducing and articulating a problem-oriented approach, community interaction and involvement to prevent and solve public security related problems, decentralisation of authority, vertical differentiation and deconcentration of police assets.

The function of the military focuses on deploying operations along the full range of the spectrum of conflict. Within that spectrum, the military execute offensive, defensive, and stabilisation activities in different environments and for different purposes and interests. Although "supporting civil authorities in upholding the law" belongs to the third main task of the Dutch armed forces, public security receives little attention in the Dutch Army doctrine. It recognises the need for military involvement in public security if there are no civilian options available in the short-term, for example if the international or local police are unable to protect the population or to restore and maintain law and order during crisis management operations. However, the doctrine does not elaborate on these tasks nor does it make them explicit. As such, the doctrine portrays these tasks as secondary in nature, although public security has been a major problem during most crisis management operations. NATO, on the other hand provides a detailed list of possible public security tasks that could be assigned to the military in case of a security gap. Preferably, these tasks should be assigned to FPUs. The question remains whether these resources will be sufficient to provide public

security under all circumstances and in a large area for a longer period and will pre-empt the use of regular troops.

Intelligence

Both policing and crisis management operations are intelligence-driven. From a conceptual point of view, the police and military share the same principles and methods regarding collecting, analysing, processing and distributing intelligence up and down all levels of the organisation. In policing, intelligence primarily focuses on the identification and analyses of significant problems involving criminality and community insecurity. The concept of ILP provides the police a management tool that combines a problem-oriented approach with a process-oriented routine. ILP focuses on ongoing urgent public security problems by combining preventive and repressive tactics and involving citizens, local communities and governments, and public and private agencies and organisations.

In the military, the intelligence function traditionally focused on producing information on foreign powers, hostile or enemy forces and geographical areas in which military operations could be conducted. The shift in crisis management operations in primarily civilian environments created a wider and different intelligence requirement. Today the military focus their intelligence requirements on all civilian, political, social and economical aspects and problems that may influence their activities. Public security is not particularly articulated as an intelligence priority, but is one of the many aspects to be covered.

Cooperation

Ensuring public security has become an activity in which many actors, agencies and organisations cooperate to create safe and secure society and communities. This applies to both the police and the military in their respective activities. The police are no longer the sole provider of public security. Policing has become a fragmented activity in which responsibilities have been divided among many stakeholders, actors and agencies. Establishing structural relationships and cooperation with for example local government, public and private agencies, schools, community representatives, and merchants associations, are essential requirements for successful policing.

In contemporary crisis management operations, the same pattern is visible. Soldiers operate in environments that are fundamentally civilian. Like in policing, the military need to seek the cooperation with civilian actors and organisations to establish meaningful results. To create a safe and secure civilian environment, they invest and participate in a comprehensive approach. In such approach, the military cooperate with international and national governmental and non-governmental organisations, for example to achieve social-economic development and to reconstruct governmental structures, vital infrastructure and public services. Community involvement and CIMIC activities are thereby important instruments.

Use of force
The police and the military both own the monopoly on the use of force although they operate at different levels of the spectrum of force and their instruments of force differ in terms of power, magnitude and effect. Although they have legitimate powers to use force, its level is constrained by international and national law. The principles of proportionality and necessity apply to both the police and military. Because contemporary military operations are conducted in environments that are predominantly humanitarian in character, force should only be used with restraint and if there are no other options. Unmeasured use of force is considered to be counter-productive in winning the support of the population.

Decentralisation of authority
Policing is essentially an individual activity. Individual police officers are empowered to take decisions on the spot in order to solve public security issues, effectively irrespective of formal regulations or policies and without direct interference by the chain of command. Nevertheless, this individual discretion is under pressure. NPM and ILP focus on outputs, accountability and responsibility, allowing governments and police management to enhance their grip on the individual police officer; thus limiting discretion.

Unlike policing, soldiering is a collective activity under a clear and hierarchical command-and-control structure. Military operations also require some level of tactical flexibility and empowerment to deal with uncertainty and the complexity of the battlefield. Mission-oriented command has become the leading principle to ensure that junior commanders can take decisions that are attuned to local and unique circumstances and without the formal consent of higher echelons. However, the principles of mission-oriented command do not apply to individual soldiers as the most junior level in the military organisation.

Vertical differentiation
Police organisations tend to have flat organisational structures in order to process information on local security issues swiftly up and down the chain of command. The Dutch national police have five hierarchical levels, while the NL Army – an organisation of comparable size – has seven. Although the NL Army applies the principles of modularity to compose tailor-made units fitted for specific operations, these task forces and battle groups do not have fewer organisational levels as they are based upon original building blocks.

Geographical differentiation
Policing, particularly community policing, requires a deconcentrated deployment of units or individual police to specific geographic areas for extended periods. Deconcentration helps to know and understand the community and its members, and to establish lasting relationships to solve community problems.

Although not particularly articulated in the Dutch and NATO doctrine, geographical differentiation has become an important feature of military tactics in

crisis management operations, notably in counter-insurgency. By deploying and housing small and independent units in close proximity of local settlements, troops are supposed to provide direct security to communities, establish effective networks, and collect and exchange intelligence.

5 Research methodology

5.1 Introduction

This chapter describes the research methodology used to answer the central research question. First, it presents the conceptual framework of the research and explains the choice for the holistic multiple-case study as this study's research strategy, which is followed by a description of the criteria applied to define and select the cases. Methods for data collection and data analysis are outlined. Finally, it discusses the methods used to control the quality of the research.

5.2 Conceptual framework

According to Miles and Huberman, a conceptual framework explains 'the main things to be studied – the key factors, constructs and the variables – and the presumed relationships among them.'[787] They explain that conceptual frameworks can be theory-driven or commonsensical, and/or descriptive or causal.[788] The framework applied in this study is theory driven and largely causal in character. It outlines a model based on theories on the security gap and on the police and policing.

The theory on the security gap (Chapter 3) and on the (Dutch) military and police organisation (Chapter 4) serve as starting point for the empirical part of the study. Research is conducted to determine if there was a security gap during the deployment of the NL Army during their missions in Bosnia and Herzegovina, Kosovo and Iraq. For that purpose, it describes and analyses the security situation and the extent to which police, either local or international, were effectively available or capable of providing public security to society and the public. The analysis of the security gap is thus broken down into three parts – analysis of the existence of deployment, enforcement and institutional gaps.

Based upon that analysis, the operational and organisational concepts applied by the NL Army during their crisis management operations in Bosnia and Herzegovina, Kosovo and Iraq will be described and analysed in order to determine to what extent the Army operated and organised to promote public security during the security gaps in those operations. The operational and organisational concepts of the Dutch police will largely serve as the terms of reference for this description and analysis, since these are tasks normally performed by the police.

Regarding the operational concept, the study first looks at the extent to which the NL Army has planned and prepared for operating in a security gap and providing public security in these operations. Secondly, it will describe and analyse the actions that NL Army troops deployed to promote public security in terms of public order and law enforcement. Then it will look at how NL Army troops dealt with

787 Miles & Huberman (1994), p. 18.
788 Miles & Huberman (1994), p. 18.

intelligence, interagency cooperation and the use of force to promote public security.

In terms of the organisational concept, the research will look at three defining aspects of the police model to analyse the extent to which the NL Army has organised to provide public security: autonomy and individuality, vertical differentiation, and deconcentration.

Figure 5 shows the graphical conceptualisation of the research design.

5.3 Case studies

This study is based upon the assumption that in case a security gap occurs during a crisis management operation, the international military have to provide public security in case there are no other alternatives. Second, this study assumes that in case the military have to provide some sort of interim policing, they have to operate and organise in a fashion comparable to the police in order to deal with these tasks effectively and efficiently. To test these assumptions, this study seeks to define and understand a possible causal relationship between the phenomenon of a security gap and the presumed need for the military organisation to adopt police-like operational and organisational concepts to deal with such a gap successfully.

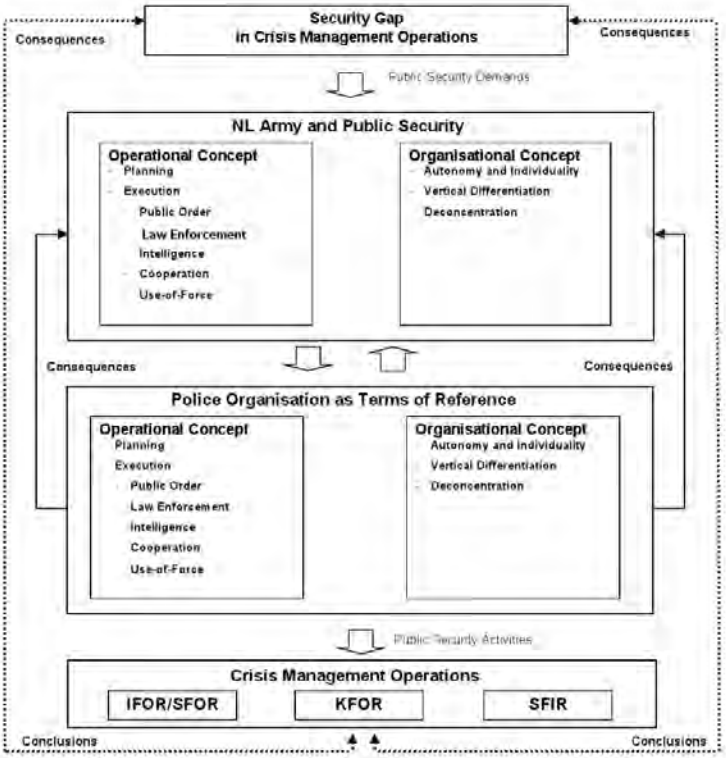

Figure 5: Research design

This study is based upon qualitative research. According to Vennesson and Wiesner, the case study is the preferred strategy to conduct a qualitative research.[789] Yin identifies two main types of case study designs: the single-case and multiple-case study.[790] He notes that the single-case study is related to a unique, single experiment or case,[791] while the multiple-case study is of a comparative nature related to multiple experiments.[792] The case study strategy applied in this thesis is the multiple-case study. The choice to study multiple cases enables a review of several units of analysis (e.g. operational and organisational concepts), each within their unique environments (e.g. different crisis management operations). As such, it will produce a deeper understanding of the performance of the NL Army during crisis management operations than if only one single case will be studied. Miles and Huberman add that the multiple-case study is especially helpful to recognise 'processes and outcomes across many cases and to understand how they are qualified by local conditions, and thus to develop more sophisticated and more powerful explanations.'[793]

Process tracing is an approach that can be applied to conduct case studies, as Vennesson and Wiesner note.[794] They define process tracing as 'a technique designed to reconstruct causal processes with the aim of developing or evaluating theoretical propositions about what accounts for an outcome in the specific phenomenon under study.'[795] They note that in military studies, process tracing can be a useful tool 'to illuminate specific events, make inferences about cause and effect relations that shaped the cases, uncover causal mechanisms, and finally, even make – with all caution involved – propositions about similar events,'[796] for example, to explain 'the adaptation of armies to changing circumstances during the course of conflicts for which they are initially unprepared, (…) the adoption of military concepts by military organisations, [and] the production of knowledge and ignorance within, and by, military organisations.'[797] As such, the technique of process tracing can be helpful to define whether the NL Army has adapted to the contextual demands of a security gap in various crisis management operations and to what extent the knowledge acquired has been used to adapt its operational and organisational concepts.

789 Vennesson & Wiesner (2014), p. 94.
790 Yin (2003), p. 39.
791 Yin (2003), p. 39.
792 Yin (2003), pp. 46-47.
793 Miles & Huberman (1994), p. 172.
794 Vennesson & Wiesner (2014), p. 94.
795 Vennesson & Wiesner (2014), p. 94.
796 Vennesson & Wiesner (2014), p. 101.
797 Vennesson & Wiesner (2014), p. 94.

5.4 Case design

According to Swanborn, there are four methods to select cases:

1. No selection (case of practice-oriented research in which the domain of the case is predetermined);
2. Random selection (for example in extensive research like a survey or poll);
3. Based upon pragmatic grounds (distance, time and budget);
4. Theoretical sampling (based upon predetermined selection criteria).[798]

Both Swanborn, and Miles and Huberman argue that the best way to select cases is theoretical sampling.[799] To select the cases for this study, three selection parameters were used:

1. Likely presence of a security gap during a crisis management operation;
2. NL Army as leading actor with operational autonomy in its area of operations;
3. Deployment of NL Army troops of battalion-size or larger.

Between 1995 and 2010, the NL Army participated in several international crisis management operations varying from individual observer missions to stabilisation missions of battalion size or larger. Based upon the three sampling criteria, four missions can be selected as a single case within the multiple-case study:

- IFOR/SFOR in Bosnia and Herzegovina (December 1995 - December 2004);
- KFOR in Kosovo (April 1999 – August 2000);
- SFIR in Iraq (August 2004 – March 2005);
- ISAF-3 in Afghanistan (August 2006 – August 2010).

Security gap

A security gap could require the intervention of the international military to restore and maintain public security. In all four selected crisis management operations, there was some sort of security gap. The Dutch troops were deployed in highly unstable civilian environments with an ill-functioning rule of law and security system. All four mission areas suffered from public unrest, sectarian or ethnic violence and widespread criminality. If present, the police had not been able to keep the peace or to enforce the law adequately. For example, at the onset of the missions in Kosovo and Afghanistan there was no police force at all, neither local nor international.[800] In Bosnia and Herzegovina and Iraq, the host

798 Swanborn (1996), pp. 55-61.

799 Miles & Huberman (1994), p. 29. Swanborn (1996), p. 69. Note: instead of *theoretical* sampling, Miles and Huberman apply the term *conceptual* sampling.

800 During the Russian occupation that lasted from 1979-1989, Afghanistan had a paramilitary police force. During the civil war and the period of Taliban rule there were no civilian police under national command deployed in Afghanistan (Perito (2009), p. 3). At the start

nation police was operational but mistrusted by large sections of the population mostly due to a lack of quality and professionalism.[801]

Operational autonomy

Efficient public security management requires operational autonomy within the area of responsibility, not only to prioritise operational options and troop movements but also to respond swiftly and adequately to changing operational conditions and situations. It is therefore important that within the framework of the mandate and the rules of engagement the force commander is empowered to set priorities to establish public security. In all four missions, the Dutch commander had operational autonomy in his area of responsibility.

Force size

The third sampling criterion for this study has been the size of troop deployment. The troop deployment had to be sufficiently large that the force commander had been able to produce sufficient operational capacity to provide public security, when required within his area of responsibility. Force size is considered important to win the hearts and minds of the population, which is all about being present and visible in urban areas and villages in order to protect citizens. This criterion assumed that the larger the military contingent, the more options a commander had to provide public security. It is assumed that a force of battalion size or larger has the capacity and flexibility to react effectively to breaches of public security. In the selected missions, the Dutch contribution was of battalion-size or larger.

All four missions meet the selected sampling criteria. Initially, the research involved these four missions. During the research the study has been reduced to the IFOR/SFOR, KFOR, and SFIR missions. Although twenty-three ISAF officers were interviewed and the process of data collection was almost completed, ultimately, the ISAF mission was not integrated in the study, for mainly three reasons.[802]

First, the character of the operation differed significantly from the other three operations. Whereas IFOR/SFOR, KFOR and ISAF were predominantly stabilisation operations, ISAF took place in a violent, dynamic and unstable environment. The operation turned out to be largely offensive in character and focused at defeating widespread insurgency. This research is focusing on the security gap during stabilisation operations, and given that the ISAF mission in effect did not have the character of a stabilisation mission only, it was excluded as a case study.

Second, the security gap of the ISAF mission differed from the other potential cases since civilian policing in Afghanistan during the ISAF mission had in fact

of the Dutch ISAF operation in 2006, the deployment of police in Uruzgan was still limited (Ministerie van Buitenlandse Zaken & Ministerie van Defensie (2010), p. 50).

801 See for example: Jakobsen (2003), p. 140.

802 Although the ISAF was not included into this study, the interviews have also helped to shape the researcher's thoughts regarding the NL Army's role in public security during crisis management operations from 1995 until 2010.

been paramilitary of character. Therefore, public security was largely focused on protecting the population against external security threats rather than on policing through, for example, community policing or maintaining public order. In addition, before the US intervention in Afghanistan there had been few policemen under central authority in Afghanistan, notably in rural areas.[803] At the start of the Dutch ISAF operation in 2006, the was no police presence in Uruzgan.[804] From a historical point of view, a civilian police had been an anomaly in the Afghan society. Technically spoken there had been no security gap because the absence of police could be seen as normality from an Afghan point of view.[805]
Third, and last, the ISAF operation is in terms of its magnitude, dynamics and diversity of activity a study in itself. Therefore, the analysis of the data and the description of four single missions would have enlarged the research substantially and would have gone beyond the time available to the researcher.

5.5 Data collection

The data required to answer the research question can be obtained by four different methods: participating in the setting, direct observation, in-depth interviewing and analysing documents and material.[806] The data collection for this study is based upon in-depth interviews and analysis of documents and material. Techniques like direct observation and participant observation were not feasible because the selected cases involved crisis management operations that already had been completed.

Interviews
Yin notes that interviewing is one of the most important and essential sources for conducting a case study.[807] In-depth interviewing, for example, provides the opportunity to develop a narrative approach to the research question.[808] It also helps to acquire information that cannot be obtained from other sources. Finally, it provides additional information 'about the actor's motivations, decision-making processes and paths not taken.'[809]

Data collection for this study is mainly based upon the perceptions and/or first-hand experiences of experts and professionals in three crisis management operations. The interviews had a semi-structured character and followed a certain set of questions derived from the interview protocol (see Appendix 2). The semi-structured character enabled a flexible approach in order to adjust and adapt the

803 Ministerie van Buitenlandse Zaken & Ministerie van Defensie (2011), p. 15; Perito (2009), p. 3.
804 Ministerie van Buitenlandse Zaken & Ministerie van Defensie (2011), p. 50.
805 During the Russian occupation that lasted from 1979-1989, Afghanistan had a paramilitary police force. After the withdrawal of Russian forces and the following civil war and the period of Taliban rule there were no civilian police under national command deployed in Afghanistan (Perito (2009), p. 3).
806 Rietjens (2014), p. 133.
807 Yin (2003), p. 89.
808 Ruffa & Soeters (2014), p. 222.
809 Vennesson & Wiesner (2014), p. 100. See also: Moore (2014), p. 123.

order and direction of the questions to what seemed appropriate for the data collection and research or to focus on the interviewee's specific experiences and perceptions.[810]

In total, 40 officers of the NL Army and *Koninklijke Marechaussee* have been interviewed, of which 36 were engaged in one of the selected crisis management operations. Four specialists in the field of lessons learned and doctrinal development were interviewed regarding institutionalisation of public security within the NL Army. The 36 interviewees who participated in one of the three selected crisis management operations were equally divided between the three selected cases and belonged to the top and middle management of the deployments, such as battalion commanders, company commanders, heads of operations and/or their deputies and senior police advisors. These officers were interviewed as experts with relevant experience in the field of crisis management operations. Their accounts contributed to fact-finding regarding the provision of public security and its possible operational and organisational implications. Although their contributions mainly produced facts, these facts could not always be separated from values and opinions.[811]

From a relativistic point of view, this is reasonable, for reality is always represented through the eyes of the interviewees as participants in crisis management operations.[812] It must also be noted that the interviews involved retrospective accounts of situations that occurred six to fifteen years ago. Following the findings of Golden – who tested the reliability and validity of retrospective accounts of chief executive officers regarding past strategies – it must be taken into account that such accounts commonly suffer from retrospective errors and therefore have to be challenged by triangulation.[813]

To select the interviewees, a long-list, per mission, of commanders and staff officers and additional specialists was produced. From this long-list, potential interviewees were contacted and asked to participate in the research. Based upon the willingness to participate and the availability of the potential interviewees, a shortlist was prepared.

All interviews were one-on-one and were conducted by the researcher himself. The interview procedure has been standardised through the interview protocol, which describes the subject, purpose, background, process and questionnaire of the research and was explained to the interviewees prior to the interview. The interviews took on average 90 minutes. All interviews were audio recorded and fully transcribed. Transcripts were presented to the interviewees for verification and authorisation (so-called member-checks).[814]

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810 See for example: Moore (2014), p. 118 & p. 124.
811 For an overview of interviewees, see Appendix 3.
812 See for example: Robson (2005), pp. 24-25.
813 Golden (1992). See also: Moore (2014), pp. 125-126.
814 See for example: Rietjens (2014), p. 139; Ruffa & Soeters (2014), p. 224.

Documents review

Document review served as the second data collection method. Documents were obtained from various sources, such as Dutch parliamentary archives, the *Semi-Statische Archiefdienst* of the Ministry of Defence, UN databases, and memorial books published by the various deployed battalions. These sources provided documents such as parliamentary letters and reports, operational plans, mission evaluation reports, rules of engagement, and policy reports. The data retrieved from these sources was used to support or complete the data obtained from the interviews or to validate data through triangulation. Access to the archives of the Ministry of Defence was not unlimited, however. The Ministry restricted the use of some classified documents and some documents issued by international organisations, such as NATO, in relation to notably the IFOR/SFOR and SFIR missions. This restriction naturally posed a certain limit on the overall document research.

5.6 Data reduction and display

According to Miles and Huberman, data analysis is an iterative process of congruent "flows of activity" of data reduction, data display, conclusion drawing and verification.[815]

Coding is used to organise and categorise the data obtained from the interviews and document review in order to 'find, pull out and cluster the segments relating to (…) [the] research question [and] hypothesis.'[816] Miles and Huberman define two levels of coding: first level coding, which helps to summarise segments of data, and pattern coding, which helps to 'group those summaries into smaller numbers of sets, themes or constructs.'[817] Both the interview transcripts and main documents were submitted to a process of manual coding. Initially, first-level codes were assigned to the texts in order to create segments of data with some sort of commonality. Further refinement of the analysis was obtained through re-arranging and restructuring of the data material and by assigning pattern codes to segments at a deeper level of analysis. The analyses followed an iterative process of coding and grouping of data until trends, developments, modes of operations and common opinions were identified. The results of the coding process of each single case were finally presented in a data matrix.

Based upon the three individual case reports, a cross-case analysis was executed. Here the results of the individual cases were compared and further analysed. The cross-case analysis served to identify differences and similarities per item between the cases and to identify relationships, themes, patterns or diachronic (historic) developments between the cases. The results of the cross-case analysis were presented in a data matrix and a case report. The cross-case analysis finally served to answer the central research question.

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815 Miles & Huberman (1994), pp. 10-12.
816 Miles & Huberman (1994), p. 57.
817 Miles & Huberman (1994), p. 69. See also: Rietjens (2014), p. 133.

5.7 Research quality

Among researchers, there is an ongoing debate on what defines the quality of research.[818] Interpretivist researchers, for example, argue that in research there is no "fact of the matter" and it is, rather, impossible to define proper standards for qualitative research.[819] In fact, as Miles and Huberman note, 'getting it all right' is almost a mission impossible.[820] Wolcot even argues that the main aim of researchers should be to 'not get it all wrong.'[821] However, Yin provides four commonly agreed tactics to judge the quality of the research: construct validity, internal validity, external validity and reliability.[822]

Construct validity

Construct validity refers to the establishment of 'correct operational measures for the concepts being studied.'[823] Construct validity can be created through triangulation.[824] This study has applied three methods for triangulation.[825] Data triangulation was established by using different sources of evidence such as interviewing different people on the same subjects. Methods of theory triangulation were applied in the first stage of the study in which the various theories and views on crisis management operations, security gaps and the differences and similarities of the military and police organisation are described and compared. Methodological triangulation was obtained by using two different methods of data collection, namely interviewing and document review. Another way to achieve methodological triangulation had been "peer debriefing" by discussing findings with fellow researchers and getting feedback from the interviewees. The method of investigator triangulation, however, has not been met because the research was executed by one researcher only, which implies an inherent weakness of this research due to the possibility of bias on the part of the individual researcher.

Reliability

Reliability refers to the 'extent to which a measuring device, or a whole research project, would produce the same results if used on different occasions with the same object of study.'[826] The goal of reliability is to minimise errors and bias in

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818 Miles & Huberman (1996), p. 277; Rietjens (2014), p. 139.
819 Miles & Huberman (1996), p. 277.
820 Miles & Huberman (1994), p. 277.
821 Wolcot (1990) as cited in Miles & Huberman (1994), p. 277.
822 Yin (2003), pp. 33-39. Miles and Huberman discern five tactics to judge the quality of research of which three comply with those of Yin: reliability/dependability, internal validity/credibility, and external validity/transferability. In addition they present objectivity/conformability and utilisation/action orientation as other tactics (Miles & Huberman (1994), pp. 278-280).
823 Yin (2003), p. 34.
824 Robson (2005), p. 175.
825 Denzin (1978); Miles & Huberman (1994), p. 267; Rietjens (2014), p. 139; Robson (2005), p. 174; Yin (2003), p. 98-99.
826 Robson (2005), p. 551.

research.[827] Yin mentions two methods to increase reliability: the use of a research protocol and the development of a case study database.[828] These tactics were met by following a strict procedure for conducting the research. The research approach was formalised in a conceptual framework, methodology and an interview protocol, which were processed through several reviews. In addition, the outcomes of the research were submitted to frequent review by research supervisors and peers. Secondly, all data obtained through interviews and document reviews were archived in a database, both on hard copy and digitally in order to enable another researcher to repeat the procedures which had been followed and to produce comparable outcomes.

Internal validity

Internal validity refers to the establishment of causal relationships between incomes and outcomes.[829] Both Yin and Robson note that internal validity largely applies to experimental and quasi-experimental research.[830] As Yin argues, internal validity is thus strongly related to case studies with a quantitative or exploratory character and is therefore 'inapplicable to descriptive or exploratory studies.'[831] Because the character of this study is largely descriptive, the application of internal validity is not considered and has therefore not been applied.

External validity

External validity refers to the extent to which the findings can be generalised beyond the immediate case study.[832] External validity was achieved through the selection of three different case studies within the framework of Dutch crisis management operations. The selection of the cases was based upon a sampling strategy in order to study different crisis management operations in order to achieve conceptual generalisation.

5.8 Pragmatic approach

A research methodology serves to promote a study's scientific quality. Still, doing research is more than just the 'slavish adherence to methodological rules, as Miles and Huberman write.' They emphasise that 'no study conforms exactly to a standard mythology; each one calls for the researcher to bend the methodology to the peculiarities of the setting.'[833] To keep their words in mind, this study applies the research methodology as presented, but it also chooses to be pragmatic if needed to deal effectively with practicalities during the empirical stage of the research.

827 Yin (2003), p. 37.
828 Yin (2003), p. 38.
829 Robson (2005), p. 103.
830 Robson (2005), p. 104; Yin (2003), p. 36.
831 Yin (2003), p. 34.
832 Yin (2003), p. 37.
833 Miles & Huberman (1994), p. 5.

6 IFOR/SFOR

6.1 Introduction

6.1.1 Background to the conflict

The war in Bosnia and Herzegovina began on April 2, 1992 when units of the Yugoslav National Army (JNA) and Bosnian Serb militias attacked the Bosnian town of Bijelina. A few days later, on April 5, Serbian snipers fired at the participants of a peace demonstration in Sarajevo, followed by an artillery attack of the JNA on the city.[834] These attacks occurred a month after Bosnia and Herzegovina declared independence from Yugoslavia.[835] In the first year of the war, the Bosnian Army fought in alliance with the Bosnian Croat Army (HVO). The alliance broke down in 1993 resulting in a war between Bosnian and Croat forces in the northern Posavina region, Central Bosnia and in the Mostar region of Herzegovina.[836] The Bosnian Serbs wanted to establish an autonomous Republika Srpska in the eastern part of Bosnia[837] and started offensive operations to this end in early 1993.[838]

To protect the population against Serbian aggression, the UN Security Council adopted UN Security Council Resolution (UNSCR) 819 (1993) and UNSCR 824 (1993), in which it proclaimed safe areas in Srebrenica, Sarajevo, Gorazde, Tuzla, Zepa and Bihac. As the conflict intensified, international mediators worked on several peace initiatives and cease-fires, but they all failed. A first success in turning the tide of the war was achieved when a cease-fire between the HVO and the Bosnian Army was established in March 1994. The cease-fire culminated in the signing of the Washington Agreement, which also resulted into the establishment of the Bosnian-Croat Federation.[839]

After Serbian troops had overrun the safe area of Srebrenica early July 1995, resulting in the death of 7,000 Bosniaks[840] and had mortared Sarajevo's Markale marketplace on August 28, 1995, killing thirty-seven people, the international community decided to intervene and the paved the way for NATO's air campaign "Deliberate Force" against Bosnian-Serb targets. Meanwhile, the Croat Army (HV) launched its Operation Storm against the *Republika Srpska Krajina* and Serb-held territories in western Bosnia, and the Bosnian Army started an offensive against the Bosnian Serb Army in the far west of the country. As a result, the power balance in Bosnia and Herzegovina shifted significantly, which

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834 Klep & Van Gils (2005), p. 299.
835 See for example: Doyle (2007), p. 233; Klep & Van Gils (2005), p. 299.
836 Doyle (2007), p. 234.
837 Kaldor (2006), p. 54.
838 Klep & Van Gils (2005), p. 301.
839 See for example: Doyle (2007), p. 234; Klep & Van Gils (2005), p. 301.
840 Cousens & Harland (2006), p. 59.

forced the Bosnian Serbs to start peace negotiations.[841] These peace negotiations were held at the Wright Patterson Air Force Base in Dayton, USA, beginning on November 1, 1995, and reached a final settlement on November 21, 1995.[842]

6.1.2 Dayton Peace Agreement

On November 21, 1995 the presidents of the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia agreed on the *General Framework Agreement for Peace (GFAP) in Bosnia and Herzegovina*, which ended the conflict in Bosnia and Herzegovina.[843] The Agreement, also known as the Dayton Peace Agreement, was signed on December 14, 1995.

Annex 1-A of the GFAP settled the military aspects of the Peace Agreement and called for the establishment of a multi-national military Implementation Force (IFOR).[844] According to Annex 1-A, NATO was to establish a force, which would 'operate under the authority and subject to the direction and political control of the North Atlantic Council (NAC) through the NATO chain of command.'[845] Annex 1-A also defined the tasks of IFOR. IFOR was tasked to ensure the implementation of the military aspects of the Peace Agreement. Its primary tasks involved monitoring and ensuring durable compliance of all parties with the cessation of hostilities, monitoring the withdrawal and redeployment of the former warring forces from the agreed cease-fire zone of separation back to their respective territories, authorising and supervising the selective marking of the Agreed Cease-Fire Line and its Zone of Separation and the Inter-Entity Boundary Line and assisting in the withdrawal of UN Peace Forces not transferred to IFOR.[846] The Peace Agreement assigned IFOR also with additional "supporting tasks" that could be executed 'within the limits of its assigned principal tasks and available resources, and on request.'[847] These tasks, for example, involved establishing a safe and secure environment in which others could perform their tasks in accordance with the Peace Agreement, assisting civilian organisations in the accomplishment of their humanitarian activities, providing freedom of movement of civilians, refugees and displaced persons and monitoring the clearing of minefields.[848]

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841 See for example: Cousens & Harland (2006), p. 60; Doyle (2007), p. 234; Klep & Van Gils (1995), pp. 301-302.

842 Cousens & Harland (2006), p. 61. At the end of the war over 200,000 people had died, 20,000 were missing, 1.2 million were internally displaced, and 900,000 had fled Bosnia and Herzegovina (*UN Doc* S/1995/1031 (1995), p. 4; *UN Doc* S/2002/1314 (2002), p. 2).

843 http://www.ohr.int/dpa/default.asp?content_id=379; accessed June 5, 2012.

844 General Framework Agreement for Peace (GFAP), Annex 1-A, Article I, §1. Available at http://www.ohr.int/dpa/default.asp?content_id=379; accessed June 5, 2012.

845 GFAP, Annex 1-A, Article I, §1.

846 GFAP, Annex 1-A, Article VI.

847 GFAP, Annex 1-A, Article VI.

848 GFAP, Annex 1-A, Article VI.

The Dayton Peace Agreement invited the UN Security Council 'to adopt a resolution' to authorise the establishment of IFOR.[849] This request was granted on December 15, 1995, when the UN Security Council adopted UNSCR 1031.[850] UNSCR 1031 placed the IFOR operation under the umbrella of Chapter VII of the UN Charter (*peace-enforcement*) and provided a mandate for one year after which the continuation of the mandate could be reviewed 'based upon the recommendations from the States participating in IFOR and from the High Representative through the Secretary-General.'[851]

In December 1996, IFOR transferred its responsibilities to a smaller NATO force, called the Stabilisation Force (SFOR). Like IFOR, SFOR operated under Chapter VII of the UN Charter, and had been responsible for the implementation of the military aspects as defined in Annex 1-A and Annex 2 of the Peace Agreement.[852] The main mission of SFOR remained the establishment of a safe and secure environment in which civilian organisations could work to consolidate of a lasting peace in Bosnia and Herzegovina.[853]

The Dayton Peace Agreement also covered civilian aspects of security in Bosnia and Herzegovina. Annex 4 established an international High Representative who was tasked with overseeing the implementation of the civilian aspects of the Dayton Peace Agreement. Article VIII of the Peace Agreement called for the establishment of an International Police Task Force (IPTF).[854] Annex 11 of the Agreement further settled the tasks and responsibilities of the IPTF. The IPTF was tasked to monitor, observe, and inspect law enforcement activities and facilities; to advise law enforcement personnel and forces; and to train law enforcement personnel.[855] Because the responsibility for local public security rested with the Parties themselves, the IPTF was not empowered to enforce local laws or to maintain public order.[856] The authorisation of the IPTF mission in Bosnia and Herzegovina was settled in UNSCR 1035 of December 21, 1995.[857]

6.1.3 Dutch military contribution to the implementation of the Peace Agreement

On December 9, 1995, the Dutch government decided to participate in IFOR.[858] To support the land-based operation, the government deployed a mechanised battalion, a logistic element and a mortar company. The Dutch ground forces were assigned to the MND South West (SW) and operated under

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849 GFAP, Annex 1-A, Article I, §1.
850 *UN Doc* S/RES/1031 (1995).
851 *UN Doc* S/RES/1031 (1995), §21.
852 *UN Doc* S/RES/1088 (1996).
853 *Kamerstukken II*, 1996/97, 22 181, nr. 174, pp. 4-5.
854 GFAP, Article VIII.
855 GFAP, Annex 11, Article III, §2.
856 See for example: *Kamerstukken II,* 1995/96, 22 181, nr. 145, p. 2; Doyle (2007), p. 238; Dziedzig & Bair (1998), p. 270.
857 *UN Doc* S/RES/1035 (1995).
858 *Kamerstukken II*, 1995/96, 22 181, nr. 137, p. 1 & p. 7.

British operational command.[859] After SFOR had replaced IFOR, the Dutch contribution to the NATO mission continued and ultimately lasted until December 2004.[860] For the chronology of the mission, see Appendix 1.

The Netherlands also participated in the IPTF. After having received a formal request from the UN, the Dutch government decided in February 1996 to deploy fifty members of the *Marechaussee* for the purpose and the length of the IPTF mission.[861]

6.1.4 Structure of the chapter

This chapter provides an answer to sub-questions 4, 5 and 6 in relationship to the NL Army's involvement in IFOR/SFOR from 1996 until 2003. This chapter first deals with the question whether the IFOR/SFOR mission encountered a security gap. Secondly, the chapter deals with the operational concept of the various battalions and answers the question whether the concept has contributed to public security. Thirdly, it describes their organisational concept and answers the question to what extent this concept supported the execution of police-like activities.[862]

6.2 Security gap

6.2.1 Public security situation

Demographic composition of the area

Given the ethnic and nationalist background to the conflict, the ethnic composition of the country was of significance for the security situation. In Bosnia and Herzegovina, none of the ethnic groups comprised a majority. According to the 1991 census, Bosnia and Herzegovina had a population of 4.3 million citizens, of which forty-four percent were Bosniak, thirty-one percent Bosnian Serb, seventeen percent Bosnian Croat, and eight percent "Yugoslav".[863]

Ethnic cleansing during the conflict forced half the population to flee their homes: 1.2 million people remained displaced inside Bosnia and Herzegovina and 900,000 fled the country.[864] As a result, the conflict changed the ethnic structure

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859 *Kamerstukken II*, 1995/96, 22 181, nr. 137, p. 8.

860 *Kamerstukken II*, 1996/97, 22 181, nr. 174, p. 5; http://www.defensie.nl/nimh/geschiedenis/internationale_operaties/missieoverzicht; accessed June 25, 2013.

861 *Kamerstukken II*, 1995/96, 22 181, nr. 145, p. 3.

862 The main body of the case description is based on interviews with commanders and senior staff officers of various Dutch mechanised battalions who served in IFOR/SFOR. The interviews cover twelve different battalions grouped in four blocks of subsequent rotations. The interviews are complemented with data from the Dutch Defence Archives, policy documents issued by the NL Army, documentation and reports issued by the Dutch parliament, reports issued by the UN in relation to their mission in Bosnia and Herzegovina, and memorial books produced by the respective Dutch battalions.

863 See for example Cousens & Harland (2007), p. 51; Klemenčič & Žager (2004), p. 311.

864 *UN Doc* S/1995/1031 (1995), p. 4.

of Bosnia and Herzegovina into more or less ethnic homogenous and segregated areas. By the end of the war, the majority of the Bosnian Serbs lived in the Republika Srpska, while the majority of the Bosnian Croats lived in Herzegovina and the Bosniaks in Central Bosnia and in the Bihac pocket.[865]

Government, public services and police and justice were basically organised and controlled along ethnic lines.[866] Within the ethnically homogenous regions, there was a relative level of peace and order. Civilians could feel safe if they belonged to the ethnic majority of that region.[867] Outside their region, their security was unclear. Their safety was negatively affected by a limited freedom of movement.[868] Civilians belonging to one ethnic group were regularly stopped, intimidated and harassed by the police when travelling to other parts of the country at what often were non-authorised checkpoints.[869]

Criminality

Criminality in post-war Bosnia and Herzegovina was largely war-related. According to Hansen's classification of crimes in war-torn societies,[870] the most significant types of crime in Bosnia and Herzegovina were politically or ethnically-related violence, organised crime and petty crimes (e.g. corruption).[871]

Politically and ethnically-motivated violence was a serious problem in Bosnia and Herzegovina, at least until 2003, close to the end of the SFOR mandate. Although the number of incidents decreased over time, in early 2002 one out of 3,500 citizens of Bosnia and Herzegovina still had been a victim of a violent act such as assault, rape, or murder.[872]

Organised crime could expand for two main reasons. First, as a result of the conflict, the state had been weakened and fragmented and did not provide a structure to fight crime effectively.[873] Second, there had been strong affiliations between political elites, the security forces and organised crime.[874] During the war, all parties developed links with organised criminal networks, to fund and equip their militaries and militias.[875] After the war, these criminal networks and alliances further expanded[876] and, for example, engaged in smuggling, tax evasion, trafficking in women and stolen cars.[877] According to Stojarová, these networks were ethnically affiliated triangles composed of political elites, members

865 See for example: Klemencic & Žager (2004), pp. 318-319.
866 Doyle (2007), p. 237.
867 Interview July 6, 2011(a).
868 Interview June 17, 2011.
869 *UN Doc* S/2002/1314 (2002), p. 2.
870 Hansen (2002b), pp. 90-91.
871 See for example: Lovelock (2005), pp. 124-125; Rausch (2002), p. 24.
872 Doyle (2007), pp. 260-261.
873 Andreas (2009), p. 41.
874 Stojarová (2007), p. 96.
875 Doyle (2007), p. 237; Hills (2009), p. 121.
876 Keller & Newman (2007), p. 57. See also: Stojarová (2007), p. 96.
877 Andreas (2004), p. 5. See also: Hills (2009), p. 121.

of the police and the military, criminal groups and paramilitary units and they operated within their respective ethnic areas.[878]

In terms of petty crimes, corruption was another issue that affected Bosnian society, government, politics and business sector. The collapse of the formal economy and high unemployment rates required many people to find alternative means to sustain.[879] For example, many war-veterans had lost their means of living because of the demobilisation following the Dayton Peace Agreement.[880] Corruption could further flourish because the police and justice system were unable or unwilling to intervene and cases of corruption were rarely prosecuted.[881]

Within the area of operations of the Dutch battalion, criminality followed the same pattern as nationally. Ethnically or politically oriented violence occurred through intimidation of minorities, violence against returnees, arson, and plundering of properties.[882] Organised crime mainly involved illegal logging and smuggling of weapons, drugs and cars.[883] Corruption was a problem within the Dutch area of operations too. In particular, police corruption, for example through cashing illegal fines, had a negative impact on the security perception and the freedom of movement of citizens.[884] The high number of arms and ammunition among the population was considered a threat to public security in the area.[885] By the end of the Dutch mandate in Bosnia and Herzegovina, however, Dutch commanders perceived local public security as relatively stable and normal, although they still regarded police corruption a serious problem that affected the public's trust in the police.[886]

Public order

In general, riots had not been a major problem in Bosnia and Herzegovina.[887] However, a number of events escalated into public disturbances, notably the visits and returns of displaced persons and refugees (DPRE) and the Bosnian-

878 Stojarová (2007), p. 96.
879 See for example: Hansen (2002b), p. 90; Kaldor (2006), p. 71; Stojarová (2007), pp. 95-96.
880 Interview July 1, 2011; Interview July 6, 2011(a). See also: *UN Doc* S/1995/1031 (1995), p. 7.
881 See for example: Doyle (2007), p. 262; Hills (2009), pp. 121-122 & p. 130; Keller & Newman (2007), p. 59.
882 Interview July 6, 2011(a); Interview August 24, 2011; Interview October 5, 2011(a).
883 Interview June 14, 2011; Interview June 17, 2011; Interview July 6, 2011(a); Interview August 19, 2011; Interview October 4, 2011(b); Interview October 10, 2011.
884 Interview June 10, 2011; Interview June 14, 2011; Interview July 7, 2011(b); Interview August 19, 2011; Interview September 20, 2011(a); Interview September 30, 2011(b); Interview October 4, 2011(b).
885 *UN Doc* S/1995/1031 (1995), p. 7. See also: Interview June 17, 2011; Interview August 19, 2011; Interview October 10, 2011.
886 Interview August 19, 2011; Interview September 15, 2011; Interview September 20, 2011(a). See also: Ministerie van Defensie – Defensiestaf (2003), pp. 7-8.
887 Hills (2009), p. 129.

Croat initiatives to establish a third independent political and administrative entity.

Visits and returns by displaced persons and refugees occasionally encountered problems and triggered ethnic tensions and resistance. The organisation and facilitation of the visits and returns had been the responsibility of the United Nations High Commissioner for Refugees (UNHCR) while the local authorities and police were formally responsible for ensuring orderly and secure proceeding.[888] The IPTF had been responsible for assisting and monitoring the local police in the fulfilment of their duties,[889] while in accordance with the Peace Agreement, IFOR/SFOR could assist the UNHCR in its humanitarian mission and prevent interference with the freedom of movement of displaced persons and refugees.[890]

Until the end of 1997, visits and returns occurred rather ad hoc,[891] while from 1998, they started to become more coordinated and structured,[892] and became a focal point of the Dutch battalion.[893] According to some Dutch officers, Bosnian Croats sometimes paid unannounced visits to their homes of origin, often with the intention to provoke or to influence the international agenda.[894] However, incidents also occurred in relation to planned returns as opponents used the opportunity to make a political statement, for example by staging a conflict or organising a demonstration.[895] During 1997 and 1998, returns and visits regularly escalated into demonstrations and scrimmages as the local police failed to maintain order and the IPTF lacked the executive powers to intervene. As of 1999, the visits and returns increasingly proceeded without serious incidents, although orchestrated resistance persevered until the end of 2000.[896] At the end of the Dutch mandate in Bosnia and Herzegovina, the monthly visits and returns passed off peacefully as the local authorities had assumed responsibility for their security.[897]

Another incident that influenced the level of public order and stability had been the Bosnian-Croat initiative to establish a third independent political and administrative entity. The Bosnian-Croat initiatives had a destabilising effect on public security and resulted in a higher level of vigilance of the Dutch battalion. In 2001, for example, Dutch troops secured Bosnian-Croat weapon storage sites after the local guards left their posts in protest against the dismissal of Bosnian-

888 GFAP, Annex 7, Chapter 1.
889 GFAP, Annex 11, Article III, §2.
890 GFAP, Annex 1A, Article VI, §1(d).
891 Interview July 6, 2011(a); Interview June 14, 2011; Interview June 17, 2011; Interview October 5, 2011(a).
892 Interview June 17, 2011.
893 Interview August 24, 2011.
894 Interview June 17, 2011; Interview August 24, 2011.
895 Interview June 17, 2011; Interview August 24, 2011.
896 Interview July 7, 2011(b); Interview October 10, 2011.
897 Interview September 15, 2011.

Croat generals by the High Representative. Dutch troops also cleared several weapon storage sites in order to prevent possible armed escalation.[898]

6.2.2 Local police

The Dayton Peace Agreement regulated that the authorities in the Federation and the Republika Srpska remained their responsibility for providing 'a safe and secure environment for all persons in their respective jurisdictions, by maintaining civilian law enforcement agencies operating in accordance with internationally recognized standards and with respect for the internationally recognized human rights and fundamental freedoms.'[899] As a result, at the end of the war the local police remained in place. At the end of 1995, Bosnia and Herzegovina had 44,750 active police officers, three times the pre-war strength.[900]

There were basically three main issues that characterised the performances of the local police.
First, the police was largely ethnically biased. The UN Secretary General reported that 'the local police forces were mono-ethnic paramilitary units (…) entirely unsuited to civilian law enforcement. Instead of attempting to provide citizens of minority groups with some sense of security, police forces continued to discriminate against minority groups harass, and intimidate citizens who were not of their own ethnicity.' [901] The police reinforced the ethnic division of the country through police checkpoints along the Inter-Entity Boundary Line (IEBL) and between communities in the Federation.'[902] In the pre-war era, police checkpoints had served as important instruments of state control, while during and after the war, the police used checkpoints to harass and intimidate ethnic minorities and limit their freedom of movement.[903] Because of their ethnic bias, the police were unwilling to protect citizens of other ethnicities and to secure their safety.[904] Ethnic bias also characterised police action in the area of operations of the Dutch IFOR/SFOR battalions. According to several of the interviewed commanders, the local police primarily protected citizens belonging to their own ethnic group; others rather feared the police.[905] The police was perceived as acting against members of ethnic minorities, for example by fining or harassing them at checkpoints.[906] The police showed a restraint in terms of ethnic violence and protecting refugees and displaced persons during the visits of their homes of

898 Interview September 30, 2011(b). See also: Klep & Van Gils (2005), p. 373; *Kamerstukken II*, 2000/01, 22 181, pp. 1-2 & pp. 3-4.
899 GFAP, Article III, §2c.
900 The Federation had 32,750 police officers and the Republika Srpska 12,000 (*UN Doc* S/1995/1031 (1995), p. 7).
901 *UN Doc* S/2002/1314 (2002), p. 2.
902 *UN Doc* S/2002/1314 (2002), p. 2.
903 Dziedzic & Bair (1998), pp. 263-264.
904 Peritio (2004b), p. 118.
905 Interview June 17, 2011; Interview August 24, 2011; Interview October 5, 2011(a); Interview October 10, 2011.
906 Interview June 17, 2011; Interview August 24, 2011.

origin.[907] As such, the inability or unwillingness of the police to protect all citizens of Bosnia and Herzegovina and to enforce the law at all occasions created an enforcement gap, as defined by Dziedzic.[908]
Corruption was a second feature that plagued the quality and performance of the police of Bosnia and Herzegovina. Low police salaries and irregular payments made police officers vulnerable 'to taking bribes, engaging in corruption and organised crime.'[909] In the Dutch area of operations, police corruption had been a manifest problem and occurred during the full period of the Dutch presence. According to Dutch officers, corruption was deeply rooted in the local police organisation [910] and the police management failed to intervene and to confront corrupt police officers.[911] Police corruption occurred for example at the check-points where citizens had to pay bribes to police officers to be granted freedom of movement.[912]
Third, the lack of professionalism further affected the police's quality and performance. During the conflict the police of all three entities had expanded significantly through 'an influx of personnel with little or no police training.'[913] The police of the Federation, for example, recruited police officers who often had a paramilitary or military background. As a result, the flow of personnel between the police and military had become fluid.[914]

The local police's failure to provide sustainable public security based upon democratic standards of policing and the rule of law resulted in an institutional gap.[915] To overcome this institutional gap, the UN International Police Task Force (IPTF) launched a programme to reform and downsize the police of the Federation in 1996.[916] This reform was based on the Petersberg Declaration of April 25, 1996 that agreed on creating local police forces that were 'structured and operate according to generally accepted international standards for policing and guarantee respect for internationally accepted human rights.' [917]

The Petersberg Declaration also compelled the Federation to downsize its police forces to 'a level consistent with European standards.'[918] In practice, the declara-

907 Interview July 6, 2011(a); Interview June 17, 2011; Interview August 24, 2011.
908 Dziedzic (1998).
909 Doyle (2007), p. 241. See also Dziedzic & Bair (1998), p. 285.
910 Interview June 10, 2011; Interview June 14, 2011; Interview July 7, 2011(b); Interview August 19, 2011; Interview September 15, 2011; Interview September 30, 2011(b); Interview October 4, 2011(b).
911 Interview August 19, 2011.
912 Interview June 14, 2011; Interview July 7, 2011(b).
913 Perito (2004b), p. 264.
914 Perito (2004b), p. 264.
915 Dziedzic (1998), p. 14.
916 See for example: Dziedzic & Bair (1998), pp. 287-290; Perito (2004b), pp. 122-123.
917 Agreement on Restructuring the Police Federation of Bosnia and Herzegovina (Petersberg Declaration), April 25, 1996. Available at http://www.ohr.int/other-doc/fed-mtng/default.asp?content_id=3576; accessed June 5, 2012.
918 Agreement on Restructuring the Police Federation of Bosnia and Herzegovina (Petersberg Declaration), April 25, 1996.

tion forced the Federation to reduce its police strength to 11,500.[919] Later, in 1998 a similar agreement was achieved with the Republika Srpska to reduce its strength to 8,500.[920] By the end of its mandate in 2002, the IPTF had managed to reduce the number of Bosnian police officers from about 44,000 in 1996 to 15,786 of which 8,311 in the Federation, 5,692 in the Republika Srpska, 263 in the Brčko District, 169 in the Federation Court Police and 1,351 in the State Border Service.[921] However, the police reforms did not remove corruption and incompetence completely from the police organisation. For example, when the IPTF removed police officers from their posts in law enforcement, local authorities sometimes transferred them to administrative or political positions elsewhere where they could continue to exercise their negative power and influence.[922]

6.2.3 International police

During the deployment of the Dutch mechanised IFOR/SFOR battalions three bodies of international police operated in Bosnia and Herzegovina: the UN IPTF, the EU Police Mission (EUPM), and NATO's MSU.

IPTF

The Dayton Peace Agreement assigned the IPTF to monitor, train, advise and facilitate the local police.[923] The Peace Agreement did not provide the IPTF with executive powers, for example to enforce the law, investigate crimes, make arrests and maintain public order.[924] According to the UN Secretary-General, an executive mandate was not favourable for international police officers for it might jeopardise their personal security:

> Given the widespread availability to the population of long arms and even heavier weapons, I have given consideration to the possibility of arming the International Police Task Force monitors. The traditional side arms carried by police officers would, however, be no match for the type of weapons likely to

919 Dziedzic & Bair (1998), p. 287; Perito (2004b), p. 122.

920 *UN Doc* S/2002/1314 (2002), p. 2. See also: Hills (2009), p. 127.

921 *UN Doc* S/2002/1314 (2002), p. 1.

922 Doyle (2007), p. 243.

923 GFAP in Bosnia and Herzegovina, Annex 11: Agreement on International Police Force.

924 Prior to the peace negotiations in Dayton, there had been a discussion on the mandate and organisation of the IPTF between officials of the United States, EU members of the Contact Group (United Kingdom, France) and Russia. While US diplomats preferred the deployment of a robust and executive police force composed of West European civilian police and *gendarmes* and some Canadian and American augmentations, the EU members opposed such idea. The Europeans feared that a robust force with a strong mandate would lead to casualties, which would not be accepted by the European public. They also questioned the legitimacy of civilian policing in a third country. At Dayton, the US Department of Defense shared the views of the Europeans and supported the idea of a weak IPTF mandate. The Pentagon wanted IFOR to be the only legitimate armed force in Bosnia and Herzegovina. The Pentagon feared that if the IPTF got into trouble IFOR would have to intervene and assume policing which ultimately would lead to mission creep. (Perito (2004b), pp. 113-116. See also: Brocades Zaalberg (2006), pp. 254-255).

> be at the disposal of those who might threaten the monitors. The security of the Task Force must flow from the authority granted to it by all parties under the Agreement and from the fact that its personnel represent no threat to any armed element in that area of operation. I strongly recommend, therefore, that the Task Force monitors should not be armed.[925]

In addition to a lack of executive powers, IPTF also suffered from a deployment gap at the outset. Initially, the authorised strength of the IPTF was set on 1,721 police officers. This number was based upon a ratio of one international police monitor to thirty local police officers including personnel of judicial and prison systems and supervisory staff.[926] After the UN Security Council had adopted UNSCR 1035 (1995) on December 21, 1995, the Secretary-General approached 53 member states to find the required 1,721 international police officers.[927] However, the deployment of the IPTF turned out to be an incremental process. At the end of February 1996, only 400 police officers had arrived in Bosnia and Herzegovina of which 200 were stationed in Sarajevo. At the end of March 1996, the number of police officers doubled to 798.[928] In September 1996, IPTF finally approached its authorised strength when close to 1,700 IPTF police officers from 34 different countries were stationed in Bosnia and Herzegovina.[929]

The IPTF not only suffered from slow deployments, it initially also encountered difficulties regarding the 'professional suitability of police personnel offered by member states.'[930] In particular, relatively large numbers of police officers deployed by member states were unable to meet the minimum professional criteria, such as 'eight years of policing experience, ability to communicate in English and driving skills.'[931] In March 1996, the Secretary General expressed his concern about the development that further delayed IPTF reaching its full capacity. He reported that:

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925 *UN Doc* S/1995/1031 (1995), p. 8.

926 The IPTF police officers were employed in an organisation divided in four organisational levels: one central headquarters in Sarajevo; five regional headquarters in Sarajevo, Banja Luka, Gorni Vakuf, Mostar and Mostar; seventeen police districts; and 109 local police stations (*UN Doc* S/1995/1031 (1995), pp. 7-8).

927 *UN Doc* S/1995/1031 (1995), pp. 7-8.

928 *UN Doc* S/1996/210 (1996), p. 8.

929 *UN Doc* S/1996/820 (1996), p. 2. The force level of the IPTF was increased twice. On March 31, 1997, the UN Security Council decided to deploy an additional number of 186 police officers and 11 civilian personnel to reinforce the Brčko district because of local ethnic tensions (*UN Doc* S/RES/1103 (1997)). On May 16, 1997, the UN Security Council finally authorised an overall increase of the IPTF by 120 police officers (*UN Doc* S/RES/1107 (1997)).

930 *UN Doc* S/1996/210 (1996), p. 3.

931 *UN Doc* S/1996/210 (1996), p. 3.

> [T]he number of those who failed to meet the criteria and to pass the required elementary tests upon arrival in the theatre has risen to alarming levels. In some cases, the majority of a contingent has failed in one or more tests, with the result that a large number of prospective monitors had to be repatriated.[932]

The initial problems with the deployment of unskilled police officers were largely solved after the UN established so-called "selection assistance teams". These teams organised pre-deployment selections by testing police officers' professional and language skills in their home countries prior to their deployment.[933]

EUPM

When on January 1, 2003 the mandate of the IPTF ended it was succeeded by the EUPM.[934] The EUPM consisted of 500 European police officers who, like their colleagues of the IPTF, lacked an executive mandate.[935] The mission of the EUPM was twofold. First and foremost, the EUPM was tasked to mentor, monitor and inspect the high and middle management of the police forces.[936] Secondly, the EUPM was to direct and manage the reform of the entity-based police of Bosnia and Herzegovina into one single police force.[937] Throughout its mission, the EUPM suffered from a lack of strategic focus and insufficient quality of staff. Contributing countries sometimes deployed 'junior police officers or officers not qualified for positions they [would have to] fill,' as Doyle notes.[938] Cousens and Harland add that, like the IPTF, also the EUPM had not been effective in reforming the local police. In particular, they note that the EUPM had failed to establish the necessary changes at the top of the police organisation in order to complete the required police reforms.[939] The mandate of the EUPM ended on June 30, 2012.[940]

MSU

Because the IPTF had no executive powers to enforce the law and to maintain public order where the local police failed, and IFOR and SFOR initially focused on implementing the military aspects of the Peace Agreement rather than also engaging in public security, the international mission in Bosnia and Herzegovina

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932 *UN Doc* S/1996/210 (1996), p. 3. The initial problems encountered with the deployment of unqualified police officers was largely solved by dispatching so-called "selection assistance teams" to contributing member states. The selection assistance teams tested police officers prior to their deployment on their professional and language skills in order to prevent the need for repatriation (*UN Doc* S/1996/460 (1996), p. 2.

933 *UN Doc* S/1996/460 (1996), p. 2.

934 *UN Doc* S/RES/1396 (2002).

935 Doyle (2007), p. 240.

936 Doyle (2007), p. 240.

937 Cousens & Harland (2006), p. 112.

938 Doyle (2007), p. 240.

939 Cousens & Harland (2006), p. 113.

940 http://www.eupmbih.eu; accessed June 25, 2013.

suffered from an enforcement gap.[941] In the early months of the operation, IFOR and SFOR followed a strict interpretation of the Peace Agreement.[942]

However, the military's narrow interpretation of the mandate ultimately changed early in the spring of 1997. Instead of focusing on the implementation of the military aspects of the Peace Agreement, SFOR increasingly shifted its focus to peace-building.[943] This change occurred for three main reasons.
First, SFOR faced public criticism for its reluctance to engage more in protecting returnees and arresting alleged war criminals.[944]
Second, SFOR officers realised that a limited interpretation of the mandate could endanger the establishment of a "safe and secure environment". The military therefore became more proactive towards public security, although the SFOR leadership continued to be cautious regarding public security tasks.[945]
Third, at the international political level there had been changes that opened the way for a more maximalist interpretation of the Dayton Peace Agreement. In the United States, for example the new Secretary of State Madeleine Albright supported a more assertive approach toward peace-building. In the United Kingdom, Prime Minister Tony Blair followed a political agenda in which he emphasised the protection of human rights. At NATO, finally, then Secretary-General Solana pushed NATO's SACEUR, General Clark to expand the scope of SFOR's military tasks in Bosnia and Herzegovina, to include some sort of policing.[946]

An initiative to close the enforcement gap was behind NATO's decision to introduce a MSU in August 1998 in order 'to bridge the gap between SFOR traditional military forces and "civil police type" units.'[947] The MSU was a battalion-sized international police force of Italian *carabinieri* (75 percent), Argentinean *gendarmes* and Romanian and Slovenian MPs,[948] which was 'organised along military lines and equipped to carry out a wide range of police and military tasks'.[949]

The MSU was primarily tasked to 'promote public security by utilising the unit's ability to serve as a strategic reserve force and to operate throughout the theatre'; 'to assist with refugee return'; 'to perform crisis management to maintain public order, including the use of force in crowd and riot control'; and to collect intelligence and process information for operational purposes.'[950] The MSU operated directly under the authority of the Commander of SFOR (COM-

941 Friesendorf (2009), p. 37 & p. 39.
942 Brocades Zaalberg (2006), pp. 255-256.
943 See for example Brocades Zaalberg (2006), p. 263; Friesendorf (2009), p. 39.
944 Brocades Zaalberg (2006), p. 263.
945 Friesendorf (2009), p. 40.
946 Friesendorf (2009), pp. 39-40. See also: Brocades Zaalberg (2006), p. 263.
947 http://www.nato.int/sfor/factsheet/msu/t040809a.htm; accessed February 6, 2012.
948 Perito (2004), p. 158.
949 http://www.nato.int/sfor/factsheet/msu/t040809a.htm; accessed March 25, 2011.
950 Perito (2004b), p. 156.

SFOR). The MSU battalion headquarters was stationed in Sarajevo from where it planned and executed its operations throughout Bosnia and Herzegovina. The MSU planned its patrols and operations in coordination with the MND in which area it deployed. The final approval for deployment was given by COMSFOR to whom the MSU also directly reported.[951] In that sense, the MSU had a substantial level of operational autonomy within the sector of a MND.[952] In case public order disturbances were expected in an MND sector, this MND could then submit a request for assistance to COMSFOR, who then tasked the MSU to plan for an operation. After authorisation, COMSFOR could pass tactical command to the MND.[953] A battalion commander could also request the assistance of the MSU, for example to support him during the visits of and returns of displaced persons and refugees or weapons searches. In that case, the MND after making its own assessment could pass such a request to COMSFOR for final approval.[954]

Opposite to the findings of Perito, Dutch officers provided a more negative image of the MSU in terms of cooperation, attitude and professionalism. Whereas Perito argues that the MSU ran into a wall of misunderstanding and unwillingness of regular SFOR troops to cooperate,[955] experiences of Dutch officers showed the opposite as they encountered a lack of cooperation on the part of the Italian MSU Company that deployed in their area of operations.[956] Some commanders for example noted that MSU officials lacked proficiency to communicate effectively in English.[957] Although Perito states that MSU commanders were able to communicate in English,[958] Dutch officers reported that some of the MSU company or platoon commanders were unable to speak English, which impeded smooth coordination and cooperation.[959] Other battalion commanders also encountered problems in terms of cooperation and coordination in case the MSU operated in their area of operations.[960] One of them reported:

> Formally, they operated directly under COMSFOR but they were supposed to be under my operational command if they had an assignment within my area of operations. Consequently, they had to report themselves but that turned out to be problematic; either they did not know where to report or they just pretended to be stupid.[961]

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951 Perito (2004b), pp. 161-162. The MSU company that operated in the Dutch area of operations was of Italian origin.
952 Interview August 24, 2011.
953 Perito (2004b), p. 163.
954 Interview August 24, 2011.
955 Perito (2004b), p. 161.
956 Interview July 1, 2011; Interview September 30, 2011(b); Interview October 4, 2011(b); Interview October 10, 2011.
957 Interview August 24, 2011; Interview September 30, 2011(b).
958 Perito (2004b), p. 159.
959 Interview July 7, 2011(b); Interview August 24, 2011; Interview September 30, 2011(b).
960 Interview July 1, 2011; Interview August 24, 2011; Interview October 10, 2011.
961 Interview July 1, 2011.

The professional attitude of the MSU was a third problem. The MSU operated at a large social distance from the local population. Some commanders regarded them as "machos" unable to deal with the local population respectfully. By ignoring local interests, being dismissive regarding private property or causing traffic accidents, they did not manage to win the hearts and minds of the population.[962] One of the battalion commanders recalled:

> The MSU created more problems than they solved. They managed to destroy the relationships I carefully established, leaving me behind with the damage. De-escalation was certainly not part of their operational concept.[963]

6.3 Operational concept

6.3.1 Planning and preparation

International mandates and planning

Annex 1-A of the Dayton Peace Agreement provided the guidelines for the IFOR/SFOR operation.[964] As mentioned above, the military tasks of IFOR involved monitoring and ensuring durable compliance of all parties with the cessation of hostilities, monitoring the withdrawal and redeployment of the former warring forces from the agreed cease-fire zone of separation back to their respective territories, authorising and supervising the selective marking of the Zone of Separation and the IEBL, and assisting in the withdrawal of UN Peace Forces not transferred to IFOR.[965]

In addition to the military tasks, the Peace Agreement also assigned IFOR with additional supportive tasks, such as establishing a safe and secure environment in which others could perform their tasks: assisting civilian organisations in the accomplishment of their humanitarian activities, providing freedom of movement of civilians, refugees and displaced persons and monitoring the clearing of minefields.[966]

The Peace Agreement did not explicitly assign IFOR with public security or police tasks.[967] Nevertheless, the tasks in order 'to observe and prevent interference with the movement of civilian populations, refugees, and displaced persons, and to respond appropriately to deliberate violence to life and person,'[968] left some room for an additional public security role, as Brocades Zaalberg notes.[969] As a result, IFOR did not plan to engage in detecting and arresting alleged persons indicted for war crimes (PIFWC). These tasks were considered to be the responsibility of the local police. Only when IFOR troops would encounter

962 Interview July 1, 2011; Interview October 10, 2011.
963 Interview July 1, 2011.
964 Ministerie van Defensie - Defensiestaf (1997), p. 11.
965 GFAP, Annex 1-A, Article VI.
966 GFAP, Annex 1-A, Article VI.
967 *Kamerstukken II,* 1995/96, Aanhangsel, nr. 1085, p. 108.
968 GFAP, Annex 1-A, Article VI, §3d.
969 Brocades Zaalberg (2006), pp. 255-256.

them during the execution of the regular duties, IFOR could decide to engage in the arrest of such suspects.[970]

On December 21, 1996, SFOR replaced IFOR and was tasked to 'provide continued military presence to deter renewed hostilities and to stabilise and consolidate the peace in Bosnia and Herzegovina in order to contribute to a safe and secure environment for ongoing civil implementation plans.'[971] SFOR thereby wanted to create an environment in which civilian agencies and local governments could carry out and accelerate their nation-building efforts.[972] For example, SFOR was supposed to cooperate with the Organisation for Security and Cooperation in Europe (OSCE) regarding the organisation of municipal elections in 1997 and with the UNHCR to enable the return of refugees and to guarantee freedom of movement of citizens all over Bosnia and Herzegovina.[973]

Like IFOR, SFOR did not want to engage in public security issues. In his initial operational plan, SACEUR underlined that 'SFOR is not a police force and will not become engaged in civil police functions.'[974] Regarding restoring public order, he also noted that SFOR would not engage in riot control.[975] He left room for some sort of public security assistance, however, noting that 'SFOR should be prepared without engaging in civil police tasks (…) to respond to serious threats to civil order arising out of the implementation of the Peace Agreement that cannot be managed by IPTF or the local police.'[976] The detection and arrest of indicted war criminals continued to be an activity of secondary order, as he noted that 'SFOR had no mandate to hunt down and arrest indicted war criminals.' Those arrests he saw as a responsibility of the local authorities and police. Only if troops encountered war criminals during their normal activities and if the tactical situation permitted, would SFOR detain them.[977]

SFOR's initial reluctance to engage in public security eased however from early 1997. Formally, SFOR's policy regarding the arrests of indicted war criminals remained unchanged, but the tone altered. In his *SFOR Strategic guidance D+180*,

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970 See for example: *Handelingen II*, 1995/96, nr. 37, pp. 2963-2963; *Kamerstukken II,* 1995/96, Aanhangsel, nr. 535, p. 1085.

971 Supreme Headquarters Allied Powers Europe, *SACEUR OPPLAN 10406 'Joint Guard'*, Final, December 16, 1996, p. 6. Semi-statische Archiefdiensten Ministerie van Defensie (SSA), Digital Archive SFOR, No. DC-207-010.

972 Supreme Headquarters Allied Powers Europe, *SACEUR OPPLAN 10406 'Joint Guard'*, Final, December 16, 1996, p. 7. SSA, Digital Archive SFOR, No. DC-207-010.

973 *Kamerstukken II,* 1996/97, 22 181, nr. 174, pp. 4-5.

974 Supreme Headquarters Allied Powers Europe, *SACEUR OPPLAN 10406 'Joint Guard'*, Final, December 16, 1996, p. 10. SSA, Digital Archive SFOR, No. DC-207-010.

975 Supreme Headquarters Allied Powers Europe, *SACEUR OPPLAN 10406 'Joint Guard'*, Final, December 16, 1996, p. 10. SSA, Digital Archive SFOR, No. DC-207-010.

976 Supreme Headquarters Allied Powers Europe, *SACEUR OPPLAN 10406 'Joint Guard'*, Final, December 16, 1996, p. 10. SSA, Digital Archive SFOR, No. DC-207-010.

977 Supreme Headquarters Allied Powers Europe, *SACEUR OPPLAN 10406 'Joint Guard'*, Final, December 16, 1996, p. 10. SSA, Digital Archive SFOR, No. DC-207-010.

SACEUR noted that SFOR had clearly had a responsibility to detain indictees if troops ran into them, although it had no formal mandate to hunt down and arrest them.[978] Also regarding public security, SACEUR changed his tone, noting that there was 'an urgent need for renewed emphasis on law and order by the international community,' although '[d]irect police action is not and will not be an SFOR task.'[979] As such, SFOR gradually assumed a greater role in public security issues in supporting international organisations, not only in fighting serious (war) crimes, but also to enable safe returns of refugees and displaced persons, in assisting IPTF in dismantling illegal police checkpoints and in confiscating illegal arms.[980]

National political planning

National political and strategic planning throughout the operation had been a responsibility of the Chief of Defence Staff, while the commander in chief of the NL Army had been responsible for the preparation, deployment and maintenance of the Dutch troops.[981] The national Contingent Commander, finally, monitored and tested in theatre whether the operations assigned to the Dutch troops by the MND (SW) matched the Dutch national caveats and interests.[982]

Throughout the mission, the provision of public security by IFOR/SFOR was not of major interest of the Dutch government. In February 1996, the government mentioned the issue for the first time when Dutch parliamentarians asked the government whether IFOR should act against forced evictions of Bosnian Serb citizens in Sarajevo. The government underlined that the Dayton Peace Agreement had not assigned any police tasks to IFOR. These tasks were considered to be a responsibility of the local police.[983] The government mentioned the issue of interim policing a second time in March 1998, when the government informed the Parliament about the preparations of the extension of the SFOR mission, underlining that SFOR troops were not supposed to perform any police tasks. Again, the government considered these tasks to be a responsibility of the local authorities.[984]

The point of view of the Dutch government regarding policing did not change when on May 27, 2002 Paddy Ashdown declared the rule of law his top-priority during his inaugural speech as High Representative.[985] He received support from NATO and SFOR, which also wanted to invest in fighting corruption and

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978 Supreme Headquarters Allied Powers Europe, *SFOR Strategic Guidance D+180*, June 28, 1997, p. 7. SSA, Digital Archive SFOR, No. DC-207-062.

979 Supreme Headquarters Allied Powers Europe, *SFOR Strategic Guidance D+180*, June 28, 1997, p. 6. SSA, Digital Archive SFOR, No. DC-207-062.

980 *Kamerstukken II,* 1996/97, 22 181, nr. 184, p. 9.

981 See for example: Koninklijke Landmacht (1999), p. 150; Ministerie van Defensie – Defensiestaf (2003), p. 13, Ministerie van Defensie – Defensiestaf (2004a), p. 14.

982 Ministerie van Defensie – Defensiestaf (1997), p. 47.

983 *Kamerstukken II,* 1995/96, Aanhangsel, nr. 536, p. 1087.

984 *Kamerstukken II,* 1997/98, 22 181, nr. 201, p. 10.

985 http://www.ohr.int/ohr-dept/presso/presssp/default.asp?content_id=8417, accessed June 5, 2012.

organised crime. For that purpose, NATO and SFOR intended to challenge the boundaries of their mandate. The Dutch government disagreed with this change of policy and reinterpretation of the mandate. It still considered law enforcement a responsibility of the local authorities and not one of SFOR or the international community. The government therefore ordered the Dutch troops to stay within the framework of the mandate and not to engage in SFOR efforts to improve the rule of law.[986]

Following their formal international assignments, Dutch commanders focused their efforts on the implementation of the military aspects of the Peace Agreement, such as the supervision of the former warring parties, monitoring weapons storage sites and promoting confidence-building measures. There were some commanders, however, who challenged the boundaries of their mandate. These commanders wanted to improve public security and tried to disrupt criminality when appropriate.[987] One of them recalled:

> I deliberately explored the limits of my mandate because I wanted to contribute to the reduction of crime. That was also what people expected of me for I was the big sheriff in town.[988]

Nevertheless, a wider interpretation of the mandate was not appreciated. The Commander of the NL Army, for example, warned that since the SFOR peace operation had evolved to nation-building, a conflict of interest between the military activities as assigned by the Peace Agreement and additional tasks related to law enforcement had to be seen as realistic. He therefore called for caution regarding a wider interpretation of the mandate.[989] Most commanders complied with the formal and strict interpretation of the mandate. To some, the risk of mission creep had been an additional reason to refrain from an intensified role in public security. One commander, for example, reported in this perspective:

> You must always keep men from activities they are not trained for. There is always the risk of mission creep. We are no public prosecutors; we are no police; and we are not supposed to arrest people. We had to deal with serious criminals who just had been involved in a war, which in fact had been the most severe kind of war. Are we then supposed to thwart them? I drove around there on my own. I often said: "you have to be aware that while you are waiting for a traffic light a car stops next to you and telling to mind your

986 Ministerie van Defensie – Defensiestaf (2003), p. 7-8; Ministerie van Defensie – Defensiestaf (2004a), pp. 6-7. Earlier in 2002, on March 14, the Ministry of Defence advised the Minister on the future of the Dutch involvement in peace operations in the Balkans. In this memorandum the Ministry again emphasised that maintaining public order and security was the responsibility of the local authorities (Ministerie van Defensie – Directie Algemene Beleidszaken (March 14, 2002). Nota Herstructurering Balkanmissies, D02/125, p. 6).

987 Interview June 10, 2011; Interview August 19, 2011.

988 Interview June 10, 2011.

989 Bevelhebber der Landstrijdkrachten, *Operatiebevel nummer 10030 (INZET KL-BIJDAGE SFOR)*, April 20, 2001, pp. 3-4. SSA, 1 (NL) Contco SFOR, October 11, 2000 – March 8, 2001, Box 1023, Orders, bevelen, plannen.

own business while shooting at your driver's knees." That was not unthinkable in an environment where people just ended a war. You had therefore to be cautious on how far you would go.[990]

Operational planning and preparation

Throughout the IFOR/SFOR mission, the NL Army battalions operated within the framework of the Dayton Peace Agreement and the operational planning of NATO and under the operational control of the commander of the MND (SW).[991] Generally, the mission of the battalion commanders was to 'ensure a safe and secure environment' and 'to observe and prevent interference with the movement of civilian populations, refugees and displaced persons and to respond appropriately to deliberate violence to life and person.'[992]

Although this broad mission gave commanders the opportunity to provide security to the local population if needed and to assist the local police and the IPTF, most battalion commanders followed their formal assignments and did not expand their mission by formulating specific public security-related objectives.[993] Commanders concentrated on the military tasks formalised in the Peace Agreement in order to prevent hostilities between the parties and to ensure a safe and secure environment. Assistance to civilian organisations, such as support to IPTF, the Office of the High Representative (OHR) (governance), UNHCR (refugee returns) and the OSCE (elections) was generally seen as a secondary task.[994] Commanders focused on providing and ensuring security at a general level rather than a community level, as one commander explained:

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990 Interview July 7, 2011(b).

991 *Kamerstukken II,* 1995/96, 22 181, nr. 137, p. 8. See also: Ministerie van Defensie – Defensiestaf (1997), p. 47.

992 GFAP, Annex 1-A, Article VI, §3d.

993 Interview June 10, 2011; Interview June 14, 2011; Interview July 1, 2011; Interview July 6, 2011(a); Interview August 19, 2011; Interview August 24, 2011; Interview September 15, 2011; Interview September 20, 2011(a); Interview September 30, 2011(b); Interview October 5, 2011(a).

994 See for example: Commandant 42(NL) Mechbat, *Operatiebevel No. 05/96*, April 4, 1996. SSA, Digital Archive SFOR, No. DC-79-017; Commandant 42(NL) Mechbat, *Operatiebevel 09/96*, May 19, 1996. SSA, Digital Archive SFOR, No. DC-79-011; Commandant 101 (NL) Mechbat RHPA, *Operatiebevel No. 05/96*, January 20, 1997. SSA, Hard Disk No. 66/SFOR/1(NL) Mechbat IFOR 2 juni – december 1996/opplan 05-96/BEVEL05.96; Commandant 11 (NL) Mechbat RHvS, *Operatiebevel No. 01/98*, January 14, 1997. SSA, Hard Disk No. 66/SFOR/1(NL) Mechbat SFOR 3 december 1997 – mei 1998/BC-PBC/bevelen/OPBEVEL 01-98/ROMBEVEL; Commandant 13 (NL) Mechbat Regiment Stoottroepen SFOR 7; *Operatiebevel No. 01 (UITVOERING SFOR 7)*. Hard Disk No. 66/SFOR/1(NL)Mechbat SFOR 7 november 1999–mei 2000/S3/OPPLAN 01 13 Mechbat/SFOR rompbevel 01; Commandant 1 (NL) Mechbat SFOR 9, *Operatiebevel No. 01 (UITVOERING SFOR)*, August 21, 2000. SSA, 1(NL) Contco SFOR, October 11, 2000 – March 8, 2001, Box 1023, Orders, bevelen, plannen; Commandant 42 (NL) Mechbat SFOR12, Operatiebevel Nr. 01C (UITVOERING SFOR 12). Hard Disk No. 66/SFOR/1(NL)Mechbat SFOR 12 mei – november 2002/OPPLAN1C/OPLAN 01C van SFOR12 versie 1.

> By promoting a safe and secure environment we ensured everybody could move safely and do the things he wanted. It included that everybody should accept each other again since that basically defines the condition for security. We were there to ensure that people could feel safe and secure. For the population we were the insurance that the conflict would not start again.[995]

In fact, public security had been a blind spot for most commanders in advance of their deployment. Although every battalion commander visited the area prior to their deployment to acquire some situational awareness, they established a more complete picture during their deployment.[996] Some commanders responded to public security problems as they occurred, for example regarding the return of refugees and displaced persons, support to the IPTF or illegal logging. To other commanders, public security was not a priority.

As a result, most commanders did not include additional objectives or tasks regarding public security in their operational plans. This did not mean that public security remained totally unmentioned. One commander mentioned that he had made an effort to acquire additional intelligence to get a better picture of the local security situation. Based upon this intelligence, he decided to focus on the prevention or suppression of public disorder and crowd and riot control.[997] Two other commanders mentioned the assistance to the MSU, the OSCE (for the safe return of refugees and displaced persons) and the International Criminal Tribunal for the former Yugoslavia (ICTY) (for the arrest of war crimes indictees) as possible public security related tasks.[998] Another two mentioned the issue of public security in their Commander's Intent. Although they considered public security to be a responsibility of the local police and IPTF, they for example emphasised that they were willing to use military force to protect the population in case of escalation.[999] One of them was very explicit in this perspective by noting that his battalion would 'act against every breach of security of the local population and deploy [his] resources to achieve a peaceful proceeding of the visits and returns of the DPREs and if required with the use of limited force.'[1000]

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995 Interview June 17, 2011.

996 Interview July 1, 2011; Interview July 7, 2011(b); Interview August 19, 2011; Interview August 24, 2011; Interview September 20, 2011(a); Interview September 30, 2011(b).

997 Interview October 10, 2011.

998 Interview October 4, 2011(b); Commandant 1 (NL) Mechbat SFOR 9, *Operatiebevel No. 01 (UITVOERING SFOR)*, August 21, 2000. SSA, 1(NL) Contco SFOR, October 11, 2000 – March 8, 2001, Box 1023, Orders, bevelen, plannen.

999 Commandant 11 (NL) Mechbat RHvS, *Operatiebevel No. 01/98, Bijlage D (INTENTIES VAN DE COMMANDANT)*, January 14, 1997. SSA, Hard Disk No. 66/SFOR/1(NL) Mechbat SFOR 3 december 1997 – mei 1998/BC-PBC/bevelen/OPBEVEL 01-98/BIJLAGE D; Commandant 13(NL) Mechbat Regiment Stoottroepen SFOR 7; *Operatiebevel No. 01 (UITVOERING SFOR 7), Bijlage D (INTENTIES COMMANDANT)*, Hard Disk No. 66/SFOR/1(NL)Mechbat SFOR 7 november 1999–mei 2000/S3/OPPLAN 01 13 Mechbat/Bijl D (INTENTIES COMMANDANT).

1000 Commandant 11 (NL) Mechbat RHvS, *Operatiebevel No. 01/98, Bijlage D (INTENTIES VAN DE COMMANDANT)*, January 14, 1997. SSA, Hard Disk No. 66/SFOR/1(NL) Mechbat SFOR 3 december 1997 – mei 1998/BC-PBC/bevelen/Bijlage D.

Initially, public security had not been a focal point in the operational preparation of most battalions. The two Dutch IFOR battalions trained for the execution of a peace-enforcement operation as described in Chapter VII of the UN Charter. Initially, IFOR 1 had been trained to participate in UNPROFOR as Dutchbat 4. After the international community had taken steps towards the establishment of IFOR, the battalion had to adapt to a more robust mind-set and posture.[1001] IFOR 2 trained and prepared for the execution of a robust operation. In line with its formal assignment, the battalion primarily focused on achieving the objectives of the Dayton Peace Agreement. Dealing with public security problems was therefore not a priority, unless those problems would affect or jeopardise the battalion's overall mission.[1002]

SFOR 1 initially concentrated on peace-enforcement, but during the training, the battalion refocused and put more emphasis on police-like activities such as social patrolling and intelligence gathering. It also paid attention to some public order issues that could occur in Bosnia and Herzegovina. The battalion commander recalled:

> We expected incidents varying from disturbances at the gate of our base to clashes of opposing groups. Our focus has always been to solve these problems to separate groups through interposition in order to avoid further escalation.[1003]

Dealing with public order and disturbances had thus been a point of attention of the earlier deployments, but was not embedded in the training in a professional or structural way. This situation changed when, in 1997, crowd and riot control became a focal point in the preparation and operational concept of the SFOR battalions. On August 31, a company of Dutch Marines was deployed to assist SFOR 2 in maintaining public order during the municipal elections of September 13-14, 1997. Thereafter, the Ministry of Defence decided to continue the augmentation of SFOR 2 with CRC capabilities.[1004] During SFOR 2 and 3, it had been the Marines that provided the additional CRC platoons, but from SFOR 4, the NL Army took on responsibility for providing a CRC platoon.[1005]

1001 See for example: Handelingen Tweede Kamer, 1995-1996, nr. 37, p. 2966; Ministerie van Defensie – Defensiestaf (1997), p. 22; Interview July 6, 2011(a).

1002 Interview June 10, 2011. After June 18, 1996 when IFOR had accomplished most of its military goals, IFOR 2 was able to shift some oft its attention to the civilian aspects of the Peace Agreement, and supported international organisations like IPTF, OSCE and UNHCR in the achievement of their respective missions (De Graaf (1997), p.18).

1003 Interview October 5, 2011(a).

1004 Klep & Van Gils (2005), p. 368. The Ministry of Defence defined CRC as a military activity deployed during a peace operation primarily focused on controlling a crowd or mass in order to deter (un)armed civilians or to prevent them from disturbing public order (*Kamerstukken II,* 2002/03, 28 600X, nr. 48, p. 2).

1005 Klep & Van Gils (2005), pp. 368-370.

The *Marechaussee* provided the basic training for the CRC platoons.[1006] This training focused on the CRC drills: fire fighting, arrest of individuals, application and use of CRC equipment and combined operations with other battalion units.[1007] After completion, the CRC platoons conducted a joint training with the other units of the battalion. During this joint training, the battalion trained for all possible public order scenarios they expected to encounter during their stay in Bosnia and Herzegovina.[1008] The training of the CRC platoon was not always synchronised with that of the battalion, however. As a result, the CRC platoons were not fully trained at the time of the final integration exercise prior to deployment of the battalion. In one case, the battalion commander decided to run his integration programme although his CRC platoon was not formally certified. In another case, the integration training took place in theatre on Camp Butmir in Sarajevo.[1009]

At the end of 1999, the Ministry of Defence changed its policy regarding the deployment of CRC platoons. The Ministry of Defence considered the assignment of CRC capacity to SFOR battalions no longer to be an automatism. Deployment had to be based upon an operational necessity in theatre, it noted in its policy document *Crowd and Riot Control* of September 2000. In addition, a routine assignment of unrequited CRC capacity was considered to burden the limited training capacity of the *Marechaussee*.[1010] From 2000, the Ministry kept a trained CRC platoon in reserve in the Netherlands at a notice-to-move of twenty days. For immediate CRC support, the battalion now had to rely on support from the MSU capacity of COMSFOR. In case of foreseen augmentation, the battalion commander could request the Chief of the Defence Staff to deploy the CRC platoon.[1011] In case a deployment lasted less than six weeks, the *Marechaussee* provided the required personnel; if the deployment would involve a longer period, the NL Army had to take responsibility for deploying a trained platoon.[1012]

1006 *Kamerstukken II,* 2002/03, 28 600X, nr. 48, pp. 1-2; Koninklijke Landmacht – Operationele Staf BLS (1999b), p. 7.

1007 Koninklijke Landmacht – Operationele Staf BLS (1999b), p. 9.

1008 Interview, June 17, 2011; Interview July 1, 2011; Interview August 24, 2011.

1009 Interview September 30, 2011(b); Interview October 10, 2011. See also: Planting (2001), pp. 23-24 & p. 49.

1010 Ministerie van Defensie, Defensiestaf, DCBC, Sectie Plannen (September, 2000). *Crowd and Riot Control* (draft, version 4).

1011 Interview September 30, 2011(b); *Kamerstukken II*, 2000/01, 22 181, nr. 330, p. 2 & pp. 3-4). During the increased tensions related to the Bosnian-Croat attempts to establish a third entity, the battalion commander of SFIR 9 requested the deployment of a Dutch Crowd and Riot Control (CRC) platoon to Bosnia and Herzegovina. The government decided to deploy a CRC platoon as of April 23, 2001 in order to reinforce the battalion and to increase the commander's operational flexibility in case of disturbances and if the local police were be unable or unwilling to maintain public order (*Kamerstukken II*, 2000/01, 22 181, nr. 330, p. 2 & pp. 3-4).

1012 Bevelhebber der Landstrijdkrachten, *Operatiebevel nummer 10030 (INZET KL-BIJDAGE SFOR)*, April 20, 2001, pp. 3-4. SSA, 1(NL) Contco SFOR, October 11, 2000 – March 8, 2001, Box 1023, Orders, bevelen, plannen.

After a fatal incident during a training of the CRC platoons of SFOR 9 and 10, in which one soldier died and three were injured after being hit by a combat engineering tank in its forward passage of a CRC line, the government finally decided to withdraw the Army-based CRC platoons from Bosnia. It now assigned the *Marechaussee* to provide a CRC platoon on a standby basis.[1013] As a result, the CRC concept became of secondary order and in essence commanders were deprived of an instrument to deal with public order issues immediately and effectively.

Apart from training CRC scenarios, the SFOR battalions did not have a separate and formal training in providing public security. Several public security aspects had been integrated in the training programme but they had not been labelled as such. Training for public security basically involved how to deploy social patrols, gather information, make arrests, organise a checkpoint and to search persons, vehicles and objects. The battalions trained for these activities according the standard military curriculum,[1014] although in a very basic way, as the battalion commander recalled.[1015]

6.3.2 Managing the security gap

6.3.2.1 Public order management

Social patrolling

The purpose of social patrolling is that soldiers 'foster an ambiance of normalcy as much as possible' and 'become more approachable and therefore better able to gather information from locals.'[1016] The NL Army started with social patrolling when IFOR 1 was halfway into their operation. By deploying social patrols, the battalion intended to enhance its communication and interaction with the local population and to contribute to improve local security.[1017] To increase their approachability during social patrolling, Dutch soldiers wore berets, had no flak jackets and had their weapons slung over their shoulders. By reducing the level of force protection, IFOR also showed the population that it was confident about normalisation in Bosnia and Herzegovina.[1018] A commander reported:

> Gradually we intensified our social patrolling. As such we increased the feeling of security of the local population and contributed to the reestablishment of social and economical processes.[1019]

1013 See for example: Klep & Van Gils (2005), p. 373; De Weger, Grashof & Douma (2007), pp. 15-16.

1014 Interview June 17, 2011; Interview August 19, 2011; Interview October 4, 2011(b); Interview October 5, 2011(a); Interview October 10, 2011.

1015 Interview October 5, 2011(a).

1016 Gawrych (2004), p. 140.

1017 Interview June 14, 2011; Interview July 6, 2011(a); Kolken, Van Houten, Feijt & Cappenberg (s.a), p. 67. See also: *Kamerstukken II,* 1995/96, 22 181, nr. 148, p. 7.

1018 Van Houten, Feijt & Cappenberg (s.a), p. 67.

1019 Interview June 10, 2011.

After its introduction by IFOR 1, social patrolling became one of the core activities of the NL Army battalions within their Normal Framework Operations. The NL Army deployed social patrolling in order to contribute to a safe and secure environment. By a 24/7 presence in the villages and towns, the battalions offered citizens security and a point of contact to address local security problems.[1020] Social patrolling also served to gather (targeted) information on, for example, political, social, economical and (public) security matters.[1021] With this information, IFOR/SFOR was able to plan further action, for example to provide security in sensitive areas, or to inform other international organisations, such as to the IPTF on matters concerning the local police or criminality or UNHCR on the social circumstances of returnees.[1022] Social patrolling also focused on establishing local networks and good relationships with the local population and key-players.[1023] It therefore was often executed in a deconcentrated fashion in which patrols were assigned to fixed geographical areas.[1024] As such, social patrolling shared some sort of the characteristics of community policing as explained in Chapter 4.

Freedom of movement

The Dutch IFOR/SFOR battalions also focused on ensuring the freedom of movement of citizens. The freedom of movement of citizens had been a major problem in the early years of the mission. To ensure freedom of movement patrols focused on illegal police checkpoints.[1025] Especially along the IEBL but also in other areas in the Federation, the police obstructed the freedom of movement of minority groups, notably that of displaced persons and refugees

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1020 Interview June 10, 2011; Interview July 6, 2011(a); Interview June 14, 2011; Interview August 19, 2011; Interview August 24, 2011; Interview September 20, 2011(a); Interview October 4, 2011(b); Interview October 5, 2011(a); Interview October 10, 2011.

1021 Interview June 14, 2011; Interview July 6, 2011(a); Interview October 5, 2011(a); Interview June 17, 2011; Interview August 24, 2011; Interview July 1, 2011; Interview October 4, 2011(b); Interview October 10, 2011; Interview July 7, 2011(b); Interview September 30, 2011(b); Interview September 20, 2011(a); Interview September 15, 2011; Interview August 19, 2011. See also: Commandant 42(NL) Mechbat, Operatiebevel 09/96, Bijvoegsel 6 bij Bijlage B. May 19, 1996. SSA, Digital Archive SFOR, No. DC-79-011; Commandant 101 (NL) Mechbat RHPA; Operatiebevel nr. 05/96, Bijvoegsel 1 (Inlichtingenbehoefte bij Bijlage B (INLICHTINGEN), Januari 20, 1997. SSA, Hard Disk No. 66/SFOR/1(NL) Mechbat IFOR 2 juni – december 1996/opplan 05-96/BIJV_B1; Commandant 13(NL) Mechbat Regiment Stoottroepen SFOR 7; Operatiebevel No. 01 (UITVOERING SFOR 7), Bijlage D (Intenties Commandant). Hard Disk No. 66/SFOR/1(NL)Mechbat SFOR 7 november 1999–mei 2000/S3/OPPLAN 01 13 Mechbat/Bijlage D (Intenties Commandant).

1022 Interview June 10, 2011; Interview June 14, 2011; Interview October 5, 2011(a); Interview June 17, 2011; Interview July 1, 2011; Interview October 10, 2011; Interview September 20, 2011(a).

1023 Interview June 14, 2011; Interview July 6, 2011(a). See also: *Kamerstukken II,* 1995/96, 22 181, nr. 148, p. 7.

1024 Interview July 1, 2011; Interview August 19, 2011; Interview September 20, 2011(a); Interview September 30, 2011(b); Interview October 4, 2011(b).

1025 *Kamerstukken II,* 1996/97, 22 181, nr. 184, pp. 8-9; Interview October 5, 2011(a); Interview July 7, 2011(b).

who wanted to visits their homes of origin.[1026] To increase freedom of movement of all citizens, in early 1996 the Commander of IFOR (COMIFOR) introduced the so-called 30-minutes policy. This policy entailed that police checkpoints were only allowed for thirty minutes and not without prior permission.[1027] When IFOR ran into a police checkpoint that did not comply with the policy, it was allowed to take physical action.[1028] One officer noted:

> All entities frustrated the freedom of movement of other entities. To change this we first got hold of the static checkpoints followed by the mobile checkpoints. When we ran into a checkpoint, we gave them a notice to comply. If they did not comply with our instruction we sent a negotiator to the checkpoint to make clear that if they failed to comply, a tank would clear the checkpoint.[1029]

According to another officer, this approach worked out effectively. It had not been necessary to use force. Just 'showing the force' had been enough, he said.[1030] Nevertheless, it did not solve the problem of the checkpoints entirely. In 1997, the UN, SFOR and UNHCR reaffirmed the 30-minutes policy. The policy prohibited the local police 'to hold static checkpoints for longer than 30 minutes, unless prior approval had been obtained from IPTF.' The policy allowed only checkpoints 'required for the prevention and reduction of crime and (…) 'for emergency purposes, provided that IPTF [was] notified'. The policy relied on the cooperation of SFOR, which had agreed to assist IPTF in the removal of illegal checkpoints.[1031] From September 1997, the IPTF only gave permission for fifteen police checkpoints a day, which resulted in a significant improvement of the freedom of movement, as the UN Secretary General reported.[1032] After 1998, commanders did not report any serious obstructions of the freedom of movement. One of the reasons for the improvement was the introduction by the OHR and the UN Mission in Bosnia and Herzegovina (UNMIBH) of common and ethnically neutral licence plates in 1998.[1033]

Support for the return of refugees and displaced persons

At the end of the war, 1.2 million persons were internally displaced and 900,000 had fled the country.[1034] The Dayton Peace Agreement had assigned UNHCR to develop a repatriation plan for 'an early, peaceful, orderly and phased return of refugees and displaced persons.'[1035] It also tasked IFOR – and later SFOR – to assist the UNHCR to accomplish its humanitarian mission and 'to prevent

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1026 UN Security Council, Report of the Secretary General Pursuant to the Security Council Resolution 1035 (1995), *UN Doc* S/1996/460 (1996), p. 2.

1027 Interview June 14, 2011; Interview July 6, 2011(a); Kolken *et al* (s.a.), p. 67.

1028 Interview June 14, 2011; Interview July 6, 2011(a); Kolken *et al.* (s.a.), p. 58, p. 62 & p. 64.

1029 Interview July 6, 2011(a).

1030 Interview June 14, 2011.

1031 *UN Doc* S/1997/468 (1997), p. 2.

1032 *UN Doc* S/1997/694 (1997), p. 4.

1033 Interview June 17, 2011. See also: Cousens & Harland (2006), p. 108; *UN Doc* S/1997/966 (1997), p. 3; *UN Doc* S/1998/491 (1998), p. 4.

1034 *UN Doc* S/1995/1031 (1995), p. 4.

1035 GFAP, Annex VII, Article I, §5.

interference with the movement of (…) refugees and displaced persons.[1036] In line with the mandate, the Dutch IFOR/SFOR battalions provided support to the visits and returns of displaced persons and refugees.

In the first two years of the mission, these visits and returns occurred not on a large scale and rather ad hoc. During 1996, those visits and returns that took place did not result in significant demonstrations or public order disturbances.[1037] A visit of Bosniaks to their homes of origin in Knezevo in May 1996, for example, even resulted in emotional salutations between the returnees and the Bosniaks and Bosnian Serbs who had stayed during the war.[1038] During 1998, the visits and returns gradually became more structured and frequent character.[1039] Until early January 1998, the visits and returns still proceeded without major problems. A visit of Bosniak returnees to Siprage, for example, received full cooperation of the local authorities.[1040]

However, from mid-January, the visits gradually got more problematic. The battalion had received information that a visit in Kotor Varos could face resistance from the local population. In response, the battalion planned for a worst-case scenario. Prior to the visit, the battalion commander of SFOR 3 and the commander of MND (SW) met with the mayor of Kotor Varos in order to remind him of his responsibilities regarding the safe return of refugees and displaced persons. The visit passed off peacefully although shots were fired in the vicinity as an expression of discontent. A visit in Kotor Varos in February required an intervention by the local police and the IPTF to prevent a crowd from assembling in Vrbanjci and moving to Kotor Varos.[1041] A visit to Bukavica in March resulted in a clash between the returnees and opponents. The local police intervened and separated the two groups. During the following days, tensions increased and escalated into an attempted arson.[1042] In response, the battalion deployed a platoon post in the neighbourhood to observe the situation more closely. A next visit in May, however, passed off quietly.[1043]

Although the visits and returns gradually absorbed a lot of its attention, SFOR 3 initially did not have a fixed strategy to deal with such visits and returns. The battalion commander recalled:

> We tried different modes of operation to find the best way to protect the DPREs. We had to adapt all the time. In the beginning, we operated in close proximity of the returnees. Later we provided some sort of area security. Shortly before the actual visit, we established a temporary camp nearby from where we

1036 GFAP, Annex I-A, Article VI, §3d.
1037 Kolken *et al.* (s.a.), p. 78; Interview June 10, 2011.
1038 Kolken *et al.* (s.a.), p. 78.
1039 Interview June 17, 2011.
1040 Brouwer *et al.* (s.a.), pp. 41–42.
1041 Brouwer *et al.* (s.a.), p. 54.
1042 Brouwer *et al.* (s.a.), pp. 76–77.
1043 Brouwer *et al.* (s.a.), pp, 83–84.

> organised intensive patrolling. From a distance, we observed the situation with the video equipment of a Leopard tank. I always made sure that the police took responsibility for a safe and secure visits and returns. Actually, it never escalated.[1044]

From June 1998, these visits and returns demanded the full attention of SFOR. Visits to Gacice and to some extent in Ahmici, Siprage, and Donji Veceriska increasingly resulted in demonstrations and organised resistance.[1045] A complicating factor was that the visits sometimes occurred unannounced, which made it difficult to assess the security risks in advance, as the battalion commander of SFOR 4 reported:

> Sometimes we did not know that there was a return visit and occasions we assessed as risky occurred organised and peacefully. On the other hand, returns with a low risk profile fully escalated. Afterwards, I think that these escalations had been orchestrated, although I cannot prove such.[1046]

Gacice became the focal point of SFOR 4. In June 1998, several Bosniak families announced their plan to return to their homes of origin in Gacice. Initially, the international community did not expect problems mainly because returns in Ahmici had passed off peacefully. However, after the mayor and chief of police of Vitez had received letters of complaint, the international community understood that these returns might not pass so quietly and peacefully. During a visit in early June, the Alpha Company of the Dutch SFOR battalion intervened to prevent further escalation after Bosnian Croats had created blockades to stop returnees. In following days, the situation appeared to calm down especially when on July 31, all parties agreed to the safe return of the Bosniaks. However, on August 6, after the Bosniaks started to return to their homes of origin, the situation deteriorated. An angry crowd of Bosnian Croats blocked the road to the Bosniak part of the village and issued an ultimatum to the Bosniaks, forcing them to leave within two hours. The international community decided to negotiate the situation the next morning in order to find a solution in cooperation with the local authorities. Meanwhile, SFOR, IPTF and the local police cooperated to develop a security plan and the battalion commander decided to keep his CRC platoon on standby near the village.[1047] The MND (SW) further reinforced the battalion with a combat camera team and a British police dog team.[1048] The next morning, on August 7, the situation escalated. The battalion commander recalled:

> The Croat formed a crowd of over one-hundred aggressive people. They originated from different places in the region. Their goal was to chase away the Bosniaks. Early that morning UNHCR and us were talking to the Bosniaks. We had to form a human shield to protect the Bosniaks. When the Croat

1044 Interview June 17, 2011.
1045 Interview August 24, 2011; Vonk *et al.* (1999).
1046 Interview August 24, 2011. Vonk et al. (1999), pp. 29-31.
1047 Interview August 24, 2011; Vonk *et al.* (1999), pp. 29-31.
1048 Vonk *et al.* (1999), p. 42.

> crowd stopped, they started to sing nationalistic hymns. At some point, the local police and IPTF arrived. However, the police were reluctant to intervene. We asked the Bosniaks what they wanted. They disagreed on the question whether to leave or stay. Finally, they decided to leave. The image of the Bosniaks leaving while the Croats were singing their nationalistic hymns still sticks in my memory. It was our ultimate humiliation. We had worked on a safe return for weeks. Nevertheless, after an evaluation with all parties involved we tried again.[1049]

In the end, a solution was found. On September 8, 25 Bosnian families returned; without major problems, although a group of Croat women blocked the road for a short period of time.[1050] To guarantee the security of the Bosniaks and to monitor the situation, the battalion commander stationed elements of his Alpha Company and CRC platoon near the village for a number of weeks.[1051]

In late 1998, the protests against the return of displaced persons and refugees decreased. SFOR 5 (November 1998 till May 1999) encountered a violent protest against a return of Bosniaks in Donja Veceriska. After the battalion had deployed its CRC platoon, the situation de-escalated.[1052] In the following months, the situation remained calm, also because the visits and returns more or less stopped during the winter.[1053]

From 1999, the returns increasingly proceeded without major difficulty. The role of the Dutch SFOR battalions became more low-profile. Prior to a return, commanders proactively coordinated with the local authorities to ensure a safe and peaceful process. At all times, commanders were ready to support or to remind the local police of their responsibilities.[1054] Occasionally the Dutch military provided protection for returnees in troubled areas through intensive patrolling,[1055] although the Minister of Defence had indicated earlier that it was not SFOR's responsibility to protect individual returnees, but that of the local police.[1056]

Crowd and Riot Control

CRC was supposed to help a battalion commander to prevent or end a conflict situation by 'controlled application of limited force.'[1057] The CRC concept was

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1049 Interview August 24, 2011.
1050 Vonk *et al.* (1999), p. 31 & p. 43.
1051 Interview August 24, 2011.
1052 Van der Wal (s.a.), p. 22.
1053 Interview July 1, 2011; Interview October 4, 2011(b).
1054 Interview July 7, 2011(b); Interview September 15, 2011; Interview September 20, 2011(a); Interview October 10, 2011.
1055 Interview July 1, 2011; Interview September 20, 2011(a).
1056 *Kamerstukken II,* 1996/97, 22 181, nr. 188, p. 7.
1057 Koninklijke Landmacht – Operationele Staf BLS (1999b), p. 3. In Bosnia and Herzegovina, the CRC unit was tasked to (1) provide force protection in case of public disorder; (2) to protect personnel or international organisations, the so-called Persons of Designated Special

based upon the riot squads of the police. As mentioned earlier, the first CRC platoon was deployed during SFOR 2 to assist the battalion in providing public security during the municipal elections of 1997.[1058] As of SFOR 3, CRC became a common feature of the Dutch operational concept, first as a standard reinforcement of SFOR battalions in theatre and later, from 2000 onwards, as a reserve on a notice to move of twenty days in the Netherlands.

Throughout the mission, battalion commanders did not deploy the platoon in its original role. They rather kept the platoon on standby in case tension would increase or to use it for regular patrolling purposes, for two main reasons.
First, they did not perceive it an operational necessity to deploy their CRC platoons in a "full fledged" manner. They considered the character of a demonstration to be too dynamic and unpredictable to decide when to deploy the platoon effectively.[1059] One commander remarked:

> Whether to deploy the CRC platoon depended on the lead-time in the decision-making and authorisation processes. As a result, the CRC platoon often did not arrive in time and the situation escalated. On the other hand, when we had the platoon on the spot, the situation did not escalate.[1060]

Second, commanders feared a confrontation with an armed crowd. Firearms were widely available among the population. The risk that a platoon only equipped with shields and batons would get involved in a shoot-out made commanders cautious regarding potential deployments.[1061] One commander reported:

> The CRC platoon was an anomaly in our battalion. This influenced the decision whether to deploy the platoon or not. In addition, in environments like Bosnia and Herzegovina, every man owns a gun. If a CRC platoon opposes that kind of people, you cannot do much with only a shield and truncheon. As soon as one shot has been fired, in no time you have to deploy an infantry unit to replace the CRC platoon. That instantly decreases the value of the CRC instrument.[1062]

A commander who did not have a CRC platoon at his disposal had a different opinion and perceived the operational options of CRC deployment more positively. He assumed that CRC could fill a gap in the spectrum of military force:

> With the knowledge of hindsight it would have been convenient if we would have had a CRC platoon at our disposal. We would have had some alternatives

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Status (PDSS); (3) deploy a corridor or blocking position; and (4) to restore public order (Koninklijke Landmacht – Operationele Staf BLS (1999a), p. 4).

1058 Klep & Van Gils (2005), p. 368.

1059 Interview August 24, 2011; Interview September 30, 2011(b); Interview October 4, 2011(b).

1060 Interview August 24, 2011.

1061 Interview July 1, 2011; Interview August 24, 2011; Interview September 30, 2011(b).

1062 Interview July 1, 2011.

> to vary in our mode of operations. Now we only had a rifle end. But you cannot replace a truncheon by a riffle end. We seriously would have had a problem if we had to operate in a CRC like fashion without appropriate equipment.[1063]

Support for elections

In line with the Dayton Peace Agreement,[1064] Dutch battalions supported the OSCE to organise "free and fair elections." In 1996, IFOR 2 supported the OSCE organising the first national elections after the war. In the preparatory phase (August and early September 1996) the battalion was engaged in improving the freedom of movement of voters, for example by clearing illegal police checkpoints, inspecting polling stations, and coordinating with the IPTF to assist the local police in their efforts to provide public security. On September 14, 1996, the day of the national elections, the battalion deployed all its units and provided intensive patrolling in the area of operations and had stationary posts at sensitive spots. All efforts were focused at creating as safe and secure environment and to guarantee freedom of movement of all voters. The elections proceeded orderly and peacefully.[1065]

The next year, on September 13 and 14, 1997 there were municipal elections. Like the year before, SFOR 2 assisted the international organisations and local authorities to ensure a safe and secure environment. For that purpose, the battalion was temporarily augmented with a Marines company, two sections of the Special Forces, and a team of the Explosive Clearance Service.[1066] If required, the Marines could also be used for public order purposes.[1067] This had not been necessary for the elections proceeded without major problems.[1068]

The next elections took place on September 12-13, 1998, for various representative and legislative bodies.[1069] In advance of the elections, SFOR 4 supported the OSCE, for example by providing additional training for their personnel and supplying information bulletins to the local population. During the elections, the battalion was tasked to ensure overall security and to guarantee freedom of movement of the voters. In case of public disturbances, the battalion was supposed to support the international and local authorities. While the local authorities were responsible for safe and secure elections and maintaining public

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1063 Interview June 10, 2011.

1064 GFAP, Annex 1-A, Article VI, §3d.

1065 Interview June 10, 2011; De Graaf (s.a.), p. 18, p. 39 & p. 90; Klep & Van Gils (2005), p. 367; *Kamerstukken II,* 1996/97, 22 181, nr. 166, p. 27; *Kamerstukken II,* 1996/97, 22 181, nr. 172, p. 2.

1066 Klep & Van Gils (2005), p. 368; *Kamerstukken II,* 1996/97, 22 181, nr. 184, p. 8; *Kamerstukken II,* 1996/97, 22 181, nr. 186, p. 1.

1067 Klep & Van Gils (2005), p. 368.

1068 *UN Doc* S/1997/966 (1997), p. 3; *Kamerstukken II,* 1997/98, 22 181, nr. 190, p. 2.

1069 The elections of September 12 and 13, 1998 were to elect the National Presidium and the House of Representatives of Bosnia and Herzegovina; the vice-president and the National Assemble of the Republika Srpska; and the House of Representatives and the Municipal Councils of the Bosniak-Croat Federation (Vonk *et al.* (1999), p. 49).

order, the battalion operated in the background and deployed patrols on a regular basis near the polling stations. The elections proceeded peacefully and without major incidents.[1070]

Finally, SFOR 7 supported the municipal elections of April 8, 2000. Again, SFOR supported the local and international authorities by providing an overall safe and secure environment. The focus of the battalion was to remind local authorities of their responsibilities for keeping the peace and order during the elections. Again, these elections passed without major problems or interventions of the battalion.[1071]

6.3.2.2 Law enforcement

Law enforcement had not been part of the mandate of IFOR/SFOR. The Dayton Peace Agreement held the local authorities responsible for providing 'a safe and secure environment for all persons in their respective jurisdictions, by maintaining civilian law enforcement agencies operating in accordance with internationally recognized standards and with respect for internationally recognized human rights and fundamental freedoms, and by taking such other measures as appropriate.'[1072] The Dutch government considered crime fighting a responsibility of the local authorities too.[1073] Even after the High Representative and COMSFOR in 2002 prioritised fighting crime and corruption, the Dutch government disagreed with a larger SFOR involvement. It did not want to stretch the SFOR mandate and prohibited SFOR battalions from engaging in missions that would go beyond it.[1074]

Nevertheless, Dutch battalions contributed to law enforcement throughout the IFOR/SFOR operation, both through independent operations and by supporting local and international organisations. The Dutch involvement in law enforcement varied from battalion to battalion and had therefore a differentiated character. As a result, the Dutch approach towards law enforcement appeared fragmented and discontinuous, with incidental choices based on personal preferences and priorities, interpretations of the mandate[1075] and situational circumstances. The reason for this fragmentation and differentiation could be twofold. First, the limited national guidance gave room for personal preferences and interpretations of the mandate. Some commanders refrained from any involvement in law enforcement since they considered this exceeding their mandate while others were willing to

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1070 Vonk *et al.* (1999), pp. 49-51.

1071 Interview October 10, 2011.

1072 GFAP, Annex 1-A, Article II, §3.

1073 *Kamerstukken II,* 1995/96, Aanhangsel, nr. 536, p. 1087; *Kamerstukken II,* 1997/98, 22 181, nr. 201, p. 10.

1074 See for example: Ministerie van Defensie – Defensiestaf (2003), pp. 7-8; Ministerie van Defensie – Defensiestaf (2004a), pp. 6-7.

1075 The GFAP assigned IFOR/SFOR with some independent tasks in the field of law enforcement such as combating illegal possession of firearms. IFOR/SFOR also assisted local or international police in their capacity to provide public security. Commanders were supposed to test those requests for assistance for compatibility with the mandate.

explore the boundaries of the mandate.[1076] Second, the length of the operation contributed to a differentiated approach as the security level fluctuated significantly during the mission and between rotations.

Arrest of war crimes indictees

In the early years of the IFOR/SFOR operation, the arrest of indictees had been a major international political problem. The ICTY lacked capacity to actually apprehend indicted war criminals and therefore had to rely on the Bosnian authorities and police.[1077] However, the Bosnian authorities and police were unwilling to take any action against these alleged war criminals.[1078] Also IFOR had taken a reserved position towards the arrest of PIFWCs, as Burger explains:

> War crimes [were] an issue which was originally not expected by the IFOR commanders and staff in Bosnia, but the authority to detain war criminals was provided in the IFOR rules of engagement. After some initial difficulty, an understanding was worked out as to the circumstances when the IFOR military authorities would detain persons accused of war crimes. Basically, they would detain PIFWC when they came across such persons in the course of their duties, but they would not seek PIFWC out or to carry out an arrest on behalf of ICTY.[1079]

The Dutch government endorsed IFOR's approach regarding the arrest of indictees. In its communication with the Parliament it confirmed that arresting them was a responsibility of the local police and that IFOR had no authority to arrest them unless during a direct confrontation in the line of duty.[1080] The government considered their arrest too risky and feared that it would endanger the impartiality of the IFOR troops.[1081] The reservations towards the arrest of indictees remained unchanged after IFOR had transferred its responsibility to SFOR,[1082] mainly due to the objections of the United States.[1083]

However, this policy turned out to be unsustainable. During 1997, the international community increased its pressure on NATO and SFOR to review their policy on the arrest of PIFWCs, although, at that time the United States still

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1076 Interview September 20, 2011(a); Interview August 19, 2011.

1077 Doyle (2007), p. 255.

1078 Brocades Zaalberg (2006), p. 265; Friesendorf (2009), p. 41.

1079 Burger (2002), p. 434.

1080 See for example: *Handelingen II,* 1995/96, nr. 37, pp. 2962-2964; *Kamerstukken II,* 1995/96, 22 181, nr. 148, p. 5; *Kamerstukken II,* 1995/96, 22 181, nr. 153, p. 3; *Kamerstukken II,* 1995/96, 22 181, nr. 156, p. 5; *Kamerstukken II,* 1995/96, 22 181, nr. 162, pp. 11-12. Although IFOR/SFOR initially did not actively engage in the search and arrest of PIFWCs, every SFOR soldier received a written instruction on how to deal with PIFWCs when they encountered one during the execution of their daily activities (SFOR: 'Instructies voor SFOR-militairen betreffende het omgaan met personen die zijn aangeklaagd wegens oorlogsmisdaden (Persons Indicted for War Crimes: PIFWC),' March, 1997).

1081 *Handelingen II,* 1995/96, Aanhangsel, nr. 1207, p. 2455.

1082 *Kamerstukken II,* 1995/96, 22 181, nr. 173, p. 3; *Kamerstukken II,* 1995/96, 22 181, nr. 174, p. 2.

1083 *Kamerstukken II,* 1995/96, 22 181, nr. 174, p. 2.

considered these arrests to be a police job. However, the tides turned in mid 1997 when on July 10 a team of the British Special Air Service (SAS) executed *Operation Tango* to arrest two Serbian indicted war criminals in Prijedor. This operation paved the way for other countries to launch Special Forces operations to apprehend indicted war criminals.[1084] The Netherlands would be one of those countries.

In the early morning of December 18, 1997, a Dutch Special Forces team of Marines and Commandos was flown in and arrested two war crimes indictees during *Operation Iron Glance*. One of them had allegedly been involved in war crimes committed during a Bosnian Croat operation in the Lasva Valley while the other had been the commander of a police unit allegedly involved in the war crimes in Ahmici in 1993.[1085] *Operation Iron Glance* was authorised by NATO and was finally launched after SFOR troops had confirmed the identity and whereabouts of the suspects.[1086] For reasons of security, the battalion had not been involved in the planning of the operation, although the battalion commander had been informed in advance on what was coming. Only shortly before the special operation, the battalion commander informed his company commanders and senior staff officers about the operation in order to plan the battalion's support to the operation.[1087] This support involved the provision of two security cordons. The first cordon involved the provision of a secure area around the targeted suspects, in which the Special Forces could operate safely. For this task, the battalion commander had assigned his additional platoon of Marines. The second cordon involved the provision of an outer shield of security to seal off a wider area, for example by roadblocks and security patrols by regular troops.[1088] After the arrest, the battalion had to intensify its presence in and around the village to prevent escalation after the local population started to express its anger and frustration. Liaison officers played an important role in keeping the peace, for example by informing the local population on the formal proceedings regarding the arrested indictees. The battalion also compensated for the damages that occurred during the arrest. After a while, the situation in the village returned to normal and the situation remained calm during the deployment.[1089]

In addition to this national operation, Dutch battalions were also involved in specific SFOR operations that involved the arrest of indictees. Two battalion commanders provided a cordon around the targeted object while the MSU executed the actual search. Two of the cases resulted in an actual arrest while in the two other cases the suspects were not encountered.[1090] Another battalion

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1084 Friesendorf (2009), p. 42. See also: Rijs, B. (July 11, 1997). Britten arresteren kampcommandant in Bosnië NAVO in actie tegen verdachten genocide, *de Volkskrant*. The SAS team arrested one suspect while the other got killed in a firefight.

1085 *Kamerstukken II,* 1997/98, 22 181, nr. 193, pp. 1-2.

1086 *Kamerstukken II,* 1997/98, 22 181, nr. 193, pp. 1-2.

1087 Interview June 17, 2011; Brouwer *et al.* (s.a), p. 21.

1088 Interview June 17, 2011.

1089 Interview June 17, 2011.

1090 Interview August 24, 2011; Interview August 19, 2011.

commander received a planning order to prepare a cordon in support of a MSU arrest operation. However, this operation was cancelled, to the relief of the battalion commander who feared for public security problems afterwards.[1091] The fourth battalion commander participated in a large SFOR operation to arrest indictees,[1092] although he had received national instruction to show restraint. He recalled:

> I did not want to be an outsider within the MND. Therefore, I explored for opportunities to contribute to the mission of the MND constructively. Under the guise of an action against weapon smugglers, we participated in a large MND operation. If we would encounter a PIFWC, we would consider them as by-catch. However, during the operation we did not run into any PIFWC.[1093]

During the IFOR period, Dutch troops were involved in the arrest of two "high-value targets". Two Dutch officers reported an arrest of an indictee in March/April 1996 in the eastern part of the Vitez Pocket. The second arrest involved a *Mujahidin* warrior in June 1996. He was captured in the north-eastern part of the Vitez Pocket between Zenica and the Zone of Separation. Both Dutch officers think that the arrests were an IFOR initiative authorised by NATO and COMIFOR while IFOR's Special Forces Command directed both arrests. In both operations, the Dutch involvement was limited. The battalion had not been engaged in the planning and decision-making of the arrest; the battalion commander and his head of operations and head of intelligence had been informed only at a later stage of the planning. However, one officer reported that Dutch Special Forces might have been involved in gathering information on the whereabouts of both suspects. During the operation, the battalion was tasked to provide a cordon and area security which it executed by operating checkpoints around the target area. The two Dutch officers assumed that "Anglo-Saxon" Special Forces actually seized and detained the suspects.[1094]

Illegal logging

Fighting illegal logging had not been a priority of the IFOR/SFOR battalions during the early years of the operation as they prioritised the implementation of the military aspects of the Peace Agreement and freedom of movement.[1095] From 1999, illegal logging increasingly drew the attention of SFOR although, according to one commander, the international community and the MND (SW)

1091 Interview September 30, 2011(b).

1092 SFOR 13 participated in *Operation Kerberos* during the second half of February 2002. During the operation, the Alpha team of SFOR 13 manned mobile checkpoints in the south-western part of Canton 10 in order to detect smuggle of weapons and ammunition. Dutch soldiers checked 766 vehicles and confiscated two riffles with ammunition and a pistol (Van Dijk, Hoeberichts, de Leeuw, van Berkel, Romonesco, van de Ven & Nienhuis (s.a.), p. 118.

1093 Interview September 15, 2011.

1094 Interview June 14, 2011; Interview July 6, 2011(a); e-mail July 2, 2012; e-mail July 3, 2012; e-mail July 11, 2012.

1095 Interview June 17, 2011.

still felt reserves about engaging in tackling illegal logging.[1096] In the course of 2000, however, combating illegal logging did become one of SFOR's priorities, as a battalion commander noted:

> The MND tasked us to take further action regarding illegal logging. Our contribution involved patrolling and observing, in particular those sites we were able to access with our equipment, and others could not. Our attention had a preventive effect and engaged the local authorities for targeted action.[1097]

Another commander showed more restraint and considered fighting illegal logging to be a non-military task and therefore beyond his mandate. According to him, this kind of operations would ultimately lead to mission creep.[1098] Another was also cautious on exceeding his mandate. He therefore did not want to engage in a focused operation to confiscate illegal wood. Instead, he assigned his regular patrols to collect information on illegal logging activities in order to inform the MND (SE) and EUPOL.[1099] One commander, though, made combating illegal logging one of his priorities. In line with the new policy of OHR and SFOR to fight organised crime and corruption, he considered illegal logging one of the main threats to the rule of law:

> Illegal logging involved a lot of money. It happened overtly, but nobody took any action against it. The local authorities tolerated it and even earned some money on it. The international community did not show any interest either. Therefore, I took the initiative because this was unacceptable. We had to do something about it. You could see that ordinary people were suffering. They did not have any money. We tried to rebuild the country in order to go back to normality. We therefore had to make sure that the money would go to the right people.[1100]

On October 2, 2003, in cooperation with the local police and EUPOL he started the focused *Operation Mooirivier*, which lasted for three weeks.[1101] He recalled:

> I never received any formal assignment to fight illegal logging. We received intelligence on it and I thought we should do something about it; within the framework of our mandate. In this kind of situations, we were not allowed to operate independently and needed the assistance of the local police. The police therefore had to request our assistance. We then checked these requests against our mandate. In ninety percent of the cases it matched. During an operation, our contribution was limited to assistance. We supported the local police. We set up a roadblock; the police searched the trucks and checked the paperwork.[1102]

1096 Interview September 30, 2011(b).
1097 Interview July 7, 2011(b).
1098 Interview September 20, 2011(a).
1099 Interview September 15, 2011.
1100 Interview August 19, 2011.
1101 Bokodi (s.a), p. 277.
1102 Interview August 19, 2011.

The commander had been positive about the result of the operation, although he still perceived his operation as "squeezing the balloon". It was the corruption within the public administration that blocked a structural effect:

> It was clear that people within the police force were involved in these illegal timber transports. Also mayors and administrators were involved. I remember that I spoke with the mayor of Travnik about this issue. He told me that he had never heard of these transports. I said: "Please come here and stay next to me; from here you can see them! He answered: "No, I think that is not correct." To me it proved that corruption was rooted deeply in society.[1103]

The fact that at the end of the SFOR operation the international military got involved in law enforcement indicates that almost eight years after the start of the mission an enforcement gap still existed.

Security operations

The Dayton Peace Agreement gave IFOR/SFOR the right to 'create secure conditions' in which international organisations could accomplish their missions.[1104] In line with the Peace Agreement, Dutch battalions provided security assistance to various international organisations. For example, on July 10 and 11, 1996 IFOR 2 provided security assistance to ICTY during the exhumation of a mass grave in Bikosi where 37 Bosnian Croats were buried after they had been killed during the war.[1105] SFOR 3 deployed *Operation Oxford* in which it provided security assistance to ICTY during its investigations in Ahmici in March 1998. Ahmici turned out to be a hotspot for the ICTY investigations. In 1998, both SFOR 4 and SFOR 5 deployed security operations to protect ICTY investigators during their work in Ahmici when their safety was challenged during their investigations.[1106] SFOR 4 also provided security assistance to ICTY in Vitez on September 23, 1998 in order to support an investigation in the city hall of Vitez and around the building of the Bosnian Croat veteran association HVIDRA. For that purpose, it deployed a cordon to create a secure area around these buildings in which the investigators could work safely.[1107]

Another example of a security operation was the support by a Dutch battalion to an MND (SW) operation in Vitez. This operation was based on SFOR intelligence that indicated that the office of the mayor in the city hall of Vitez was being eavesdropped upon from the post office in Vitez. The MND decided to intervene and tasked the Dutch battalion to cordon off the area around the post office to enable the Italian MSU Company to deploy a search operation inside

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1103 Interview August 19, 2011.

1104 GFAP, Annex 1-A, Article VI, §3. See also: *Kamerstukken II,* 2000/01, 22 181, nr. 323, p. 1.

1105 De Graaf (1997), pp. 84-85.

1106 Interview July 1, 2011; Interview October 4, 2011(b); Van der Wal (s.a.), pp. 23-24.

1107 Interview August 24, 2011; Vonk *et al.* (1999), p. 46.

the post office. The Dutch battalion commander acted as the commander-on-scene:

> I had the operational command of the operation. I also gave the green light to start the operation. I did not know all the ins and outs of the units under my operational command, but that often happens in certain operations. The entry was executed by the MSU while we provided the cordon. The entry was at three o'clock at night. The MSU forced its entrance by blowing up the front door. Apart from this initial use of explosives, the operation proceeded in a non-violent way. The suspects present in the building surrendered without resistance and we found the evidence we needed.[1108]

Another MND operation that involved security assistance by a Dutch SFOR battalion was the search of the Herzegovačka Banka in Vitez on April 6, 2001. Against the background of the Bosnian Croat initiatives to establish an independent third entity, the High Representative decided to search the main office of the Herzegovačka Banka and seven of its regional offices around the country. The immediate cause of the search had been suspicions regarding illegal transactions to finance the Bosnian Croat initiatives. By confiscating the bank's financial administration and computer databases, the international community hoped to find evidence. The operation involved the assistance of approximately 500 SFOR troops and various international and Bosnian experts.[1109] The Dutch mechanised battalion was also involved. One of the regional offices of the Herzegovačka Banka was located in Vitez. The Dutch battalion commander acted as the commander-on-scene:

> The entry started at half past seven in the morning. The MND had given me the order not to execute a forced entry. I had chosen for an entry with minimal means. I kept the rest of our units on standby nearby. The MSU provided a cordon. I had two platoons close to the bank and two platoons at a larger distance. Under the protection of the MSU, specialists entered the bank. They were assisted by computer experts and a special police unit of the Federation. The action in the bank lasted for a couple of hours. Meanwhile, the city centre of Vitez got turbulent. After four and a half hours, the operation was over. It proceeded successfully and without any violence; this in contrast to Mostar[1110] where the operation got out of control and had to be cancelled.[1111]

Search operations and combating illegal possession of weapons

In line with the Dayton Peace Agreement,[1112] Dutch IFOR/SFOR battalions played an active role in combating the possession of weapons. In the early stages of the operation, the Dutch battalions focused on the containment of (heavy)

1108 Interview July 7, 2011(b).

1109 Interview September 30, 2011(b); *Kamerstukken II,* 2000/01, 22 181, nr. 332, p. 2.

1110 In Mostar – in the sector South East – a Bosnian Croat mob attacked the SFOR troops, police and international staff of the OHR leading to several casualties (*Kamerstukken II,* 2000/01, 22 181, nr. 332, p. 2; Zisk Marten (2004), pp. 132-133.).

1111 Interview September 30, 2011(b).

1112 GFAP, Annex 1-A.

weapons and weapon systems. Weapons were collected, processed and stored in weapon storage sites. Throughout the full length of the operation, the Dutch troops checked these and other related sites, such as weapon factories.[1113]

During the early years of the operation, IFOR/SFOR focused also on firearms in the possession of individual citizens and police officers. IFOR 1 executed these checks just randomly at checkpoints and during patrolling and involved only a small number of confiscations.[1114] Late November and early December 1996, IFOR 2 participated in a MND (SE) operation to inspect police stations in which it confiscated large numbers of non-registered weapons.[1115] In the course of the mission, the inspections of the police stations became more structured. In August 1997, SFOR started to cooperate with IPTF to implement 'an assertive programme of weapon inspections in local police stations.'[1116] This programme was to ensure that the local police maintained only the equipment required to police their area: 'one long-barrelled rifle for every ten police officers and one side arm for each officer.'[1117] Initially, these coordinated inspections occurred on a monthly basis. From mid-1998, these inspections took place once every three months.[1118] On various occasions, the Dutch SFOR battalions assisted IPTF in inspecting police stations.[1119]

To tackle the possession of illegal arms among the population, the Dutch SFOR battalions deployed the so-called Harvest Operations. In early January 1998, SFOR 3 started to plan for the Harvest Operations, which were initially scheduled as a single two-week operation in March. The Harvest Operations aimed to provide amnesty for individuals who voluntarily turned in 'weapons, mines, and ordnance to designated SFOR and IPTF sites.'[1120] The Harvest Operations turned out to be a success and lasted until the end of the SFOR mandate.[1121] The operations were organised locally in cooperation with the local authorities. SFOR informed the population by a communication campaign or information operation. On the day of the collection, SFOR operated stationary collection points at prominent locations and deployed patrols to collect weaponry at more remote places.[1122] Overall, the Harvest Operations were perceived as successful. One of the commanders made the Harvest Operations one of his priorities. He reported:

> The Harvest Operations consisted of campaigns aimed at the collection of weapons and ammunition. The battalion approached these operations as a joint

1113 See for example: Ministerie van Defensie – Defensiestaf (1997), p. 31; *Kamerstukken II,* 1996/97, 22 181, nr. 184, p. 9.
1114 See for example: Kolken *et al.* (s.a.), p. 35, p. 37 & p. 39.
1115 De Graaf (1997), p. 95.
1116 *UN Doc* S/1997/966 (1997), p. 3.
1117 *UN Doc* S/1997/966 (1997), p. 3.
1118 *UN Doc* S/1998/491, June 10, 1998, p. 5.
1119 Interview August 24, 2011; Van der Wal (s.a.), p. 23.
1120 *UN Doc* S/1998/491 (1998), p. 5.
1121 Bokodi (s.a.), p. 201; Interview September 15, 2011; Interview October 10, 2011.
1122 See for example: Van Dijk *et al.* (s.a.), p. 43 & p. 101; Bokodi (s.a.), p. 201.

activity of SFOR, local authorities, police and army. We cooperated with our local partners based on mutual trust. I choose to make the Harvest Operations a campaign of the local authorities, which we only supported. We did not use the Harvest Operations to fight illegal possession of firearms as such but rather as an instrument to improve security in society. We focused on the safety and security of children and civilians by preventing unauthorised persons getting hold of weapons and ammunition.[1123]

6.3.3 Intelligence

Collection

The battalions gathered information to improve their situational awareness and to focus their operations and activities. All interviewed commanders reported that social patrolling had been the most important instruments for gathering information. The battalions also used other sources, such as CIMIC officers, liaison officers, interpreters, the international organisations, and – at a later stage – IDEA officers.[1124]

The battalions organised their information-gathering process in a similar way.[1125] Each company was equipped with an intelligence cell of two or three operatives that cooperated and coordinated closely with the intelligence section at battalion level. Based on an information collection plan, the company intelligence officers would list a number of general and specific questions in a Primary Intelligence Requirement (PIR). The PIR involved questions on for example the destruction of infrastructure in a village, the socio-economic situation and the level of criminality. These questions guided the patrols when collecting the required information. The company's intelligence officers briefed the patrols in advance of their information-gathering deployment. When the patrols returned to the base, the patrol commander drafted a written patrol report and the company's intelligence officers debriefed the patrols, and analysed and validated the information obtained. Based upon their analysis and validations the company commander could decide to take further action or to develop supplementing questions and assignments to acquire additional information. The company intelligence cell shared their information and intelligence with the intelligence section at the battalion level, which served to complete the battalion's situational awareness and to enable the battalion commander to plan his future actions and operations and to prioritise development and reconstruction projects.[1126]

1123 Interview September 15, 2011.

1124 IDEA stands for Integrated Development of Entrepreneurial Advisors. IDEA officers are reservists who for a period of six to eight weeks run projects to support the economic development of small and medium-sized businesses. See for example: http://www. defensie.nl/ onderwerpen/cimic/idea/activities; accessed June 5, 2012.

1125 Some commanders noted that the intelligence organisation had been too small and was engaged in a process of professionalisation throughout the full length of the IFOR/SFOR operation.

1126 Interview June 17, 2011; Interview July 1, 2011; Interview July 6, 2011(a); Interview July 7, 2011(b); Interview September 15, 2011; Interview September 20, 2011(a); Interview September 30, 2011(b); Interview October 4, 2011(b); Interview October 5, 2011(a); In-

Criminal intelligence

Until 1997, information gathering largely focused on acquiring situational awareness about the peace process, mapping the military and administrative networks and/or inventorying the weapon storage sites.[1127] From 1998, the information focus gradually shifted to the civilian environment, for example to assess the progress of CIMIC projects, the status of the returns and the level of social and economic development in the area.[1128] Information regarding public security and criminality had not been a specific issue or subject in the information gathering processes of most battalions.[1129]

Nevertheless, Dutch battalions gathered information on public security, for example related to reports of crime and theft, presence of war crimes indictees in the area of operations, refugee and displaced persons' visits and returns, ethnic tension in communities, illegal logging, (weapon) trafficking and possible sabotage activities.[1130]

Criminal intelligence had not received special attention within the information collection activities. However, occasionally troops were involved in intelligence operations to gather information on criminality. IFOR 2, for example, ran two dedicated intelligence operations. Operation *Comet* focused on the collection of evidence regarding acts of arson against properties of displaced or refugees in and around Knesovo.[1131] During operation *Galaxy 2* Dutch IFOR troops engaged in a MND-led joint cordon and search operation to search different locations for alleged Serbian "prisoners-of-war" being captured by Bosniaks.[1132] Another battalion was engaged in a coordinated operation with the Bosnian Border Police. During that operation, the battalion's reconnaissance platoon was tasked to collect and share information with the Border Police on the movements of

terview October 10, 2011. See also: Koninklijke Landmacht – Operationele Staf BLS (1999b).

1127 Interview June 10, 2011; Commandant 42(NL) Mechbat, Operatiebevel 09/96, Bijvoegsel 6 bij Bijlage B. May 19, 1996. SSA, Digital Archive SFOR, No. DC-79-011.

1128 Interview July 1, 2011; Interview August 24, 2011.

1129 See for example: Ministerie van Defensie – Defensiestaf (2003), pp. 7-8). Ministerie van Defensie – Defensiestaf (2004a), pp. 6-7.

1130 For example: Commandant 42(NL) Mechbat, Operatiebevel 09/96, Bijvoegsel 6 bij Bijlage B. May 19, 1996. SSA, Digital Archive SFOR, No. DC-79-011; Commandant 101 (NL) Mechbat RHPA; Operatiebevel nr. 05/96, Bijvoegsel 1 (Inlichtingenbehoefte bij Bijlage B (INLICHTINGEN), January 20, 1997. SSA, Hard Disk No. 66/SFOR/1(NL) Mechbat IFOR 2 juni – december 1996/opplan 05-96/BIJV_B1; Commandant 13(NL) Mechbat Regiment Stoottroepen SFOR 7; Operatiebevel No. 01 (UITVOERING SFOR 7), Bijlage D (Intenties Commandant). Hard Disk No. 66/SFOR/1(NL)Mechbat SFOR 7 november 1999–mei 2000/S3/OPPLAN 01 13 Mechbat/Bijl D (INTENTIES COMMANDANT). See also: Interview July 7, 2011; Interview August 19, 2011; Interview September 15, 2011; Interview September 20, 2011a.

1131 Klep & Van Gils (2005), p. 367.

1132 The locations searched had been two buildings in Donji Vakuf; two buildings in Oborci and the villages of Slatina and Semin. No alleged prisoners of war were found (De Graaf (s.a.), p. 19).

smugglers along the Bosnian-Croatian border area by registering licence plates of vehicles that crossed the border.[1133] Sometimes the gathering of criminal intelligence was unplanned. One battalion commander, for example, had not specified his demands for criminal intelligence, but receiving single bits of criminal information ultimately initiated further action:

> Intelligence – for example on illegal logging – became available from our regular patrols, from the HUMINT channels, which the battalion cooperated with, and from our interpreters who worked for the battalion. The information that became available was further analysed and ultimately answered the questions: where is the wood coming from; who is transporting it; which routes were used; and when do these transports take place? Gradually, we discerned a pattern that led to further action.[1134]

Exchange

The majority of the IFOR/SFOR commanders had been restrictive in sharing information and/or intelligence with local authorities and police, not only to guarantee operational security, but also because of a lack of trust in the local authorities and the police. As a result, information was shared only occasionally or on a strictly need-to-know basis, shortly before the start of an operation. This policy sometimes caused tensions in the relationship between local authorities and officials and the battalion's leadership. The Dutch commanders therefore tried to find a good balance between information security and confidence building. The lack of confidence was a theme throughout the operation, however, and seemed to have been one of the obstacles to a common proactive approach towards public security. Only one commander reported that with the benefit of hindsight, he could have confided more in his local civilian partners.[1135]

The exchange of information and intelligence with international partners was less restricted, although until early 1999 there were no clear SFOR procedures in place for the exchange of sensitive information between SFOR, IPTF and other international organisations.[1136] Several commanders reported that they shared information with OHR, UNHCR and IPTF on operational matters, such as governance, reconstruction projects, return visits, inspection of police stations, joint patrolling, etc. This cooperation is the subject of the next section.

6.3.4 Cooperation

Local authorities

Throughout the IFOR/SFOR operation, battalions established liaison with local civilian authorities at various political, administrative and social levels. During IFOR 1, civilian-military contacts had not been a priority since the focus of the operation had been primarily on the implementation of the military aspects of the

1133 Interview September 20, 2011(a).
1134 Interview August 19, 2011
1135 Interview September 15, 2011.
1136 Theunens (2001), p. 603.

Peace Agreement. The establishment of these contacts was difficult at the time since they took place on an ad hoc basis and had to be arranged through the commanders of the three former warring parties.[1137] During the SFOR operation, the civilian-military contacts increasingly proceeded through direct lines of communication. They gradually became institutionalised.[1138]

To establish civil-military cooperation, the IFOR/SFOR battalions and companies were augmented by a CIMIC liaison unit. In general, the CIMIC liaison officers at battalion level were responsible for establishing liaison and cooperation with civilian authorities and religious leaders at the regional and cantonal level such as the governor, cantonal administrators and religious leaders as well as with the mayors of the larger municipalities. The liaison officers organised weekly meetings with their civilian counterparts, for example to discuss and support projects on local development and reconstruction, to improve local governance, and the return of DPREs.[1139]

At company level, there was a comparable structure. The company's CIMIC liaison officers established cooperation and exchange of information with authorities at the local and municipal level, such as mayors, council members, religious leaders, leaders of veteran organisations and entrepreneurs in order to discuss issues like reconstruction projects, local governance and returns.[1140]

In addition to the CIMIC liaison officers, battalion commanders had regular meetings with individual local authorities.[1141] In addition, company commander regularly met with relevant local authorities in their sectors, such as mayors and religious leaders.[1142] These meetings had no fixed frequency and structure but generally focused on establishing good relationships and discussing major projects. Public security was not a topic that was discussed on a regular basis. These issues were primarily a responsibility of the IPTF. Public security was discussed, for example, prior to the elections or a large return of displaced persons or refugees.[1143]

Local police

Cooperation with and providing assistance to the local police was not part of the IFOR/SFOR mandate, but had been the exclusive responsibility of the IPTF. Nevertheless, IFOR and SFOR liaised with the local police on various occasions.

1137 Interview June 14, 2011.

1138 Interview July 6, 2011(a).

1139 Been (2002), p. 426; Brouwer *et al.* (s.a.), p. 38.

1140 Interview July 6, 2011(a); Interview July 7, 2011(b); Interview August 24, 2011; Interview September 20, 2011(a); Interview October 4, 2011(b); Interview October 5, 2011(a); Interview October 10, 2011. See also: Been (2002), pp. 429-430.

1141 Interview June 10, 2011; Interview June 14, 2011; Interview June 17, 2011; Interview July 1, 2011; Interview July 7, 2011(b); Interview August 19, 2011; Interview August 24, 2011; Interview September 15, 2011; September 30, 2011(b); Interview October 10, 2011.

1142 Interview August 19, 2011; Interview August 24, 2011; Interview September 15, 2011; Interview October 4, 2011(b); Interview October 5, 2011(a).

1143 Interview September 20, 2011(a); Interview October 10, 2011.

Liaison mostly occurred at the company level where the liaison officers or the company commanders met with local police chiefs on a regular basis. At the battalion level, there had been no liaison with the local police and battalion commanders rarely met with local police officials, mainly because the Bosnian police lacked a formal structure to liaise with at the battalion level.[1144]

International organisations

The CIMIC officers at battalion level were also the point of contact for international organisations that operated at regional level, such as OHR, IPTF, OSCE, UNHCR, and the European Community Monitoring Mission (ECCM).[1145] The CIMIC officers were involved in exchanging information, coordinating strategy planning and division of responsibilities between the various international activities and projects. For this purpose, CIMIC officers participated in the Monthly Regional Planning Group (MRPG) and Reconstruction and Return Task Force (RRTF) meetings.[1146] The CIMIC officers at company level also had their international points of contact and liaised with international organisations and aid organisations at local level.[1147]

Two examples illustrate the Dutch military role in the context of international cooperation.

In 1999, SFOR 5 developed a plan for cooperation with other international organisations to facilitate the returns of displaced persons and refugees. Instead of providing security to returnees during the actual physical return, the plan of the international community focused on the longer term. It intended to help the returnees to rebuild their houses or to construct new ones. It also intended to help the entire community by funding other reconstruction and employment projects. The Dutch government supported the plan by financing several projects.[1148]

In 2000, SFOR 8 initiated a common strategy of the international community in the Dutch area of operations. In this strategy, the *Strategy Document for Central Bosnia Canton*, OHR, OSCE, UNHCR, UNMIB and SFOR agreed to stimulate local ownership. The local authorities and the population of Bosnia and Herzegovina were expected to assume responsibility for their own future. In order to achieve this, the role of the international organisations would change from 'imposer' to 'provider', for example of expertise and mediation. After the local authorities had agreed to the strategy, the international community provided assistance by taking on some tasks that the local authorities could not achieve with their own means.[1149]

1144 Interview June 10, 2011; Interview July 1, 2011; Interview July 6, 2011(a); Interview July 7, 2011(b); Interview August 19, 2011; Interview September 20, 2011(a); Interview October 10, 2011.

1145 Been (2002), p. 429; Brouwer *et al.* (s.a.), p. 38; Vonk *et al.* (1999), p. 40.

1146 Been (2002), p. 430.

1147 Been (2002), p. 430; Brouwer *et al.* (s.a.), p. 38; Vonk *et al.* (1999), p. 40.

1148 Interview July 1, 2011; Van der Wal (s.a.), pp. 33-34.

1149 Interview July 7, 2011(b); Sleurink, Maijers & Frusch (2001).

International police

Cooperation and consultation between the Dutch battalion and IPTF primarily took place at company level. Companies appointed a liaison officer who, for example, attended the daily IPTF briefings. Likewise, IPTF liaison officers attended SFOR briefings on a regular basis.

The battalions liaised and cooperated with IPTF on several issues, for example to provide back-up in cases of serious security threats and for medical evacuation of its personnel,[1150] to support IPTF in the removal of illegal police checkpoints and during return visits,[1151] to exchange operational information, to provide assistance for weapon inspections in local police stations,[1152] and to execute joint patrolling if possible or required.[1153]

The public

Social patrols were the most important instrument to interact with the public. To promote local interaction, and to establish and sustain an effective information flow, the battalions intensively patrolled the area of operations, often on a 24/7 basis.[1154] Halfway through the deployment of IFOR 1, the battalion commander decided to follow his British colleagues and reduced the level of force protection in order to facilitate low-key interaction with the local population. For this purpose, he allowed his social patrols to take on a more relaxed posture.[1155] This meant that the social patrols wore berets instead of helmets and had their weapons on their back or with the barrel pointed down.[1156] The subsequent IFOR/SFOR deployments continued the relaxed and accessible posture.

Although this posture made the soldiers more vulnerable, it made them more accessible for interaction and sharing information, which in the end affected the image and reliability of the Dutch troops in a positive way.[1157] In comparison, the US troops operated under a different force protection regime than the British and Dutch battalions. The Americans stuck to their strict force protection rules in order to reduce every risk or uncertainty. The US troops continued to wear their full battle gear. This posture made it more difficult to interact with the local population.[1158]

Platoon houses and temporary patrol bases also contributed to establishing contacts in areas that were more isolated, or to gathering information on public

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1150 *Kamerstukken II,* 1995/96, 22 181, nr. 145, p. 3.

1151 See for example: Interview July 6, 2011(a); Interview October 4, 2011(b); *Kamerstukken II,* 1996/97, 22 181, nr. 184, p. 8; Vonk *et al.* (1999), p. 30; *UN Doc* S/1997/468 (1997), p. 2.

1152 *UN Doc* S/1997/966 (1997), p. 3.

1153 Interview June 17, 2011.

1154 Interview August 19, 2011; Interview August 24, 2011; Interview September 15, 2011; Interview October 4, 2011(b); Interview October 5, 2011(a); Interview October 10, 2011.

1155 Interview June 14, 2011; Interview July 6, 2011(a); Brocades Zaalberg (2006), pp. 260-262.

1156 Koninklijke Landmacht – Operationele Staf BLS (2009), p. 10.

1157 Interview June 10, 2011; Interview June 17, 2011; Interview July 1, 2011; Interview August 24, 2011; Interview October 4, 2011(b); Interview October 5, 2011(a).

1158 Brocades Zaalberg (2006), pp. 261-262; Zisk Marten (2004), pp. 106-107.

security in so-called hot spots. In addition to the patrols, CIMIC officers established and maintained contacts with local key-players and entrepreneurs. These contacts were primarily focused on reconstruction and development projects.[1159]

To exchange information with IFOR/SFOR, civilians could also address a Dutch military official at one of the bases, for example a company base or at a platoon house. Although the Dutch bases were well protected and officially had no public function or service point, most locations were open to the public, provided the necessary security measures in place. Only two commanders reported that their platoon houses were not accessible to the public.[1160] Civilians often preferred to address a patrol if they wanted to share information with IFOR/SFOR, basically because they themselves perceived visiting a base as a threshold.[1161]

6.3.5 Use of force and flexibility

During the IFOR/SFOR mission, the Dutch forces were equipped and authorised to use force in case of an armed breach of the Peace Agreement, in self-defence and for force protection.[1162] The use of force was regulated in the rules of engagement, which applied to both IFOR and SFOR.[1163] They defined situations or circumstances in which the military were authorised to use force for example for self-defence and to protect IFOR/SFOR troops and other persons who were threatened with deadly violence. Use of force was also authorised to stop a person who tried to steal or destroy goods that could endanger the lives of IFOR/SFOR troops and persons with special status. Troops were under no circumstances allowed to use more force than strictly necessary to accomplish their mission.[1164]

Instruction on the rules was part of the mission-oriented training, which the IFOR and SFOR battalions completed in advance of their deployments.[1165] One commander recalled:

> Usually soldiers are trained to use maximum force to achieve their objectives. We went there with an attitude focused on a restrained use of force. In everything we did, the next step was only possible if we squeezed every other alterna-

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1159 Interview July 6, 2011(a); Interview August 24, 2011. See also: Been (2002), p. 430; Brouwer *et al.* (s.a.), pp. 37-38.

1160 Interview June 10, 2011; Interview June 17, 2011.

1161 Interview August 24, 2011; Interview October 10, 2011.

1162 See for example: *Kamerstukken II,* 1995/96, 22 181, nr. 131, p. 2 & p. 6; Bevelhebber der Landstrijdkrachten (1995). *IFOR Instructiekaart Geweldinstructie*; Bevelhebber der Landstrijdkrachten (1997). *SFOR Instructiekaart Geweldinstructie.*

1163 *Kamerstukken II,* 1996/97, 22 181, nr. 138, p. 12; Bevelhebber der Landstrijdkrachten (1995). *IFOR Instructiekaart Geweldinstructie*; Bevelhebber der Landstrijdkrachten (1997). *SFOR Instructiekaart Geweldinstructie.*

1164 Bevelhebber der Landstrijdkrachten (1995). *IFOR Instructiekaart Geweldinstructie*; Bevelhebber der Landstrijdkrachten (1997). *SFOR Instructiekaart Geweldinstructie.*

1165 Interview June 17, 2011; Interview July 1, 2011; Interview August 19, 2011; Interview August 24, 2011; Interview September 15, 2011. See also Van Dijk *et al.* (s.a.), p. 13.

> tive with a lower impact. We were not allowed to use more force than strictly necessary.[1166]

Finding the right mix between robustness and restrained use of force was a challenge during the early stages of the operation. IFOR 1, for example, had been trained to deploy as Dutchbat 4 to participate in the peace-keeping mission of UNPROFOR. Being trained for peacekeeping purposes, it had a less robust mind-set than possibly required for the IFOR mission, which had a peace-enforcing character.[1167] IFOR 2, on the other hand, had trained for operating at the higher levels of the spectrum of force. As a result, it had some difficulty varying between the various levels of force, as the battalion commander noted:

> We started in a robust fashion in order to be more than sufficiently trained to operate in the higher echelons of the spectrum of force. This was clearly visible in the evaluation of our conclusive exercise. Our monitors were worried whether we were sufficiently capable of de-escalating. That was our weakness. However, in the area we learned very quickly that we were not only capable to escalate but also to de-escalate if required.[1168]

In addition, other battalions learned in theatre how to combine robustness with the principles of restrained use of force.[1169] One commander reported:
During the deployment we really started to learn about the application of force and the rules of engagement. The central questions were then: "Where do I stand; what is my posture; and how do I behave?" The challenge was to achieve a desired effect by varying in attitude and posture, for example in how to carry your weapon or to wear the helmet or the beret.[1170]

In the later stages of the operation, commanders did not report significant difficulties in dealing with the principle of restrained use of force or other incidents that involved the use of force. Troops were trained in restrained use of force, and scenario training had become an inseparable part of the mission-oriented training. The troops learnt to adapt their posture and responses to situations in which the level violence and tension changed quickly or unexpectedly.[1171] Training not only prepared the troops to deal with various situations; they also intended to affect the mind-set of the troops, as one commander expressed:

> I wanted my commanders, staff officers, and individual soldiers to understand each scenario they could encounter. I challenged them to start thinking about possible modes of action. There are no blueprints. So, the more you discuss

1166 Interview October 5, 2011(a).
1167 Interview June 14, 2011; Interview July 6, 2011(a).
1168 Interview June 10, 2011.
1169 Interview June 17, 2011; Interview October 4, 2011(b).
1170 Interview October 4, 2011(b).
1171 Interview October 4, 2011(b); Interview August 19, 2011.

> these modes of operations, the better prepared you will get for day-to-day operations.[1172]

As such, in the course of the deployment in Bosnia and Herzegovina the Dutch military experience showed that a combination of a kinetic background and activities which required a minimum use of force attitude and mind-set such as social patrolling, problem-solving and peace-building was possible, and, moreover, effective to achieve a safe and secure environment and to gain the support of the population.

6.4 Organisational concept

6.4.1 Autonomy and individuality

Autonomy

Mission-oriented command is the leading concept in the NL Army for commanders to command and direct their sub-units.[1173] However, during the IFOR/SFOR mission there had been some variation in the way commanders applied the principles of mission-oriented command. Because the IFOR/SFOR battalions operated in large areas, commanders divided their area of operations into smaller sectors and assigned those to the company commander.[1174] Within these sectors, the company commander was authorised to execute the Normal Framework Operations independently.[1175] Although the company commander had been empowered in his area of operations, Vogelaar and Kramer SFOR note that the SFOR company commanders generally had less autonomy than their IFOR colleagues had. This was explained as a result of bureaucratisation of the mission and a lack of operational clarity regarding the actual objectives of the mission.[1176] In addition, the level of autonomy of the platoon and section commander had been relatively low, let alone that of the individual soldier.[1177] One commander reported:

> The discretionary powers of the platoon or section commanders were limited. With the exception of an imminent threat, as mentioned in the rules of engagement, a section commander was not supposed to act when he ran into a situation. The section commander had to inform the company's Operations

1172 Interview October 10, 2011.

1173 Koninklijke Landmacht (1996), pp. 109-112.

1174 Interview July 7, 2011(b); Interview September 15, 2011; Interview September 20, 2011(a); Interview October 5, 2011(a). See also: Vogelaar & Kramer (2004), p. 418.

1175 Interview June 10, 2011; Interview June 14, 2011; Interview June 17, 2011; Interview July 1, 2011; Interview July 6, 2011(a); Interview July 7, 2011(b); Interview August 19, 2011; Interview September 15, 2011; Interview September 30, 2011(b); Interview October 4, 2011(b). See also: Vogelaar & Kramer (2004), p. 418. In case of a focused operation (non-Normal Framework Operation), for example, the execution of a special assignments or missions, the battalion level would usually take the lead (Interview July 6, 2011(a); Interview August 19, 2011.)

1176 Vogelaar & Kramer (2004), p. 418.

1177 Interview July 1, 2011; Interview July 7, 2011(b); Interview September 30, 2011(b); Interview October 4, 2011(b).

> Room first in order to get his instructions. The lines of communications, however, were short.[1178]

Nevertheless, some commanders empowered platoon and section commanders to deal with some public security issues independently and to establish local networks.[1179] This level of discretion was, however, still limited and strongly depended on the character and magnitude of a certain incident or operation. Patrols had to stay in touch with the operation rooms at all times and had to report incidents immediately in order to receive instructions. The Operations Room could then decide to just monitor the situation and/or intervene if it deemed that necessary, for example to prevent mistakes by junior commanders or to exercise closer control.[1180] If tension increased or operations became more complex, commanders could switch to a more directive leadership style that reduced the autonomy of the junior commanders.[1181] One commander explained:

> Prior to every operation, also regarding Normal Framework Operations, we gave our instructions. These instructions also involved the level of autonomy of the section commander. Whether his autonomy would be limited or increased depended on the security situation or the tension in the area. In principle, we applied a close control. I formulated tight margins and I had been clear about my commander's intents. However, it took some time before those were clear to everybody.[1182]

Individual experience and competences also served to allow the empowerment of junior commanders, as some commanders reported.[1183] Finally, the size of the area of operations also influenced the level of autonomy of junior commanders. In some remote areas, platoon commanders operated in a separate area of operations and at a relatively large distance from the company base and this required a larger level of discretion.[1184]

Individuality

While policing can largely be characterised as an individual activity, throughout the IFOR/SFOR operation, the smallest operational unit to deploy patrols was the section. A section consisted of the standard formation of six to eight soldiers under the command of a sergeant or a corporal.[1185] The section patrolled on foot or motorised, using (two) soft-top vehicles.

1178 Interview September 30, 2011(b).

1179 Interview June 10, 2011; Interview June 14, 2011; Interview August 24, 2011; Interview October 5, 2011(a); Interview October 10, 2011.

1180 Interview June 10, 2011; Interview September 30, 2011(b); Interview October 4, 2011(b); Interview October 5, 2011(a). See also: Koninklijke Landmacht – Operationele Staf BLS (1999b), p. 9; Vogelaar & Kramer (2004), p. 421.

1181 Interview September 30, 2011(b); Interview October 10, 2011.

1182 Interview October 10, 2011.

1183 Interview June 10, 2011; Interview October 4, 2011(b).

1184 Interview July 7, 2011(b); Interview September 20, 2011(a); Interview October 5, 2011(a).

1185 See for example: Koninklijke Landmacht – Operationele Staf BLS (1999b), p. 5.

A majority of the interviewed reported that IFOR/SFOR battalions did not further divide the section into smaller deployments. As a result, most sections operated as a single unit when patrolling in municipalities and neighbourhoods. The commanders involved reported that the force protection rules as promulgated by IFOR/SFOR, and the NL Army's own standard operating procedures (drills) had been the prime reasons for refraining from patrolling in duos or individually.[1186] A few commanders added that the availability of extra radios, vehicles and interpreters had also been part of the considerations, but these were less decisive.[1187]

On the other hand, a number of commanders allowed sections to operate in smaller teams of three or four troops to patrol in close proximity of each other.[1188] They enabled a more individual deployment and an extended level of organisational autonomy.

Remarkably, the way battalions executed their social patrolling did not show a linear development, synchronised with the lessons learnt and the improving overall security situation during the course of the mission. Whether commanders adhered to the force protection rules and the formal drills or allowed a more individual deployment varied between the various rotations and was more or less independent of the time and place. It seemed that decisions on autonomy were rather based upon a commander's individual preparedness to ease the standard operating procedures and force protection rules than upon the actual security situation, which may have allowed a development towards a more individual patrolling of local communities.

6.4.2 Vertical differentiation

The IFOR/SFOR battalions applied an organisational concept in which the company's Operations Room commanded and controlled the daily routines such as the Normal Framework Operations. One commander reported:

During the SFOR mission, the discussion started on the added value of the platoon level. In fact, it had been the company commander who directed the sections. The platoon commander hardly played any role. We then assigned many of these platoon commanders to alternative roles. For example, we employed them in the

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1186 Interview June 10, 2011 and additional e-mail of April 24, 2014; Interview June 14, 2011 and additional e-mail of April 22, 2014; Interview June 17, 2011; Interview July 6, 2011(a); Interview July 7, 2011(b) and additional e-mail of April 22, 2014; Interview August 19, 2011 and additional e-mail of April 22, 2014; Interview September 30, 2011(b); Interview October 10, 2011 and additional e-mail of April 25, 2014.

1187 Interview June 10, 2011 and additional e-mail of April 24, 2014; Interview July 7, 2011(b) and additional e-mail of April 22, 2014; Interview August 19, 2011 and additional e-mail of April 22, 2014.

1188 Interview of July 1, 2011 and additional e-mail of April 22, 2011; Interview August 24, 2011; Interview September 15, 2011; Interview September 20, 2011(a); Interview October 5, 2011(a).

CIMIC team. Nevertheless, you cannot disconnect the relationship with the platoons entirely. They remained responsible for their personnel, but no longer for the direction of the patrols. Those assignments came straight from the company.[1189]

As a result, the company's Operations Room directly planned and directed the patrols and checkpoints performed at section level. With the exception of dedicated platoon operations, most battalions had no executive role vis-à-vis the platoon, which was an independent operational level in the execution of the daily operations. This had two organisational implications. First, the chain of command had shortened as the company directly commanded the section. Second, in the Normal Framework Operations the platoon level had become redundant. Platoon commanders therefore were assigned to other operational tasks, such as liaison officer, intelligence officer or operations officer. Nevertheless, the platoon commanders still kept their original role if there was an operation to be executed by a platoon and, in organisational terms, they remained responsible for e.g. administrative planning, maintenance, training and personnel affairs.[1190]

6.4.3 Deconcentration

From the start of the IFOR/SFOR operation in 1996, battalions divided their area of operations into separate company sectors. As such, the Dutch battalions applied a deconcentrated organisation model by dividing their area of operation into separate geographical areas that were assigned to the company level in order exercise area responsibility. From the deconcentrated bases, the companies deployed their social patrolling and were able to establish local contacts and networks. Battalions used different concepts to further divide the company sectors. Throughout the mission, there was no uniformity in the geographical division of the sectors. To enable local interaction, a company could divide its sector into separate sectors in which platoons could deploy their Normal Framework Operations.[1191] Occasionally, these sectors were further divided into smaller areas, for example by assigning a village or community to a section.[1192] One commander noted that he allowed his company commanders to vary the division of their sectors. This allowed for a flexible deployment of sub-units and experiments in the division of areas.[1193]

1189 Interview August 19, 2011.

1190 Interview August 19, 2011; Interview August 24, 2011; Interview September 15, 2011; Interview September 20, 2011(a); Interview September 30, 2011(b); Interview October 4, 2011(b); Interview October 5, 2011(a); Interview October 10, 2011. See also: Vogelaar & Kramer (2004), p. 421.

1191 Interview August 19, 2011; Interview September 30, 2011(b); Interview October 4, 2011(b).

1192 Interview September 20, 2011(a).

1193 Klep & Van Gils (2005), p. 364.

1193 Klep & Van Gils (2005), p. 367.

1193 Klep & Van Gils (2005), pp. 373-374.

1193 Interview August 19, 2011; Interview September 30, 2011(b); Interview October 4, 2011(b).

To stimulate social interaction with the local community, the companies also deployed semi-permanent platoon locations such as platoon houses or posts from where they organised their social patrolling.[1194] IFOR 1 started to deploy these platoon houses as part of a dynamic concept in the second half of their mission (April/May 1996).[1195] The location of a platoon house was based on a risk analysis or a geographical location of a certain area and/or community. As semi-permanent bases, the platoon houses could be moved or dismantled when the operational conditions had changed. During the length of the operation, battalions deployed several platoon houses, including in Jaice, Kupres, Krusevo Brdo, Maslovare, Vitez, Knesevo, Obodnic, Jaijce and Šuica. In addition to their semi-permanent platoon houses, battalions also deployed temporary platoon or section posts, for example to monitor a hot spot or a visit by returnees, or during a patrol for more than one day.[1196]

6.5 Conclusions

Security gap

The case of Bosnia and Herzegovina shows that there was a security gap throughout the Netherlands Army's deployment. Politically and ethnically motivated violence occurred, freedom of movement was limited and crime and corruption flourished and compromised public authorities, including the police. There was local police in place but they were divided along ethnic lines and were seen as being ethnically biased. The quality and competence of the local police were considered inadequate, making them unsuited to perform complicated tasks, such as community policing. Ethnic bias negatively affected the trust of the public. Consequently, the police were not in a position to provide broad and objective services to all citizens.

The IPTF could not close the security gap. Initially, IPTF suffered from a deployment gap. It did not reach its authorised strength until September 1996, ten months after the start of the mission, which had resulted in a deployment gap. In addition, IPTF had no executive powers and could thus not intervene and perform operational police tasks in those cases where the local police failed to enforce the law and maintain public order. Until 1997, IFOR/SFOR were reluctant to fill that enforcement gap, as they considered providing interim policing not to be part of their mandate.

1193 Interview July 7, 2011(b).

1194 Interview June 10, 2011; Interview June 14, 2011; Interview June 17, 2011; Interview July 1, 2011; Interview July 6, 2011(a); Interview July 7, 2011(b); Interview August 19, 2011; Interview September 15, 2011; Interview September 20, 2011(a); Interview October 5, 2011(a); Interview October 10, 2011. See also: Klep & Van Gils (2005), p. 367.

1195 Interview June 14, 2011; Interview July 6, 2011(a); Klep & Van Gils (2005), p. 367.

1196 Interview June 17, 2011; Interview August 24, 2011; Interview July 7, 2011(b); Interview September 30, 2011(b).

In order to fill the enforcement gap, in 1997 NATO deployed a *gendarmerie*-based MSU, which was supposed to support IPTF and the local police in providing public security, for example, in terms of crowd and riot control and arresting "high-value targets". On the ground, however, these units failed to interact effectively with regular SFOR troops and local population. The mission also suffered from an institutional gap. The local police turned out to be corrupt, ethnically biased and not professional.

The closure of the institutional gap was a long-term endeavour, which lasted until the end of the Dutch mandate.

Operational concept

The Dayton Peace Agreement provided the guidelines for the IFOR/SFOR operation. IFOR/SFOR had a mandate to establish a safe and secure environment, to assist civilian organisations in the accomplishment of their missions and to provide freedom of movement for civilians, refugees and displaced persons. The Agreement did not assign IFOR/SFOR with public security tasks. As a result, NATO did not explicitly plan for the execution of these tasks. In addition, the Dutch government did not consider the provision of public order and security a priority or interest.

On several occasions, the Dutch government underlined that the IFOR/SFOR mission did not include the provision of any kind of policing, which it considered to be a responsibility of the local police. When, in 2002, SFOR and OHR made the fight against corruption and crime a priority, the Dutch government did not change its attitude towards a wider interpretation of the mandate. The government held its position that combating crime was a responsibility of the local police, even if they failed to do so.

The security gap had not motivated Dutch commanders to prioritise public security directly. During their pre-deployment planning and training, Dutch commanders did not pay much attention to public security issues other than CRC training, which became part of the training curriculum in 1997. Dutch IFOR/SFOR commanders trained their troops for the regular military activities in peace support operations, such as social patrolling, executing checkpoints, searching individuals, vehicles and objects and collecting information.

Although not necessarily labelled as such, Dutch troops *de facto* executed tasks that under normal conditions are assigned to the police. However, commanders did not consult police specialists for advice or assistance.
In terms of public order, the Dutch troops patrolled their area to create a safe and secure environment and developed their interaction with the local population, which was also considered an essential part of intelligence-gathering. Moreover, they provided support for a safe and secure refugee return and for the elections, to mention but a few examples. From 1997, CRC had been part of the operational concept of the Dutch SFOR battalion. Nevertheless, CRC was seen as an anomaly within the Dutch operational concept. Commanders were not familiar

with the concept and were therefore hesitant to use it fully. A deadly accident in May 2001 during a CRC training in theatre finally ended the deployment of Army platoons in a CRC role. Because of this accident, the government assigned the *Marechaussee* to fulfil that role on a standby status.
As regards law enforcement, the Dutch contributed to the arrest of suspected war criminals and engaged in operations to combat illegal arms, smuggling, and illegal logging. Tasks such as social patrolling, support for refugee returns, elections and combating illegal arms stemmed from the Dayton Peace Agreement. Other law enforcement activities, such as the arrest of PIFWCs and combating illegal logging were less obvious. These activities were generally avoided when initiated by the MND, mainly because of the narrow Dutch interpretation of the mandate. After NATO and SFOR prioritised public security, some commanders stretched their national mandate and found ways to participate in law enforcement operations initiated by the MND.

Largely, the Dutch operational concept focused on the collection of information and intelligence.
The social patrols were the primary instrument to collect information. Other sources were international organisations, CIMIC officers, liaison officers and interpreters. The military procedures applied by the Dutch battalion to collect and analyse information largely adhered to the principles of intelligence-led policing. The company's Intelligence Cell briefed and debriefed the patrols in order to get answers to general or specific questions and to complete their security assessment. Collected and analysed information could also initiate further inquiry on a specific issue. Information-gathering was problem-oriented and enabled commanders to act proactively towards local socio-economic demands. The information was not exclusively related to public security, however.
The majority of the Dutch commanders were cautious in sharing information with local authorities and police, mainly because they feared that their operations could be compromised if information were to leak to opponents and criminals. Information was shared with authorities and police on a need-to-know basis only. The exchange of information with international partners was more open and based on mutual trust.

Dutch battalions cooperated with local and international partners to implement the Peace Agreement.
Cooperation with local authorities occurred largely through CIMIC liaison officers at battalion and company level. These interactions focused on the improvement of local governance, development and reconstruction projects. Public security was not a priority of these interactions. Cooperation had a semi-institutionalised structure.
Although cooperation with the local police was a responsibility of the IPTF, at company level, officers liaised with the local police. There was no interaction with the local police at the battalion level due to the absence of a counterpart within the police at cantonal level. There were no relevant structures or platforms to discus cantonal public security issues. Cooperation and coordination

with the international police was organised at company level and occurred on a daily basis in order to coordinate military assistance to the IPTF.
Cooperation with international partners was part of the operational concept of the IFOR/SFOR deployments and focused on the planning and execution of various development and reconstruction projects. These interactions occurred at battalion and company level and had a semi-institutionalised structure of weekly and monthly meetings.
Troops interacted with the public, mainly through social patrolling on a 24/7 basis. In addition to patrolling, CIMIC liaison officers interacted with local entrepreneurs and key leaders. To improve local interaction at remote places, most battalions deployed platoon houses that could also serve as a point of contact for the local population.

The Dutch battalions were trained, equipped and authorised to use force to enforce compliance with the Dayton Peace Agreement and for self-defence. The rules of engagement emphasised the principles of minimum use of force. During the first years of the mission, troops still had to find the right mix between robustness and soft tactics, such as social patrolling, at the start of their deployment. According to commanders involved at the time, troops accustomed quickly and learned to adjust their mind-set and posture to the demands of the situation, to solve incidents efficiently and without the use of force.

Organisational concept

Throughout the IFOR/SFOR mission, the company was the most junior level of decentralisation. Although commanders applied the principles of mission-oriented command, junior commanders, such as platoon and section commanders, had little autonomy to plan their activities and solve public security on the spot as they were being closely monitored by the company's Operations Room. The autonomy of junior commanders was further restricted during periods of increased tension. Section commanders were not empowered to operate in the same way as the police who solve public security issues independently based on individual judgements. Unlike policing, the smallest troop deployment to provide public security was the section level, consisting of six to eight troops. As such, battalions complied with the NL Army's formal operational concept and IFOR/SFOR's force protection rules. Although the overall security situation had been relatively safe, commanders only occasionally allowed smaller troop deployment of teams of three or four troops.

In terms of vertical differentiation, the Company's Operations Room played a central role in the command and control structure. During the execution of Normal Framework Operations, the company directly controlled the section level. The exclusion of the platoon level shortened the chain of command and enabled the company level to closely monitor the security situation on the ground. On the other hand, the short lines could result in centralisation by leaving little discretion for individual junior commanders to solve public security issues independently, let alone autonomy for individual soldiers. As such, the organisational concept differed from that of the police where the individual

police officer is granted substantial autonomy to solve public security problems independently and not necessarily with the prior approval of the higher levels in the chain of command.

The Dutch battalions in Bosnia and Herzegovina applied the principles of deconcentration as they divided their area of responsibility into smaller geographical company sectors in which company commanders were empowered to run their day-to-day operations and to solve public security issues in those areas. The extent to which company sectors were further divided into platoon sectors differed between battalions. Generally, troops were deployed in a deconcentrated fashion in close proximity to the population. Sections patrolled a dedicated area on a 24/7 basis and were able to develop local networks in order to obtain general and specific information. If required, battalions established semi-permanent platoon houses in remote areas or at hot spots to improve community interaction or, for example, to protect returnees.

7 KFOR

7.1 Introduction

7.1.1 Background of the operation

During the presidency of Tito (1945-1980), Kosovo had enjoyed an autonomous status within the Serbian Republic, one of the six republics of the Socialist Federal Republic of Yugoslavia. This status was further formalised by the Constitution of 1974, which provided the province with its own legislative assembly, judiciary, police force, and central bank.[1197]

In March 1989, then Serbian President Milosevic cancelled Kosovo's status as an autonomous province within Serbia. He amended the Constitution, disbanded the Kosovo Assembly, placed the police and courts under Serbian control and deployed additional Serbian troops and police to maintain order. The Kosovo Albanians gradually lost the rights that had guaranteed the preservation of their language and culture.[1198] Kosovo Albanians responded by establishing an informal parallel government structure, education and health care system and a conflict resolution mechanism based on customary practices under the leadership of Ibrahim Rugova and his *Lidhja Demokratike e Kosovës* (LDK; Democratic League of Kosovo).[1199]

After the Dayton Peace Accords had ended the war in Bosnia and Herzegovina in 1995, some Kosovo Albanians thought that the Agreement had failed to address Kosovo's independent status and that violent tactics were needed to regain autonomy.[1200] The *Ushtria Çlirimtare e Kosovës* (UÇK; Kosovo Liberation Army) emerged in the early 1990s as an armed resistance group. In February 1998, it started an insurgency, which escalated into systematic attacks against Serbian officials, police posts and patrols.[1201] The Serbian government responded by launching an offensive in early 1998 using Interior Ministry police and the Yugoslav Army.[1202] This resulted in accusations of human rights violations and atrocities, ranging from arbitrary arrests to looting, rape, torture, kidnapping and executions.[1203]

On March 31, 1998, the UN Security Council adopted UNSCR 1160 to stop this violence. The Resolution imposed an arms embargo on Yugoslavia,

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1197 See for example: Dziedzic (2006), p. 322; Dziedzic & Kishinchand (2005), p. 25; Klep & Van Gils (2005), p. 403; Rausch (2007), p. 272.

1198 Dziedzic (2006), p. 323; Dziedzic & Kishinchand (2005), p. 25; Klep & Van Gils (2005), 403; Rausch (2007), p. 272.

1199 Dziedzic (2006), p. 323; Rausch (2007), p. 272.

1200 Dziedzic (2006), p. 323; Dziedzic & Kishinchand (2005), p. 26; Rausch (2007), p. 272.

1201 Dziedzig & Kishinchand (2005), p. 26; Rausch (2007), pp. 272-273; Voorhoeve (2007), p. 156.

1202 Dziedzic (2006), p. 323; Dziedzic & Kishinchand (2005), p. 26; Rausch (2007), p. 273.

1203 Rausch (2007), p. 273.

including Kosovo, and called 'upon the authorities in Belgrade and the leadership of the Kosovar Albanian community (…) to enter without preconditions into a meaningful dialogue' aimed at achieving a political solution to the issue of Kosovo's status.[1204] The Resolution also underlined that such solution should be based on the territorial integrity of the Federal Republic of Yugoslavia' and 'expresses its support for an enhanced status for Kosovo which would include a substantially greater degree of autonomy and meaningful self-administration.'[1205]

As UNSCR 1160 did not have the expected outcome, on September 23, 1998 the UN Security Council adopted another resolution to stop the violence in Kosovo. UNSCR 1199 called for parties to 'cease all action by the security forces affecting the civilian population' and ordered the 'withdrawal of security units used for civilian repression.'[1206] The Resolution also called for an effective and continuous international monitoring of the situation in Kosovo.[1207] In October 1998, the Organisation for Security and Cooperation in Europe (OSCE) sent monitors to Kosovo as part of the Kosovo Verification Mission (KVM).[1208] Meanwhile, NATO issued an Activation Order on October 13, 1998, which enabled the execution of an air campaign.[1209]

The KVM turned out not being the cure for the Kosovo crisis. The crux of the matter was the absence of an enforcement mechanism on the ground.[1210] The massacre at Račak on January 15, 1999, in which over forty Kosovo Albanians were killed, became the turning point.[1211] The massacre resulted in increased international pressure leading to the negotiations in Rambouillet, which were launched in France on February 6, 1999.[1212] After two weeks of negotiations, a plan was presented that called for the disarmament of the UÇK, and the withdrawal of the Serbian security forces from Kosovo. The plan also called for Kosovo to regain self-governance as it had had before 1989.[1213] The Serbian delegation refused to sign the agreement,[1214] and continued their campaign in Kosovo. As a result, an estimated 800,000 Kosovo Albanians sought refuge abroad, for example in Albania, the former Yugoslav Republic of Macedonia (hereafter called Macedonia) or Montenegro. An additional 500,000 Kosovo Albanians were internally displaced.[1215]

In an attempt to stop the ethnic cleansing, on March 24, 1999 NATO launched the air campaign *Allied Force* against Serbian military and infrastructural targets

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1204 *UN Doc* S/RES/1160 (1998), §4.
1205 *UN Doc* S/RES/1160 (1998), §5.
1206 *UN Doc* S/RES/1199 (1998), §4.
1207 *UN Doc* S/RES/1199 (1998), §4.
1208 Rausch (2007), p. 273.
1209 Dziedzic (2006), p. 325.
1210 Dziedzic (2006), p. 325.
1211 Dziedzic (2006), p. 326; Dziedzic & Kishinchand (2005), p. 27.
1212 Dziedzic (2006), p. 326; Dziedzic & Kishinchand (2005), p. 27.
1213 Dziedzic (2006), p. 326; Dziedzic & Kishinchand (2005), p. 27.
1214 Dziedzic (2006), p. 326; Dziedzic & Kishinchand (2005), p. 27; Rausch (2007), p. 271.
1215 *UN Doc* S/1999/779 (1999), p. 9.

which would last for 78 days.[1216] However, additional diplomatic pressure was needed to stop the Serbian military campaign in Kosovo. On June 2, 1999, then Serbian President Slobodan Milosevic agreed to withdraw his forces from Kosovo. He also agreed to the deployment of an international civilian and military peace mission in Kosovo.[1217] The international formalisation of that mission followed on June 10, 1999 when the UN Security Council adopted UNSCR 1244.[1218] The Resolution authorised the UN to establish an interim civilian administration for Kosovo under which the people of Kosovo could progressively acquire autonomy. For that purpose, the UN acquired full administrative and governmental authority over Kosovo and its population in order to build the foundations for the development of a society and its institutions that recognise and support the rule of law (See Box 3).[1219]

Box 3: Mandate of UNMiK

The responsibilities of UNMiK as described in Paragraph 11 of Resolution 1244 were:

a. Promoting the establishment, pending a final settlement, of substantial autonomy and self-government in Kosovo;
b. Performing basic civilian administrative functions where and as long as required;
c. Organising and overseeing the development of provisional institutions for democratic and autonomous self-government pending a political settlement, including the holding of elections;
d. Transferring, as these institutions are established, its administrative responsibilities while overseeing and supporting the consolidation of Kosovo's local provisional institutions and other peace-building activities;
e. Facilitating a political process designed to determine Kosovo's future status;
f. In a final stage, overseeing the transfer of authority from Kosovo's provisional institutions to institutions established under a political settlement;
g. Supporting the reconstruction of key infrastructure and other economic reconstruction; Supporting, in coordination with international humanitarian organisations, humanitarian and disaster relief aid;
h. Maintaining civil law and order, including establishing local police forces and meanwhile through the deployment of international police personnel to serve in Kosovo;
i. Protecting and promoting human rights;
j. Assuring the safe and unimpeded return of all refugees and displaced persons to their homes in Kosovo.[1220]

1216 NATO launched Operation Allied Force without the consent of the UN Security Council. Instead, NATO referred to the urgent need for a humanitarian intervention to legitimise the operation.

1217 See for example: Brocades Zaalberg (2006), pp. 293-295; Dziedzic (2006), p. 319; Dziedzic & Kishinchand (2005), p. 28-29; Klep & Van Gils (2005), pp. 408-409 & p. 412.

1218 *UN Doc* S/RES/1244 (1999).

1219 Pauwels (2002), p. 466.

1220 *UN Doc* S/RES/1244 (1999), §11.

The resolution also listed the responsibilities of KFOR in Kosovo (see Box 4), and assigned NATO to deploy an 'international security presence (…) under unified command and control (…) to establish a safe environment for all people in Kosovo and to facilitate the safe return to their homes of all displaced persons and refugees.'[1221] After the UN Security Council had adopted UNSCR 1244, the first KFOR troops left their staging areas in Montenegro and entered Kosovo on June 12, 1999.[1222]

Box 4: Mandate of KFOR

The responsibilities of KFOR as described in Paragraph 9 of Resolution 1244 were:

a. Deterring renewed hostilities, maintaining and where necessary enforcing a ceasefire, and ensuring the withdrawal and preventing the return into Kosovo of Federal and Republic military, police and paramilitary forces;
b. Demilitarising the Kosovo Liberation Army (KLA)[1223] and other armed Kosovo Albanian groups; Establishing a secure environment in which refugees and displaced persons can return home in safety, the international civil presence can operate, a transitional administration can be established, and humanitarian aid can be delivered;
c. Ensuring public safety and order until the international civil presence can take responsibility for this task;
d. Supervising demining until the international civil presence can, as appropriate, take over responsibility for this task;
e. Supporting, as appropriate, and coordinating closely with the work of the international civil presence; Conducting border monitoring duties as required;
f. Ensuring the protection and freedom of movement of itself, the international civil presence, and other international organisations.[1224]

7.1.2 Dutch military contribution to the peace settlement

The Dutch government formally decided to participate in KFOR on June 10, 1999.[1225] Prior to this decision, the Dutch government had assigned 11 Artillery Battalion in February 1999 to prepare for future participation in KFOR. The government deployed an advance party to Macedonia in April 1999.[1226] The advance party was tasked to provide fire support for 12 (GE) Armoured Brigade.[1227] The main body of 11 Artillery Battalion would deploy mid June 1999 in

1221 *UN Doc* S/RES/1244 (1999), Annex 2, §4.
1222 Dziedzic (2005), p. 342; Klep & Van Gils (2005), p. 412.
1223 In this chapter further referred to as UÇK (*Ushtria Çlirimtare e Kosovës*).
1224 *UN Doc* S/RES/1244 (1999), §9.
1225 *Kamerstukken II*, 2000/01, 22 181, nr. 331, p. 3. See also: Abels, Van Pelt & Jacobs (2000), pp. 12-13.
1226 *Kamerstukken II*, 1998/99, 22 181, nr. 224. See also: Abels, Van Pelt & Jacobs (2000), p. 10; Brocades Zaalberg (2006), p. 299.
1227 Abels, Van Pelt & Jacobs (2000), p. 13.

three subsequent shifts.[1228] In December 1999, 41 Artillery Battalion replaced 11 Artillery Battalion and served in Orahovac until May 2000. Because the Dutch government had already decided in November 1999 to stop its contribution to the KFOR mission by mid-2000 in order to concentrate its involvement in the Balkans on the SFOR mission in Bosnia and Herzegovina, the 41 Artillery Battalion was not replaced by another Dutch unit.[1229] For the chronology of the mission, see Appendix 1.

7.1.3 Structure of the chapter

This chapter provides an answer to sub-questions 4, 5 and 6, in relationship to the NL Army's involvement in KFOR from June 1999 until May 2000. This chapter first deals with the question whether the KFOR mission encountered a security gap. Second, the chapter deals with the operational concept of the two battalions and answers the question whether their concept has contributed to public security. Third, it describes their organisational concept and answers the question to what extent this concept supported the execution of police-like activities.[1230]

7.2 Security gap

7.2.1 Public security situation

Demographic composition of the area

Given the background of the conflict, the ethnic composition of the area was of significance for the security situation. The area of responsibility of KFOR 1 and 2 covered the villages of Orahovac, Velika Hoca, Suva Reka and Mamusa.

Before the conflict, the total number of inhabitants of the Orahovacs area had been 25,000 of which nearly ninety percent had been of Kosovo Albanian origin and about 4,000 were Serbian. The Serbian minority lived in a separate quarter of Orahovac and in the village of Velika Hoca. The Roma community had been a second minority in the area and lived near the Serbian quarter of Orahovac. Before the conflict, the size of the Roma population had been between 1,500 and 2,000. In Mamusa, a village southeast of Orahovac, there was a small Turkish community of approximately 5,000 citizens.[1231]

After the conflict, the ethnic composition of Orahovac had changed significantly. The total number of Kosovo Albanian inhabitants increased to 30,000 while the

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1228 Klep & Van Gils (2005), p. 416.

1229 *Kamerstukken II*, 1999/2000, 22 181, nr. 306, p. 2.

1230 The main body of this chapter is based on interviews with commanders and senior staff officers of the two Dutch KFOR battalions. The interviews are complemented with data from the Dutch Defence Archives, policy documents issued by the NL Army, documentation and reports issued by the Dutch parliament, reports issued by the UN in relation to their mission in Kosovo and memorial books produced by the two Dutch artillery battalions.

1231 Abels, Van Pelt & Jacobs (2000), p. 72. See also Van Loon (2000), p. 660.

number of Serbs had decreased to about 2,500. Also the size of the Roma community decreased as a result of the conflict and had shrunk to about 800. The Turkish community in Mamusa did not suffer from the conflict and largely remained unchanged.[1232]

Crime and criminality

Following Hansen's classification of crimes in war-torn societies,[1233] the most significant types of crime in Kosovo were politically or ethnically-related violence and organised crime.[1234]

Ethnic and political violence emerged often because of unmet or unsatisfied grievances related to the conflict.[1235] In Kosovo, these emerged in the early months of the mission after Kosovo Albanians, who had sought refuge in Macedonia and Albania, returned to their homes of origin. After they found out their relatives murdered, livestock killed and homes and farms destroyed, several Kosovo Albanians sought revenge for the crimes committed by the Kosovo Serbs. Revenge varied from intimidation and arson to kidnappings and murder.[1236] Although ethnically and politically-motivated violence peaked during the first months of the mission, it continued during KFOR 2, resulting in several incidents, such as arson and assaults with hand-grenades.[1237] For example, on December 17, 1999 eight Serbs were injured in an assault in the Serbian quarter of Orahovac. A week later, on December 24 1999, two hand-grenades were thrown into a Serbian house in Orahovac. Kosovo Albanians were also the targets of violent acts. On February 24, 2000, a hand-grenade was thrown into a Kosovo Albanian restaurant and on March 17, another hand-grenade was thrown into a Kosovo Albanian house.[1238]

In addition to ethnic and political related violence, Kosovo suffered from organised crime that arose immediately after the conflict. Criminal structures took advantage of the power and security vacuum and started various forms of illegal activities such as trafficking weapons, stolen goods, contraband and women.[1239] Organised crime also occurred in Orahovac and mainly involved smuggling and illegal logging.[1240]

1232 Abels, Van Pelt & Jacobs (2000), p. 72. See also Van Loon (2000), p. 660.
1233 Hansen (2002b), pp. 90-91.
1234 See for example: Lovelock (2005), pp. 124-125; Rausch (2002), p. 24.
1235 Hansen (2002b), p. 90.
1236 Interviews June 29, 2011; Interview June 16, 2011; Interview July 5, 2011; Interview July 7, 2011(a); Interview August 15, 2011; Interview September 8, 2011. See also: Abels, Van Pelt & Jacobs (2000), pp. 93-94.
1237 Interview August 17, 2011; Interview October 5, 2011(b); Interview October 4, 2011(a). See also: 41 Afdeling Veldartillerie (2001), pp. 102-105.
1238 41 Afdeling Veldartillerie (2001), pp. 102-105.
1239 Lovelock (2005), pp. 124-125.
1240 Interview June 29, 2011; Interview July 5, 2011; Interview August 23, 2011; Interview October 4, 2011(a); Van Loon (2000), p. 662.

Public order

In terms of public order, there had been a number of demonstrations in the area controlled by the Dutch KFOR forces. In the early months of the Dutch presence in Orahovac, these demonstrations related to the plans to deploy two Russian KFOR battalions in the northern part of the Dutch area of responsibility. The Kosovo Albanians questioned the neutrality of the Russian troops.[1241] From July to November 1999, they protested on a daily basis against the Russian presence.[1242] The Serbs in Orahovac also organised demonstrations, though in support of the Russians.[1243] Overall, these demonstrations had a non-violent character and did not require any kind of crowd control.[1244] Also during the deployment of KFOR 2 there were a number of demonstrations in Orahovac and Suva Reka for various purposes. These demonstrations passed off without major incidents.[1245]

7.2.2 Local police

After the withdrawal of the Serbian security forces, there were no police left in Kosovo.[1246] The absence of a local police force resulted in an institutional gap, as defined by Dziedzic.[1247] The UÇK and in particular its paramilitary police force *Policia Ushtaraka*, initially tried to fill the police vacuum by deploying police patrols. However, the UÇK had no authority whatsoever to police Kosovo and its citizens.[1248] Instead, UNSCR 1244 had settled the demilitarising of the UÇK,[1249] and in case UÇK patrols appeared in the streets in an attempt to maintain law and order, KFOR stopped and removed them.[1250]

In order to fill the institutional gap, UNSCR 1244 had tasked UNMiK to establish and train a multi-ethnic and self-sustaining local police force for Kosovo: the Kosovo Police Service (KPS).[1251] The process of creating a new

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1241 See for example Brocades Zaalberg (2006), p. 344.

1242 Abels, Van Pelt & Jacobs (2000), pp. 45-47; *Kamerstukken II*, 2000/01, 22 181, nr. 331, pp. 13-14.

1243 Abels, Van Pelt & Jacobs (2000), pp. 45-47.

1244 Interview June 16, 2011; Interview July 7, 2011(a).

1245 Interview August 23, 2011; Interview October 5, 2011(b). See also: 41 Afdeling Veldartillerie (2001), pp. 102-105.

1246 In March 1989, the Serbian President Milosevic had abolished Kosovo's status as an independent province of Serbia. Kosovo Albanians were removed from the public sector, including the police and judicial system and replaced by representatives of the Kosovo Serb minority who since then had occupied the most important positions within the government and public administration (See for example: Rausch (2007), p. 272; Van Loon (2000), p. 660). After the arrival of KFOR, Serbian troops left Kosovo, as did Kosovo Serbs including police and civil administrators (Interview June 16, 2011; Interview July 5, 2011; Interview August 15, 2011. See also: Van Loon (2000), p. 657; *Kamerstukken II*, 2000/01, 22 181, nr. 331, p. 12).

1247 Dziedzic (1998), p. 14.

1248 Interview June 16, 2011; Interview July 5, 2011; Interview July 7, 2011(a); Interview September 8, 2011; Interview October 5, 2011.

1249 *UN Doc* S/RES/1244 (1999), §9(b) & 15.

1250 Interview July 5, 2011, Interview September 8, 2011.

1251 *UN Doc* S/RES/1244 (1999), §11(i).

police force formally started when the Kosovo Police Service School (KPSS) opened its doors on September 7, 1999.[1252] Initially, the UN planned for 4,000 KPS officers.[1253] In 2002, the target changed to a maximum strength of around 10,000 police officers.[1254] The police training comprised a programme of twenty-seven weeks, divided over a basic eight-week training course in the KPSS and nineteen weeks of field training at a UN police station.[1255] The first group of KPS police officers trained to perform independent patrolling became operational in October 2000.[1256]

7.2.3 International police

With no local police yet in place to enforce the law and to maintain public order, Kosovo faced a security gap. To fill this gap, UNSCR 1244 authorised the establishment of an international police force: the UNMiK Police. The Resolution assigned UNMiK Police two main tasks. First, UNMiK Police would be responsible for providing interim policing. Second, they would take on the establishment and training of the Kosovo Police Service.[1257] At the start of the mission, the authorised strength of the UNMiK Police had been 3,110 police officers. On October 26, 1999, the UN Security Council decided to increase the number of UNMiK police by over 1,600 officers resulting in a strength of 4,718.[1258]

However, the deployment of the UNMiK Police proceeded slowly and created a deployment gap. While KFOR was on the ground in Kosovo already on June 12, the deployment of UNMiK Police took several weeks, basically because potential donor countries were not able to deploy sufficient numbers of qualified police at short notice.[1259] The first international police officers, twenty-seven in total, arrived in Kosovo on June 28, 1999 and originated from the IPTF in Bosnia and Herzegovina.[1260] By late August/early September 1999, UNMiK Police had reached about twenty percent of its authorised strength.[1261] At that time also the first three UNMiK Police arrived in Orahovac.[1262] In May 2000, when the Dutch mandate expired, UNMiK Police had just reached 77 percent of its authorised strength.[1263] By February 2001, UNMiK Police had finally reached a size close to the authorised force capacity.[1264]

1252 *UN Doc* S/2000/1196 (2000), p. 6.
1253 *UN Doc* S/2000/538 (2000), p. 6.
1254 *UN Doc* S/2002/62(2002), p. 8.
1255 UNMiK Police (2001), p. 31.
1256 UNMiK Police (2001), p. 32; Dziedzic (2002), p. 50.
1257 *UN Doc* S/RES/1244 (1999), §11(i) & 11(j).
1258 UNMiK Police (2001), p. 34.
1259 Hawley & Skocz (2005), p. 57.
1260 UNMiK Police (2001), p. 11.
1261 *UN Doc* S/1999/987 (1999), p. 6.
1262 Interview June 29, 2011; Interview July 5, 2011; Interview September 8, 2011. See also: Van Loon (2000), p. 664.
1263 *UN Doc* S/2000/538 (2000), p. 5 & p. 7.
1264 *UN Doc* S/2001/218 (2001), p. 8. The UN Formed Police Units (FPU) deployed slowly too. The UN planned for ten FPUs to provide public order functions, such as crowd con-

UNMiK Police established its first police station in Pristina. In September 1999, the UNMiK Police in Pristina had reached a sufficient force level to assume full responsibility for policing. In Prizren, the region where the Dutch KFOR battalion operated, UNMiK Police took on full executive responsibility for policing on October 27, 1999.[1265] In June 2000, finally, UNMiK police were able to assume full executive responsibility for policing in all of Kosovo.[1266] Until UNMiK had been ready to take on complete executive policing powers, KFOR had had to fill the security gap and acted as interim police force to ensure public security.[1267] Until the transfer of that responsibility, UNMiK Police advised KFOR on policing matters and established liaison with local and international counterparts.[1268]

7.3 Operational concept

7.3.1 Planning and preparation

International mandates and planning

UNSCR 1244 anticipated that the international police force would deploy at a slower pace than KFOR.[1269] To prevent a security gap, UNSCR 1244 gave KFOR a legal basis for providing public security 'until the international civil presence can take responsibility for this task.'[1270] Hereby and for the first time in history, the UN Security Council gave a military force the authority to provide public security in a failed state and to execute 'full tactical policing' which made the mandate of KFOR broader than that of IFOR/SFOR in Bosnia and Herzegovina.[1271]

However, NATO had not included the provision of interim policing in its initial planning. NATO started its planning for the deployment of ground forces in Kosovo in June 1998.[1272] This process resulted in Operation Plan 10413 of February 1999, which focused on the execution of the Military Technical Agreement (MTA) between NATO and the Serbian government on the withdrawal of Serbian forces from Kosovo.[1273] As such, NATO focused on the

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trol and area security. The first FPU arrived in April 2000, nine months after the start of the UNMiK mission while the tenth FPU arrived not until February 2002 (Perito (2004), pp. 109-205).

1265 UNMiK Police (2001), p. 11.

1266 All executive policing powers were transferred from KFOR to UNMiK Police in Pristina on September 19, 1999, in Prizren on October 27, 1999, in Gnjilane on May 12, 2000, and in Pec in June 2000 (UNMiK Police (2001), p. 11.

1267 *UN Doc* S/RES/1244 (1999), §9(d).

1268 UNMiK Police (2001), p. 11.

1269 Dziedzic (2006), p. 340.

1270 *UN Doc* S/RES/1244 (1999), §9(d).

1271 Friesendorf (2009), p. 92.

1272 *Kamerstukken II*, 1999/00, 22 181, nr. 331, p. 5.

1273 *Kamerstukken II*, 1999/00, 22 181, nr. 331, p. 5. The Military Technical Agreement (MTA) involved an agreement between Serbian military leaders and COMKFOR Lieutenant-General Jackson on June 9, 1999, regarding a coordinated extraction of Serbian forces and

military aspects of a land operation. The planning process also took the results of the Rambouillet Agreement into account, which assumed that the Serbian police and the judicial system in Kosovo would be in place after its ratification and could serve as intermediate solution prior to an internationally lead police and judicial reform.[1274] Nevertheless, the Commander of KFOR (COMKFOR) expected that some sort of a security gap could occur noting that he wanted 'to deploy available forces rapidly to establish an initial presence in Kosovo avoiding a security vacuum being created.' For that purpose, he planned to 'establish and maintain a secure environment, including public safety and order.'[1275] However, COMKFOR did not translate his assessment into specific measures or guidelines, as the commander of KFOR 1, Van Loon notes.[1276] These measures or guidelines would develop incrementally during the first weeks of the operation.

The first important guideline regarding the provision of public security had been "*Weisung Nr. 8*" (Directive No. 8) of June 22, 1999. The German Ministry of Defence had been responsible for drafting this guideline to give guidance to the German KFOR troops, although the brigade had taken the initiative for its development. According to the Dutch battalion commander:

> This directive materialised more-or-less bottom-up. Parts of the directive we developed ourselves and streamlined it. We did so because we faced problems on the ground for which we needed a legal basis.[1277]

Directive No. 8 provided instructions for the German KFOR troops to arrest criminal offenders in order to establish public order and security.[1278] The directive allowed soldiers to act in more than just the cases of "serious crime" mentioned in the KFOR rules of engagement such as murder, manslaughter, crimes against humanity, rape, looting, assault deportation, armed robbery, arson and intimidation. The Directive authorised troops to search and disarm arrested suspects, to determine their identity and to have them examined by a medical doctor.[1279] The German Directive also became a guideline for the Dutch troops operating in the German Multinational Brigade (MNB) sector.[1280] Pressured by

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the deployment of the KFOR forces in Kosovo (Brocades Zaalberg (2006), p. 295; Dziedzic (2006), p. 334).

1274 See for example: Brocades Zaalberg (2006), p. 292; Rausch (2007), pp. 274-275.

1275 Van Loon (2000), p. 657.

1276 Van Loon (2000), p. 657.

1277 Interview June 29, 2011.

1278 Bundesministerium der Verteidigung (June 22, 1999). Vorläufige Weisung Nr. 8 für die Behandlung mutmaßlicher Straftäter die durch die Bundeswehr in Kosovo in Gewahrsam genommen warden (sollen). SSA, 11 (NL) Artillery Battalion KFOR 1, June 12 – December 7, 1999, Box 7, Correspondentiearchief, No. 6009.

1279 SSA, 11 (NL) Artillery Battalion KFOR 1, June 12 – December 7, 1999, Box 7, Correspondentiearchief, No. 6009. See also: Brocades Zaalberg (2006), p. 319; Van Loon (2000), p. 657.

1280 Ministerie van Defensie – Defensiestaf (October, 6 1999). *Aanhouding van verdachten van oorlogsmisdaden in Kosovo. (Concept) Aanwijzing CDS Nr. A-19.* SSA, 11 (NL) Artillery Battalion KFOR 1, June 12 – December 7, 1999, Box 7, Correspondentiearchief, No. 10019.

the Dutch Contingent Commander in Kosovo,[1281] the Dutch government finally agreed with this directive in October 1999. In a special directive regarding the arrest of war crimes indictees in Kosovo, the Dutch Defence staff noted that Directive No. 8 gave Dutch KFOR troops the authority 'to apprehend individuals who are suspected of having committed serious criminal offences, or those who are caught in the act committing such crime.'[1282] Nevertheless, the Dutch government still had its reservations against a larger role of Dutch troops in public security.[1283] According to officers involved, the Dutch Ministry of Defence followed a narrow interpretation of the mandate, apparently to prevent any kind of mission creep, which resulted into various debates between the battalion and the Ministry on the solutions needed to restore law and order.[1284]

A second guideline on law enforcement and arrests followed on June 25, 1999, thirteen days after KFOR's entry in Kosovo. In Annex R to Operational Order 004, COMKFOR regulated that his troops had to maintain basic law and order in Kosovo until UN arrangements were in place. To enforce the law and to maintain public order, he advised his troops to follow the legislation of the Federal Republic of Yugoslavia as far as practically possible, which could be achieved by 'applying internationally respected standards of behaviour in law and order in line with the respective NATO sending nations procedures. The Annex authorised KFOR troops to perform preliminary police functions, such as stop and search, and arrest and detention of suspected criminals.[1285]

On July 20, 1999, COMKFOR issued his final guidance on public order and security. In a separate directive, he confirmed that in, line with UNSCR 1244, KFOR had to 'establish and maintain a secure environment, including public safety and order.' To perform this task, he underlined that KFOR had the mandate and responsibility for law and order until UNMiK Police could assume its responsibilities. Meanwhile, he noted, KFOR troops had the 'right to apprehend and detain persons who are suspected of having committed offences against public safety and order.'[1286]

National political planning

On February 22, 1999, 11 Artillery Battalion received its formal order to prepare for deployment to Kosovo from April 2, 1999 with a "notice-to-move" of seven days.[1287] After 11 Artillery Battalion had completed its training programme, the

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1281 Van Loon (2000), p. 659.

1282 Ministerie van Defensie – Defensiestaf (October, 6 1999). *Aanhouding van verdachten van oorlogsmisdaden in Kosovo. (Concept) Aanwijzing CDS Nr. A-19.* SSA, 11 (NL) Artillery Battalion KFOR 1, June 12 – December 7, 1999, Box 7, Correspondentiearchief, No. 10019.

1283 Brocades Zaalberg (2006), pp. 319-320.

1284 Interview June 29, 2011; Interview September 8, 2011.

1285 COMKFOR (June 25, 1999) *OPORDER 004, Annex R.* SSA, 11 (NL) Artillery Battalion KFOR 1, June 12 – December 7, 1999, Box 7, Correspondentiearchief, No. 6012.

1286 COMKFOR – Headquarters KFOR (July 20, 1999). *COMKFOR Directive 1510.7/ARGPL/99.* SSA, 11 (NL) Artillery Battalion KFOR 1, June 12 – December 7, 1999, Box 7, Correspondentiearchief, No. 7020.

1287 Abels, Van Pelt & Jacobs (2000), pp. 11-12.

Dutch government informed the Parliament on April 3, 1999 that it had assigned one of the battalion's artillery platoons (five M-109 howitzers and 120 troops) to deploy to Macedonia to augment a German armoured brigade.[1288] The decision to deploy the remaining part of the battalion (thirteen M-109 howitzers) followed on May 26, 1999. Like the artillery platoon, the battalion assignment was to provide fire support for the German brigade.[1289] When the government informed the parliament, it neither mentioned the option of area responsibility nor the possibility of providing interim policing.[1290] On June 8, 1999, a week before the entry in Kosovo, the Minister of Defence emphasised the military character of the KFOR mission. Again, he did not mention the possibility of changing the battalion's assignment into area responsibility.[1291]

The initial assignment to provide fire support changed in the course of the pre-deployment phase. During his operational planning process in Macedonia, the commander of the German armoured brigade learned that he would be responsible for securing the area around Prizren. He realised that his brigade lacked the capabilities to cover that area effectively. He also realised that fire support would probably not be required during the execution of the operation.[1292] The deputy brigade commander Van den Aker explained that the brigade commander changed the initial fire support role into a light infantry role after consulting the Dutch government. This change implied that 11 Artillery Battalion KFOR 1 would become responsible for the Orahovac area.[1293] The Dutch battalion commander Van Loon had strongly endorsed this change. He recalled:

> In Macedonia we realised that we had to employ our troops differently. I informed The Hague that our brigade commander did not have enough troops at his disposal. Therefore, he wanted to assign me with area responsibility. For that purpose, I was going to be augmented with a German infantry company and a German reconnaissance platoon. I was going to execute an infantry task. I do not know whether there has been formal communication between Germany and the Netherlands about this change of assignment, but the government agreed with my new assignment.[1294]

The Dutch government did not report the change in the assignment of KFOR 1 to the Parliament until August 20, 1999.[1295] In the evaluation of the KFOR mission, the government reported that during the execution of the KFOR mission the necessity for fire support had been considered less obvious and that it therefore had ordered the artillery battalion to prepare for the execution of light

1288 *Kamerstukken II*, 1999/00, 22 181, nr. 244.
1289 *Kamerstukken II*, 1998/99, 22 181, nr. 276, pp. 3.
1290 *Kamerstukken II*, 1998/99, 22 181, nr. 244; *Kamerstukken II*, 1998/99, 22 181, nr. 276.
1291 *Kamerstukken II*, 1998/99, 22 181, nr. 289, p. 7.
1292 Van den Aker (2000), p. 649.
1293 Van den Aker (2000), p. 649.
1294 Interview June 29, 2011.
1295 *Kamerstukken II*, 1998/99, 22 181, nr. 295, p. 1.

infantry tasks such as patrolling and operating checkpoints within an allocated area of responsibility.[1296]

Unlike KFOR 1, KFOR 2 immediately got the assignment to provide area responsibility. KFOR 2 also knew that they would become the last Dutch KFOR battalion. On 26 November 1999, one week before the deployment of KFOR 2 to Kosovo, the Dutch government decided not to extend the Dutch contribution to KFOR beyond KFOR 2. The government intended to focus its involvement in crisis management on the SFOR mission in Bosnia and Herzegovina.[1297] Consequently, KFOR 2 got the order to prepare for a successful transfer of responsibility to another NATO partner.[1298]

Operational planning and preparation

Shortly after 11 Artillery Battalion received its order to prepare for deployment to Kosovo, it started its training programme. The programme consisted of regular artillery training related to the battalion's main mission and an additional training mission-oriented training related to the execution of a peace operation. The mission-oriented training programme included training in cultural and situational awareness, social patrolling, manning checkpoints, vehicle search and interaction with civilians.[1299] In that sense, the battalion trained to execute activities that are required to fulfil an area responsibility role, although the execution of light infantry activities did not belong to the core business of an artillery battalion. The battalion did not train for interim policing,[1300] nor did it train to deploy crowd and riot control, or to arrest criminal suspects.[1301]

In advance of their deployment, the leadership of KFOR 1 drafted an operational plan. The plan was based upon COMKFOR's initial operational plan. The operational plan of KFOR 1 sketched the outlines of the operation. It mentioned the importance of public security, since COMKFOR had addressed this issue, but without making further interpretations and without specifying what public security tasks entailed.[1302] The Dutch battalion's leadership lacked clear instructions and objectives on the provision of public security,[1303] and they did not have a clear overview of the security situation in Kosovo and Orahovac.[1304] The battalion commander explained:

1296 *Kamerstukken II*, 1998/99, 22 181, nr. 331, p. 6.
1297 *Kamerstukken II*, 1999/00, 22 181, nr. 331, p. 7.
1298 Interview August 17, 2011; Interview October 5, 2011(b).
1299 Interview June 29, 2011; Interview July 5, 2011; Interview August 15, 2011.
1300 Interview September 8, 2011.
1301 Interview June 29, 2011; Interview July 5, 2011; Interview August 15, 2011.
1302 Interview September 8, 2011.
1303 Interview June 16, 2011; Interview July 5, 2011; Interview July 7, 2011(a); Interview August 15, 2011.
1304 Interview June 16, 2011; Interview June 29, 2011; Interview July 5, 2011; Interview July 7, 2011(a); Interview August 15, 2011.

> We did not have a clear view of what was going on in the area. Nor did Dutch government provide me with a concrete assignment. In fact, the order given to me was: "Take eighteen M-109s, move to Kosovo, and do something useful." That is how we started.[1305]

From the moment the advance party arrived in Orahovac "the world started to turn" as one officer explained. KFOR 1 *de facto* became responsible for governing Orahovac and for providing public security.[1306] After their arrival in Orahovac, the leadership of KFOR 1 faced the atrocities of the conflict. It became clear that protecting the Kosovo Serb minority and Roma against Kosovo Albanian retribution would become a first priority. The dynamics of the local security gap forced them to refocus without having a full picture of the situation. One staff officer stated:

> When we arrived in the area we started thinking about which tasks we had to tackle. We started with an assessment of the local security situation and addressed the tensions between the Serbs and Albanians. We noticed a need for policing and we did what was needed.[1307]

Another officer recalled:

> Our operational planning occurred ad hoc. At a certain moment, we got information that something could happen to the Serbian minorities in Orahovac and Velika Hoca. Immediately they said: "Go there, make an assessment, develop a plan and make sure you protect them." This is how we started. It was very low-key. We did not have specific objectives for public security. There was just one mission: to protect the Serbian and Roma minority and to provide public safety and order.[1308]

Based upon the first impressions in theatre, KFOR 1 identified three priorities that defined the focus of the operation during the first three months. The first and foremost priority became the protection of Kosovo Serbs and Roma[1309] against retribution by Kosovo Albanians. The collection of evidence against and the arrest of alleged war criminals became a second priority. The third priority was the protection of mass killing sites until ICTY had completed their investigations.[1310]

During the course of the operation, the battalion's situation assessment improved gradually. As the battalion got a better picture of the situation, it could develop plans on how to restore law and order in its area of responsibility. The situation remained complex and turbulent and KFOR 1 followed an incremental approach

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1305 Interview June 29, 2011.
1306 Interview June 29, 2011.
1307 Interview July 7, 2011(a).
1308 Interview August 15, 2011.
1309 The Kosovo Albanians accused the Roma of collaborating with the Kosovo Serbs during the conflict.
1310 Interview June 29 2011; Interview July 5, 2011.

to build up its situation assessments. For each step and contingency, the battalion's leadership developed and issued separate orders to inform and instruct its troops. In September, halfway through the operation, the battalion had identified and assessed the problems and developed a dedicated operational plan.[1311]

On 23 June 1999, 41 Artillery Battalion received its formal order to prepare for deployment to Kosovo as KFOR 2.[1312] The battalion based its mission planning and preparation upon the experiences of the colleagues of KFOR 1 and a reconnaissance mission prior to their deployment. The battalion's leadership knew that their mission would focus on area responsibility and that fire support for the MNB would be a secondary task.[1313]

The training programme of 41 Artillery Battalion comprised the regular artillery-training curriculum and an additional mission-oriented training programme that prepared them for light infantry tasks related to peace operations.[1314] The battalion trained for activities such as social patrolling, manning checkpoints, search operations and de-escalation of incidents.[1315] Since the 41 Artillery Battalion was aware of KFOR 1's experiences regarding public security[1316], it had included some public security aspects in their mission-oriented training, such as the search and arrest of suspects and the search of houses.[1317] The battalion did not train and equip for crowd and riot control, however, although KFOR 1 dealt with demonstrations on a regular basis.[1318] Although KFOR 2 trained in making arrests and house searches, they did not describe these tasks as police activities, as one officer remembered:

> In our planning we did not focus on policing, or we did not perceive it as policing. We knew that we had to patrol the streets. We knew we had to man checkpoints where we had to check civilians and vehicles. We also knew that we had to intervene in public disturbances. When we trained for it, we did not label these activities as policing. However, looking back, I could say we have been involved in policing.[1319]

KFOR 2 knew that they would be responsible for providing security in the area around Orahovac. According to interviews with senior officers, KFOR 2 had acquired a relatively good picture of the security situation on the ground. It based its assessment on formal intelligence, informal information provided by their colleagues of KFOR 1 and their own reconnaissance mission prior to their

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1311 Interview September 8, 2011.
1312 41 Afdeling Veldartillerie (2001), p. 12.
1313 Interview August 17, 2011; Interview October 5, 2011(b); see also: 41 Afdeling Veldartillerie (2001), p. 12.
1314 41 Afdeling Veldartillerie (2001), p. 12. See also: *Kamerstukken II*, 1999/00, 22 181, nr. 331, p. 14.
1315 Interview August 23, 2011; Interview October 5, 2011(b).
1316 Interview August 17, 2011; Interview August 23, 2011.
1317 Interview August 23, 2011; Interview October 5, 2011(b).
1318 Interview August 23, 2011; Interview October 5, 2011(b).
1319 Interview October 5, 2011(b).

deployment. They were only able to get a complete view after their deployment, however. KFOR 2's leadership were not comfortable with their assignment. As an artillery battalion, they were not familiar with infantry tasks. Due to their perceived lack of experience in light infantry work, they had decided to adopt a more restrained attitude towards public security.[1320]

There were also other reasons for a more restraint approach towards public security. While the commander of KFOR 1 had followed a broad interpretation of the UN mandate towards public security,[1321] the Dutch Ministry of Defence had ordered KFOR 2 to show more reserve.[1322] The Ministry of Defence considered the execution of public security tasks by KFOR 2 less obvious since the security situation had stabilised and the UNMiK Police had reached an adequate size.[1323] It therefore instructed the battalion to consolidate the success of KFOR 1 and to prepare for a transfer of authority to another NATO partner at the end of its deployment.[1324] The battalion's autonomy in performing public security tasks was thereby limited. One officer reported:

> The national instruction was not to act on the edge. The Hague exercised a close control. Our autonomy regarding public security was therefore limited. The adagio was: "Don't challenge the success; we don't want to run a risk a second time." We had to report every incident to The Hague, which caused irritation and friction.[1325]

The planning of KFOR 2 therefore focused on transfer of authority and to 'help the population to help themselves by assisting UNMiK Police and UNHCR in our area of responsibility,' as the battalion commander expressed in his Operational Order.[1326] According to some officers, public security had not been a priority. Consequently, the battalion did not develop specific goals or a clearly defined end state on this issue:

> We had defined our tasks, but we did not link these tasks to specified goals. Our assignment given by the MNB did not mention any goals either. And The Hague had ordered us to show restraint.[1327]

The operational concept of KFOR 2 therefore differed from that of KFOR 1. Not only had it to take the instructions of the Minister of Defence into account, also the security situation on the ground had changed. The UNMiK Police had assumed full responsibility for public security in the area of Orahovac and KFOR

1320 Interview October 5, 2011(b).
1321 Interview June 29, 2011.
1322 Interview August 17, 2011; Interview August 23, 2011; Interview October 5, 2011(b).
1323 *Kamerstukken II*, 1999/00, 22 181, nr. 331, p. 14.
1324 Interview August 17, 2011; Interview August 23, 2011.
1325 Interview August 17, 2011.
1326 41 (NL) ArtyBn RA TF Orahovac (November 17, 1999) OpOrder No. 01. SSA, 41 (NL) Artillery Battalion KFOR 2, Diversen Operationele Staf BLS, MND South, HQ KFOR, BEVO-det, Hrstpel, NL Contco, Box 3.
1327 Interview August 23, 2011.

was formally relieved from providing interim policing. Nevertheless, KFOR 2 had been involved in public security on several occasions, helping to brigade the deployment and enforcement gap that both existed until the end of the Dutch mandate, as explained earlier.

7.3.2 Managing the security gap

7.3.2.1 Public order management

Patrolling

According to COMKFOR, a safe and secure environment could only be established by operating amongst the people and through a "hearts and minds campaign". He therefore wanted his troops to patrol on foot, creating trust and understanding.[1328] In line with the commander's intent, patrolling became the first and foremost instrument of both KFOR 1 and KFOR 2 to restore and preserve public security.

Immediately after the arrival in Orahovac, the commander of KFOR 1 tasked his troops to show their presence in order to prevent widespread crime and disorder. By showing robust presence on a 24/7 basis, the KFOR patrols provided protection to the Serbian and Roma minorities, especially around the Serbian quarter of Orahovac. The patrols had been able to respond to criminal offences and to act in case of disturbances to prevent further escalation between ethnic groups.[1329] On July 30, 1999, the German brigade assigned a platoon *Feldjäger* to strengthen the battalion's patrolling capacity pending the arrival of the UNMiK Police.[1330] After the first UNMiK Police had arrived in Orahovac in September 1999, KFOR continued their patrolling activities in order to maintain public security. After some initial procedural discrepancies in terms of operational and organisational responsibility and accountability,[1331] the two organisations managed to coordinate their activities and deploy joint patrols whenever possible to police the area effectively.[1332]

KFOR 2 used patrolling in their area of responsibility as main instrument for providing public security. Although KFOR 2 was autonomous in the execution of its assignments, it also cooperated with UNMiK Police in the execution of their daily patrols.[1333] Like KFOR 1, KFOR 2 patrols provided a 24/7 presence

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1328 COMKFOR – Headquarters KFOR (July 20, 1999). *COMKFOR Directive 1510.7/ARGPL/99*. SSA, 11 (NL) Artillery Battalion KFOR 1, June 12 – December 7, 1999, Box 7, Correspondentiearchief, No. 7020.

1329 Interview June 27, 2011; Interview July 5, 2011; Interview August 15, 2011; Interview September 8, 2011.

1330 This platoon of twenty-five military police arrived in Orahovac at the end of July 1999 (Interview July 7, 2011(a); Interview September 8, 2011; Abels, Van Pelt & Jacobs (2000), p. 32; Brocades Zaalberg (2006), p. 331; Van Loon (2000), p. 663.

1331 Interview September 8, 2011.

1332 Abels, Van Pelt & Jacobs (2000), p. 32.

1333 Interview August 17, 2011; Interview October 5, 2011(b).

to secure the environment, to keep day-to-day contact with the local population, and to gather intelligence.[1334]

Demonstrations & Crowd and Riot Control

During the deployment of KFOR 1 and 2 several demonstrations took place. In the early days of KFOR1 demonstrations occurred in response to the Russian military presence in the Orahovac area. The Kosovo Albanians contested the Russian presence and organised these demonstrations on a regular basis. The demonstrations were peaceful and did not require any kind of crowd control.[1335] KFOR 1 had been able to control these demonstrations by providing a low-key presence. One officer recalled:

> There were many demonstrations in town, but they were non-violent. During one of the first demonstrations, they wanted to have access to our compound. I ordered a couple of our soldiers to stand in front of them. That was purely a symbolic action for they could have broken through quite easily. However, it stopped them. Next, they spoke to Van Loon. From then on, every week they organised a demonstration at the square in Orahovac. We made sure we had some of our people around, but it never escalated. These demonstrations had a peaceful character. People just wanted to voice their disaffection.[1336]

Demonstrations continued during the deployment of KFOR 2, although the focus of the demonstrations changed. They no longer focused on the Russian presence but addressed different political issues and objectives. For example, on January 23, 2000 two hundred Kosovo Albanians demonstrated against a visit of the UN High Representative Kouchner and the Orthodox bishop Artemeije to Orahovac, and on February 10, 2000 between 2,000 and 4,000 Kosovo Albanians demonstrated for a release of those whom they perceived as political prisoners.[1337] To control these demonstrations, KFOR 2 cooperated with UNMiK Police and the *Feldjäger*. During a demonstration in Suva Reka on March 9, 2000, KFOR 2 showed presence on the spot and operated checkpoints on all access roads to check vehicles and their passengers for weapons.[1338] Although these demonstrations did not escalate into public disorder, one of the battery commanders regarded the lack of crowd and riot control capabilities as a weakness in the structure and organisation:

1334 Interview August 23, 2011; Interview October 5, 2011(b).
1335 Interview June 16, 2011, Interview July 7, 2011(a).
1336 Interview July 7, 2011(a).
1337 41 Afdeling Veldartillerie (2001), pp. 102-104.
1338 Interview October 5, 2011(b); 41 Afdeling Veldartillerie (2001), p. 105.

> In Orahovac we faced a situation where we had to deal with rebellious crowds where a Crowd and Riot Control unit could have been a useful asset. Also in Suva Reka there were situations where we might have needed CRC capacity, such as demonstrations of 2,000 to 3,000 people. I had to deploy all 150 gunners of my battery. I had two Quick Reaction Forces stand-by just outside the village and had positioned the artillery groups around the demonstration.[1339]

In cooperation with UNMiK Police, KFOR 2 focused on de-escalation. After the first demonstration, KFOR 2 sought for a proactive approach that enabled them to operate in the background. KFOR and UNMiK Police agreed with local key-leaders that they would report demonstrations in advance. KFOR and the international community were then able to take measures to maintain civil order. KFOR also arranged the presence of press and representative of international organisations such as the UN or OSCE. One officer explained:

> We adopted a more passive attitude; we were open to the arguments of the demonstrators. We also organised press opportunities. The effect was that the demonstrators felt that they could address their arguments and thereby had achieved their goal.[1340]

KFOR 2 also recorded these demonstrations in order to prevent escalation:

> We filmed every demonstration. We focused on people that behaved suspiciously or subversively. We let them know that we had noticed them and were following them. This had a de-escalating effect on the demonstrators.[1341]

In addition, KFOR provided operational assistance to MNB North in Mitrovica from February 4-8, 2000, and from February 16-24, 2000.[1342] The assistance fitted into a wider international approach to contain escalating ethnic violence. The Ibar River that divided Mitrovica into a predominantly Kosovo Serb part in the North and a Kosovo Albanian part in the South had become a flashpoint. A Serbian paramilitary group called the "Bridge-watchers" prevented Kosovo Albanians living in northern Mitrovica from crossing the river. These Bridge-watchers also frustrated UNMiK Police in their execution of authority in northern Mitrovica and intimidated Kosovo Serbs who wanted to cooperate with UNMiK Police.[1343] The situation near Mitrovica escalated when on February 2, 2000 a rocket hit a UNHCR bus carrying 49 primarily elderly Kosovo Serbs, killing two and injuring three. Following this attack, Kosovo Serbs in northern Mitrovica took revenge, killing eight Kosovo Albanians and wounding close to thirty.[1344]

1339 Interview August 23, 2011.
1340 Interview August 23, 2011.
1341 Interview August 23, 2011.
1342 41 Afdeling Veldartillerie (2001), p. 104; Klep & Van Gils (2005), p. 418.
1343 See for example: Hartz, Mercean & Williamson (2005), pp. 158-159; Dziedzic (2006), pp. 351-352.
1344 *UN Doc* S/2000/177 (2000), p. 5. See also: Hartz, Mercean & Williamson (2005), p. 182.

Initially, the Delta Platoon of the Bravo Battery was tasked with protecting one of the bridges over the Ibar River. This assignment conflicted with the Dutch instructions on deployment of Dutch troops, however. According to the Dutch officers involved, the Dutch government refused to deploy its troops in hot-spots, one reason being that KFOR 2 had no experience in crowd and riot control. In consultation with the Dutch government, the Delta Platoon was therefore assigned another mission. Instead of protecting one or two bridges, it relieved a German unit that was securing a Serbian Orthodox church near Mitrovica. The Delta Platoon protected this site and an adjacent battery factory during February 4-8.[1345]

Later, February 16-24, 2000, KFOR 2 again provided security assistance in Metrovica and deployed its reconnaissance platoon in order to reinforce a German company for patrolling duties.[1346] A final Dutch contribution to public security in Mitrovica was provided by a platoon of the Alpha Company of 17 (NL) Armoured Infantry Battalion that was formally assigned to 11 (NL) *Geniehulpbatalion* (Engineers Service Battalion). The platoon deployed to Metrovica March 11-17, 2000 to reinforce a German company (*Task Force Zur*) in order to secure a water treatment plant and a pumping-station south of Mitrovica and to execute a checkpoint on one of the main roads to search incoming traffic for weapons.[1347]

7.3.2.2 Law enforcement

Checkpoints

In addition to patrolling, checkpoints were another important instrument to ensure public security.[1348] Initially, checkpoints served to create a secure area for Kosovo Serb and Roma minorities and to protect Serbian Orthodox religious sites.[1349] For that purpose, KFOR operated checkpoints around the Serbian quarter of Orahovac and the Serbian village Velika Hoca. Checkpoints also served to inspect and monitor in- and out-going traffic on the main roads around Orahovac. At these checkpoints, Dutch troops inspected vehicles and citizens for weapons and contraband.[1350] Van Loon explained that these checkpoints had been an essential instrument to prevent and deter other kinds of criminality, such as human trafficking and illegal logging.[1351]

1345 Interview August 17, 2011; Interview August 23, 2011; Interview October 4, 2011(a); Interview October 5, 2011(b); 41 Afdeling Veldartillerie (2001), p. 104; *Kamerstukken II*, 2000/01, 22 181, nr. 331, p. 14.

1346 41 Afdeling Veldartillerie (2001), p. 104. See also: Klep & Van Gils (2005), p. 418.

1347 Interview October 4, 2011(a); Klep & Van Gils (2005), p. 420.

1348 Van Loon (2000), p. 662. See also: Interview July 7, 2011(a); Interview August 15, 2011; Interview September 8, 2011.

1349 Interview June 29, 2011.

1350 Van Loon (2000), p. 662. See also: Interview July 7, 2011(a); Interview August 15, 2011; Interview September 8, 2011.

1351 Van Loon (2000), p. 662.

During KFOR 2, checkpoints continued to serve as an important public security instrument to monitor in- and outgoing traffic. KFOR 2 also maintained checkpoints on a 24/7 basis around the Kosovo Serb quarter of Orahovac and Velika Hoca.[1352]

Investigations

Pending the arrival of UNMiK Police, KFOR 1 had no other option than to assume police duties to provide public security and to protect citizens against acts of retribution. Immediately after their arrival, citizens – mainly of Kosovo Albanian origin – addressed KFOR troops to provide information on crimes committed during the previous conflict. The battalion commander assumed that if he provided the citizens a facility to report these crimes, public frustration and tension would calm down.[1353]

On June 20, 1999, a week after the arrival in Orahovac, the battalion commander opened a municipal office in the so-called KFOR Building.[1354] This building was located near to the Kosovo Serb quarter, which made it accessible for all entities.[1355] Two senior warrant officers, assisted by local interpreters, operated the desk. They recorded the complaints and stored all information in an improvised database. By taking community problems seriously, the complaints desk soon proved to be a success. The number of reports increased rapidly, resulting in a growing flow of criminal intelligence, also from other sources such as documents and archives.[1356]

Gradually, the desk developed from a complaints desk into an investigations desk. When the flow of information increased, the Head of Intelligence took charge of the municipal office. The office also got support from the *Feldjäger*, the German MP.[1357] Van Loon also requested formal assistance from the *Marechaussee* in order to bring in professional expertise on crime investigations. A contingent of the *Marechaussee* provided policing for the Dutch KFOR troops. Van Loon argued for a wider mandate of the *Marechaussee*. Initially, the Commander of the *Marechaussee* in The Hague objected but eventually he agreed to a limited advisory role for his law enforcement personnel in Orahovac.[1358] Although their

1352 Interview August 17, 2011; Interview October 5, 2011(b).

1353 Abels, Van Pelt & Jacobs (2000), pp. 32-33; Van Loon (2000), p. 662. See also: Interview July 5, 2011; Interview July 7, 2011(a).

1354 Abels, Van Pelt & Jacobs (2000), p. 93. See also: Interview June 16, 2011; Interview June 29, 2011.

1355 Interview July 5, 2011.

1356 Abels, Van Pelt & Jacobs (2000), pp. 32-33.

1357 Interview July 5, 2011.

1358 Interview June 29, 2011; Interview July 5, 2011. See also: Brocades Zaalberg (2006), pp. 329-330; Van Loon (2000), pp. 663-664. Van Loon notes that although the office was centrally located, the Serbs feared the confrontation with Kosovo Albanians and decided not to engage in the office. KFOR therefore started an office hour in the Serbian quarter (Van Loon (2000), footnote 19, p. 672). After UNMiK Police had assumed full responsibility for policing in October 1999, KFOR 1 transferred its responsibility over the municipal

assignment formally had a limited character, in practice some of the *Marechaussee* personnel assumed more policing activities than officially authorised by The Hague.[1359] One officer explained:

> The *Marechaussee* importantly contributed to the establishment and performance of the "municipal office". The contingent commander took a personal risk by taking on duties that were beyond his mandate. I do not know whether he finally got permission from his headquarters. Nevertheless, the "municipal office" got a quality boost by their involvement. The statements reported by the locals were now recorded in a more judicial manner.[1360]

As the intelligence staff and the *marechaussees* aligned their professional procedures and techniques, they discovered that there had been no major differences or cultural obstacles. However, the input of the *marechaussees* importantly contributed to improve the professional quality of the office's work. One officer explained:

> With the *Marechaussee* we discussed how we had to organise our data collection and analysis. We learned that there was not a big difference between collecting military intelligence and criminal intelligence. That was helpful. It turned out that we spoke the same language. They brought in their police expertise. They taught us for example how to prevent manipulation when recording a witness' statement.[1361]

Despite the success on the ground, the fundamental discussion on the *Marechaussee*'s involvement in local public security had been frustrating for many parties involved. The Dutch deputy brigade commander MNB South, Colonel Van den Aker, for example, expressed the frustration of the MNB during a meeting with Dutch parliamentarians in Prizren on September 8, 1999. He compared the capacity of German *Feldjäger* with that of the Dutch *Marechaussee* and concluded that the Dutch police contribution had been insufficient and had not met the security demands on the ground.[1362] The Dutch Minister of Defence also acknowledged that the involvement of the *Marechaussee* in providing public security in Orahovac had been unsatisfactory for both UNMiK and the *Marechaussee* contingent. In his evaluation of the mission, he noted that UNMiK had requested a wider employment of the *Marechaussee* on several occasions. However, by underlining that the national policing tasks of the *Marechaussee* had made it formally impossible to support KFOR and UNMiK, he did not use the opportunity to look for alternatives during future mission.[1363] As such, the Dutch formal policy differed from those of the governments of Germany, the UK and

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office and its database to the UNMiK police. The transfer also ended the role of the *Marechaussee* in this office.

1359 Interview June 5, 2011; June 16, 2011.

1360 Interview June 16, 2011.

1361 Interview July 5, 2011.

1362 *Kamerstukken II*, 1999/00, 22 181, nr. 304, p. 6.

1363 *Kamerstukken II*, 1999/00, 22 181, nr. 331, pp. 17–18.

US that deployed MPs trained in law enforcement to support troops in providing public security.[1364]

Arrests

In taking the problems of the population seriously, KFOR 1 adopted an approach similar to problem-oriented policing. In problem-oriented policing, the police focus on the collection of information on root causes and effects of community related security problems.[1365] To deal with the problems addressed by the local community effectively, the following step of KFOR was to arrest those who allegedly committed war crimes. The municipal office had collected evidence that paved the way for the arrest of eleven alleged war criminals.[1366] The arrest would be a coordinated international effort, as an officer explained:

> We had made an agreement with the legal officer of UNMiK on the criteria to tests each criminal case in terms of witnesses and level of the crime before making an arrest. When we thought we had collected enough evidence, I presented the file to the UN's Legal Officer. After she had agreed, I presented it to the local prosecutor. After he had approved the case, an arrest was formalised.[1367]

The first three indictees were arrested in Orahovac on August 20, 1999. For this purpose, the German brigade had assigned a Special Forces Team of the *Kommando Spezialkräfte*, which had been deployed in the Prizren area for this very purpose.[1368] The German Directive No. 8 served to authorise the detention operation. The operation also received the approval of the Dutch Minister of Defence, although Dutch troops were not supposed to engage directly.[1369] According to one of the Dutch KFOR's officers, the Minister "would not be amused by this kind of nonsense."[1370] Nevertheless, the Second Battery of the Dutch KFOR battalion provided perimeter security in the Serbian quarter, while the German Special Forces Team executed the actual arrest after which the suspects were transported to the makeshift "base prison" at the Dutch base and later to Prizren for detention and prosecution.[1371] The arrest caused relief within the Albanian community. However, in the Serbian quarter there was frustration and confusion.[1372] One of battalion's CIMIC officers visited the Serbian quarter shortly after the arrest to ease the situation and to talk to the detainees' family. By explaining the arrest had been KFOR's initiative and that the detainees would receive a fair trial he managed to de-escalate the situation.[1373]

1364 See for example: Brocades Zaalberg (2006), p. 331; Jakobsen (2003), p. 144.
1365 Skogan & Hartnett (2005), p. 430.
1366 Abels, Van Pelt & Jacobs (2000), p. 33.
1367 Interview July 5, 2011.
1368 Brocades Zaalberg (2006), p. 357.
1369 Brocades Zaalberg (2006), p. 357. See also: Interview June 16, 2011; Interview June 29, 2011; Interview July 5, 2011.
1370 Interview July 5, 2011.
1371 Interview July 5, 2011. See also: Abels, Van Pelt & Jacobs (2000), p. 45.
1372 Interview July 7, 2011(a). See also: Brocades Zaalberg (2006), pp. 357-358.
1373 Interview July 7, 2011(a).

In the course of the mission, KFOR 1 arrested another eight indictees. Five were arrested on September 24, 1999 as they were leaving the Kosovo Serb quarter on a humanitarian convoy to Serbia. Prior to the departure of the convoy, KFOR 1 had checked the passenger manifest and identified a number of persons who corresponded with a list of suspects from the database. KFOR soldiers stopped the bus and ordered every passenger to leave the bus for an identity check. After having identified them, KFOR arrested the five suspects and transferred them to UNMiK Police.[1374] KFOR arrested another indictee at home on October 7, 1999 after a patrol had spotted him two weeks earlier at the International Red Cross post collecting medicines.[1375] KFOR arrested the last two indictees on October 22, 1999 after they had voluntarily reported themselves at the base after having heard that they had been on the list of alleged war criminals.[1376]

According to officers involved, the Dutch government initially did not agree with the arrests of alleged war criminals and did not authorise a Dutch military operational involvement during the first arrests.[1377] Nevertheless, the German brigade, the Dutch battalion commander and UNMiK officials regarded any delay as a non-option because it would result in acts of retribution by the Kosovo Albanian population of Orahovac.[1378]

The debate between the Dutch government and its troops on the ground was finally settled on October 6, 1999 when the Dutch Ministry of Defence issued a separate guideline on the arrest of war criminals in Kosovo. This guideline formally authorised Dutch KFOR troops to arrest persons indicted for war crimes by ICTY.[1379] On November 18, 1999, after UNMiK Police had assumed full responsibility for policing in Orahovac, the Ministry of Defence decided to adjust its guideline. The new guideline confirmed that KFOR troops were authorised to arrest persons indicted for war crimes by ICTY. However, it restricted Dutch KFOR from searching independently for and arresting war crimes suspects who not had been indicted by ICTY. If the occasion presented itself, Dutch KFOR troops were only supposed to assist UNMiK Police when they lacked the required capacity for the arrest themselves. The Ministry demanded that UNMiK Police would provide a written request for assistance, which was to be sent to the Dutch Defence Staff for formal authorisation.[1380]

The new guideline provoked serious disagreement on the ground. Both the (Dutch) deputy commander of the MNB South and the battalion commander

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1374 Interview July 5, 2011. See also: Abels, Van Pelt & Jacobs (2000), p. 98.

1375 Interview July 5, 2011. See also: Abels, Van Pelt & Jacobs (2000), p. 99.

1376 Abels, Van Pelt & Jacobs (2000), p. 99.

1377 Interview June 16, 2011; Interview June 29, 2011; Interview July 5, 2011.

1378 Van Loon (2000), p. 665.

1379 Ministerie van Defensie – Defensiestaf (October 6, 1999). *Aanhouding van verdachten van oorlogsmisdaden in Kosovo. (Concept) Aanwijzing CDS Nr. A-19.* SSA, 11 (NL) Artillery Battalion KFOR 1, June 12 – December 7, 1999, Box 7, Correspondentiearchief, No. 10019.

1380 Ministerie van Defensie – Defensiestaf (November 18,1999). *Aanhouding van verdachten van oorlogsmisdaden in Kosovo. (Concept) Aanwijzing CDS Nr. A-19.* SSA, 11 (NL) Artillery Battalion KFOR 1, June 12 – December 7, 1999, Box 7, Correspondentiearchief, No. 11193.

noted that the new policy would result in operational misunderstandings. The deputy commander of the MNB feared that when Dutch KFOR troops ran into a suspect, the formal authorisation procedure would cause so much delay that it might ultimately result in the release of the suspect. He also wondered on which grounds the Ministry of Defence would evaluate a request for assistance. The battalion commander argued that the policy could in fact endanger KFOR's mission to establish a safe and secure environment. He feared that any restraint in arresting war criminals would immediately result in Kosovo Albanian retributions.[1381] However, the government did not change its policy, arguing that making arrests was a responsibility of the UNMiK, which excluded Dutch troops from engaging in law enforcement.[1382]

Despite the formal objections of the Dutch government, KFOR 1 arrested and detained 76 citizens who offended the law, particularly in cases of arson, illegal possession of weapons, harassment, theft, and illegal policing by UÇK members (See table 2).[1383] All arrests were executed place with the consent of the UNMiK prosecutor and the UNMiK legal advisor.[1384]

Types of crime	Number of arrests
Illegal policing	18
Possession of firearms	20
Harassment	7
Theft	9
Swindle	2
Arson	4
Assault	5
Murder	11

Table 2: Number of arrests made by KFOR 1 (Source: Abels, Van Pelt & Jacobs (2000), p.33; Van Loon (2000), p.665.)

KFOR 2 was also involved in the arrest of alleged war criminals and criminal offenders, although the Minister of Defence instructed them to show restraint.[1385] On December 28, 1999, KFOR 2 assisted UNMiK Police in the arrest of one indicted war criminal during an identity check prior to a humanitarian convoy of Kosovo Serbs to Mitrovica. These identity checks were part of a formal procedure in which KFOR in cooperation with UNMiK Police checked the passenger list of every humanitarian transport for the possible presence of alleged war criminals.[1386] One KFOR officer recalled:

1381 Ministerie van Defensie – Defensiestaf (November 18,1999). *Aanhouding van verdachten van oorlogsmisdaden in Kosovo. (Concept) Aanwijzing CDS Nr. A-19.* SSA, 11 (NL) Artillery Battalion KFOR 1, June 12 – December 7, 1999, Box 3, Bataljonsstaf, Sectie 2/3, Inlichtingen/Operatiën, Intern Memo 06, No. 11156.

1382 *Kamerstukken II*, 2000/01, 22 181, p. 18.

1383 Abels, Van Pelt & Jacobs (2000), p.33; Van Loon (2000), pp. 664-665.

1384 Abels, Van Pelt & Jacobs (2000), p.33.

1385 41 Afdeling Veldartillerie (2001), pp. 102-106.

1386 Interview October 5, 2011(b).

> If possible, we tried to execute such an arrest out of sight of the other passengers, although this was not always possible. To prevent an escalation we placed the pick-up points for the busses outside of town, for example near the plastic factory in Orahovac. The formal responsibility for the arrests rested with UNMiK Police. We supported them with a platoon. After we had apprehended a suspect we handed him over to UNMiK Police who took care of further transportation and detention within the formal judicial channels.[1387]

Brocades Zaalberg mentions a second case in which KFOR 2 engaged in the arrest of two alleged war criminals during a routine identity check in Suva Reka on January 31, 2000. KFOR had performed the arrest independently from UNMiK Police following a flexible interpretation of UNSCR 1244 on the assistance of and cooperation with the international organisations in Kosovo.[1388] Furthermore, KFOR 2 was involved in the arrest of six criminal offenders in a combined operation of the Alpha Battery, *Feldjäger* and the UNMiK Police. These arrests followed a joint search operation for weapons and ammunition after a series of violent attacks with hand-grenades on Roma and Serbian premises in Orahovac.[1389] The Bravo Battery, stationed in Suva Reka, had not been involved in the arrest of criminal offenders, allegedly because the UNMiK police commissioner responsible for those arrests avoided risks associated with making arrests.[1390]

Detention

Pending the arrival of UNMiK Police, KFOR had been responsible for the detention of suspects. German Directive No. 8 provided provisional guidelines for troops regarding the arrest and detention of persons suspected of having committed a serious crime. In order to create a facility to detain arrested suspects, the German brigade reopened a former Serbian prison in Prizren and assigned the *Feldjäger* to manage it.[1391] In case Dutch KFOR troops arrested a criminal offender, they first transported the suspect to the Dutch base on the Zrze airfield south of Orahovac. The battalion used a twenty feet container as a makeshift detention room. The battalion's intelligence officer and the *Marechaussee* interviewed the detainees in order to assess the seriousness of the crime. After defining the level of the criminal offense, the intelligence officer informed the legal officer of the German brigade, who decided whether there was a case for further prosecution. In case of a serious crime, the Dutch would transfer the suspect to Prizren. If not, they would release him.[1392] KFOR followed this procedure until October 27, 1999 when UNMiK Police assumed full responsibility for policing and *de facto* became responsible for arresting criminal offenders.

1387 Interview October 5, 2011(b).

1388 Brocades Zaalberg (2006), p. 366; Maas, M. (February 7, 2000). Terugkerende Serviërs zijn teken van hoop. *de Volkskrant*. Avialable at http://www.volkskrant.nl /vk/nl/2664/Nieuws/archief/article/detail/556874/2000/02/07/Terugkerende-Serviers-zijn-teken-van-hoop.dhtml; accessed March 14, 2012).

1389 41 Afdeling Veldartillerie (2001), p. 105.

1390 Interview August 23, 2011.

1391 Interview July 5, 2011; Van Loon (2000), p. 664.

1392 Van Loon (2000), p. 664; Interview June 16, 2011; Interview June 29, 2011; Interview August 15, 2011.

Search operations

The fight against the illegal arms had been another instrument to provide public security. KFOR 1 and KFOR 2 both executed actions and operations to downsize the substantial arsenal of firearms and ammunition among the population and the UÇK. Right from the start of the operation, illegal possession of firearms and ammunition had been a concern. Ahead of the formal agreement on the demilitarisation and disarmament of the UÇK of June 21,[1393] Van Loon had ordered the local UÇK commander to withdraw his men south of the Malisevo–Suva Reka area in order to protect the Kosovo Serb minority in Orahovac and Velika Hoca. Any UÇK fighter who would cross that line would be disarmed and arrested. Van Loon imposed an overall ban on carrying weapons openly in Orahovac.[1394]

Although the UÇK was gradually disarming, the availability of weapons remained a serious problem throughout the mission. Abels, Van Pelt and Jacobs report several incidents during KFOR 1 that involved UÇK weapon caches or weapon transports. For example, on June 15, 1999 a KFOR patrol ran into a building that served as UÇK weapon storage. On August 13, a patrolled stopped a minivan transporting 120 Kalashnikovs that belonged to the UÇK. On September 13, German KFOR troops arrested the intelligence officer of 126 UÇK Brigade. When searching his house, German soldiers found a document that linked the UÇK commander in Orahovac to a collection of 23 automatic rifles, two anti-tank missiles, some hand grenades and explosives. When confronted with this document, he transferred these weapons to the Dutch KFOR troops.[1395]

The possession of firearms among the population also caused concern. After the arrests of three indicted war criminals on August 20, 1999, KFOR 1 organised a weapon collection action in the Kosovo Serb quarter of Orahovac.[1396] KFOR 1 had learned from the archives who owned a firearm. On the market-square KFOR had situated a truck in which the population could drop their firearms and ammunition voluntarily. Some people arrived with wheelbarrows full of weapons and ammunition. In total, KFOR 1 collected 550 weapons, including AK-47s and Dragunov sniper-rifles.[1397] The battalion considered the operation being a success, which called for a follow-up in Velika Hoca on August 23, 1999,

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1393 The agreement between KFOR and the leadership of the UÇK settled the demilitarisation and disarmament of the UÇK within a timeframe of 90 days. June 21 became known as K-Day and marked the beginning of the demilitarisation of the UÇK and its transformation into the Kosovo Protection Force (KPF). See for example: Abels, Van Pelt & Jacobs (2000), p. 28; Brocades Zaalberg (2006), p. 306; Covey (2006), pp. 106-107.

1394 Abels, Van Pelt & Jacobs (2000), p. 27.

1395 Abels, Van Pelt & Jacobs (2000), pp. 45-47.

1396 Interview June 29, 2011; Abels, Van Pelt & Jacobs (2000), p. 45.

1397 Interview June 29, 2011; Abels, Van Pelt & Jacobs (2000), p. 45.

leading to the collection of around 100 weapons.[1398] Although many deemed the actions successful, one officer was less enthusiastic:

> The weapons collection programme was no success. It is true that many weapons were turned in, but these were not the weapons we were looking for. Nevertheless, NATO called it a success. But, when two days later the Day of the Albanian Flag was celebrated, we knew better. It was death defying because everybody was shooting into the air.[1399]

The availability of illegal weapons continued to be a point of concern throughout the mission. In September, KFOR organised two larger house-to-house search operations to confiscate illegal arms. On September 20, 1999 Dutch and German KFOR soldiers in cooperation with UNMiK Police, the Dutch *Marechaussee* and the German *Feldjäger* searched houses in the Kosovo Albanian village of Danjane. A Kosovo Albanian had provided information on the presence of an arms dealer and a large collection of weapons in the village. In the early morning of September 20, KFOR troops sealed off the village and started their search. The result was disappointing: KFOR found only five firearms and a small number of hand grenades.[1400] A similar house-to-house search operation was organised in Velika Hoca a few days later, on September 28. Again, German and Dutch troops sealed off the village and searched the houses with the assistance of UNMiK Police, the Dutch *Marechaussee* and the German *Feldjäger*.[1401] One officer explained the process:

> From the air we kept a view on the village and we could see if someone was going in or out. Next, we paid every single house a visit. We rang the doorbell and asked if we could have a look inside, which in fact worked pretty well.[1402]

KFOR 2, in cooperation with UNMiK Police, also organised a number of search actions to confiscate illegal weapons.[1403] According to KFOR officers, former UÇK fighters as well as Albanian and Serbian civilians still hesitated handing in their weapons. On December 10 1999, KFOR 2 organised *Operation Crocodile* to search several UÇK sites for weapons and ammunition. During this operation several firearms, explosives and identity cards were confiscated.[1404] Two of these searches were executed in Suva Reka. An officer involved recalled:

> We sealed off and searched both locations at the same time. The battalion provided area security for both locations. On one location, the battalion's reconnaissance platoon executed the search while an Austrian unit of the MNB

1398 Abels, Van Pelt & Jacobs (2000), p. 45.
1399 Interview June 16, 2011.
1400 Abels, Van Pelt & Jacobs (2000), p. 47 & p. 98.
1401 Interview August 15, 2011; Abels, Van Pelt & Jacobs (2000), pp. 47–48 & p. 98.
1402 Interview August 15, 2011.
1403 Interview August 23, 2011; Interview October 5, 2011(b). See also: 41 Afdeling Veldartillerie (2001), p. 102 & p. 105.
1404 Interview August 23, 2011; Interview October 5, 2011(b). See also: 41 Afdeling Veldartillerie (2001), p. 102.

took care of the other site. In addition to weapons, we confiscated a safe and several documents.[1405]

Another search operation involved a combined action of KFOR 2, the *Feldjäger* and the UNMiK Police on March 14, 2000. Troops and police searched ten houses in Orahovac for illegal weapons and ammunition. Several firearms, ammunition, explosives and documents were confiscated. UNMiK Police arrested six people for possession of illegal goods.[1406]

7.3.3 Intelligence

Collection

During KFOR, patrols had been the main instrument to collect information on various subjects. Immediately after their entry, KFOR 1 tasked its patrols to collect information on the UÇK. After a few days, the focus gradually shifted to collecting information on public security and war crimes.[1407] KFOR 2 had a different set of demands than KFOR 1. While KFOR 1 largely focused at specifically understanding local public security issues, the information demand of KFOR 2 was more general in character and aimed at improving its situational awareness in terms of the social-economic environment and general security.[1408] As regards the latter, the information demand intended to improve the security of the troops rather than that of the citizens, an issue that had become of secondary importance.[1409]

The two battalions followed a standardised procedure to collect their information. Prior to and after their mission patrols were briefed and de-briefed by intelligence personnel of the Battery Intelligence Cell.[1410] Information provided by the patrols served as input for further analysis, which could result in additional questions and assignments to complete the overall intelligence picture and to define further operational action.[1411] In comparison, the procedure of collecting, processing, and applying information for targeted action resembles the characteristics of ILP.[1412]

Criminal intelligence

Criminal intelligence had been part of the information demand during the KFOR mission, although the intensity of that demand varied between the two battalions. During KFOR 1, criminal intelligence had been at the heart of the

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1405 Interview August 23, 2011.
1406 41 Afdeling Veldartillerie (2001), p. 105.
1407 Interview July 5, 2011.
1408 Interview August 17, 2011; Interview August 23, 2011; Interview October 5, 2011(b).
1409 Interview August 17, 2011; Interview October 5, 2011(b).
1410 Interview June 29, 2011; Interview August 15, 2011; Interview August 23, 2011; Interview October 5, 2011(b). The Battery Intelligence Cell – that consisted of two or three operators – had not been a formal and standardised feature of the Battery but was created for the purpose of the operation.
1411 Interview August 15, 2011; Interview August 23, 2011; Interview October 5, 2011(b).
1412 Newburn (2003a), p. 727.

information request. What had started as a desk where citizens could report their complaints, turned into an investigations office that specialised in gathering and analysing criminal intelligence on war crimes committed during the conflict. The municipal office developed a database for processing information. Based upon the analysis, the desk defined further questions and tasked patrols or checkpoints to gather additional information to complete evidence on their criminal files.[1413] In September 1999, the database contained enough criminal intelligence to plan and execute the arrest of several alleged war criminals, as explained earlier. After UNMiK Police had assumed full responsibility for public security in Orahovac on October 27, 1999, KFOR 1 formally passed on the database to the UNMiK Police.[1414]

KFOR 2 had been involved in collecting criminal intelligence too, although this involvement had been limited and occurred only occasionally. One KFOR 2 officer noted that collecting information could involve mapping criminal networks, although these activities had been 'very rudimental of character'.[1415] In Suva Reka, for example, the battery collected information on cases of intimidation of shop owners. When it got information on possible suspects, it tasked patrols and checkpoint to collect additional information that, in line with the national policy, they transferred to UNMiK Police for follow-up. As such, KFOR 2 did not use the criminal intelligence to execute independent law enforcement activity,[1416] basically because the Dutch government instructed them to show restraint regarding public security since UNMiK Police had taken on their responsibility for law and order.

Exchange

Both KFOR 1 and KFOR 2 followed a restrictive policy regarding the exchange of information with civilian partners. As a rule, they exchanged information at the battalion level rather than at battery level, although there were differences in the field. With the exception of the local prosecutor, KFOR 1 had not exchanged information with local actors or stakeholders either for reasons of information security or due to the absence of formal civilian administrative structures. The exchange of information with the local prosecutor had been part of the formal procedure regarding the arrest of criminal suspects. KFOR 1 also shared information with their international partners, such as UNMiK and UNMiK Police, although the UNMiK administrator received information on a need-to-know basis only.[1417] KFOR 2 appeared to have had a diffuse policy regarding the exchange of information, as officers reported different courses of action within the chain of command. For example, two officers who operated at the battalion level noted that they had not shared information with their

1413 See for example: Interview June 29, 2011; Interview July 5, 2011; Interview August 15, 2011.

1414 Interview July 5, 2011.

1415 Interview October 5, 2011(b).

1416 Interview August 23, 2011.

1417 Interview July 5, 2011; Interview July 7, 2011(a); Interview August 15, 2011; Interview September 8, 2011.

international civilian partners.[1418] One of them considered such exchange too risky, especially when interpreters were involved. In order to prevent leakage of sensitive information, he reported that UNMiK Police was informed only shortly before the start of an operation.[1419]

Another officer at the battery level had demonstrated a more open attitude towards the exchange of information with the local UNMiK administrator and local UNMiK police commissioner, as he passed information to them on various subjects and activities. However, the exchange of operable information had not always happened on a reciprocal basis, as KFOR had adopted a supportive role. In addition, he also exchanged information with the MSU, which in practice also turned out to be a one-way traffic, as he never received feedback or information in return.[1420]

7.3.4 Cooperation

Local actors

When the advance party of KFOR 1 arrived in Orahovac, the local public administration had ceased to exist. Although there had been a few Serbian officials left in Orahovac, these people had lost all their credibility as the legitimate representatives of the Kosovo Albanian population. As a result, initially there had been no other point of contact in Orahovac than the local UÇK commander.[1421] This situation changed after the refugees returned from their exile abroad. Among them, there had been informal community leaders who used to have played a substantial role in parallel Albanian administrative structures after 1989. After their return, KFOR had encouraged them to assume a role in some sort of interim local government. Initially, KFOR 1 tried to involve representatives of all local entities. This turned out to be unfeasible because of a lack of mutual trust. KFOR therefore established separate committees for Kosovo Serbs and Kosovo Albanians. Pending the arrival of the UNMiK administrator in August 1999, Van Loon assumed the role of interim administrator of Orahovac. He used the committees to discuss local issues and to promote community participation and responsibility, for example for the restart of public services and utilities.[1422]

The battalion commander empowered his two CIMIC officers to establish and maintain the day-to-day communication with local key leaders and individual citizens. One focused on the Kosovo Serb minority while the other acted as point of contact for the Kosovo Albanian community.[1423] The two CIMIC officers provided the local population a formal channel to express and discuss their most urgent interests and problems. Initially, the CIMIC officers offered aid

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1418 Interview August 17, 2011; Interview October 5, 2011(b).
1419 Interview October 5, 2011(b).
1420 Interview August 23, 2011.
1421 Van Loon (2000), p. 666. KFOR maintained relations with the UÇK but in accordance with UNSCR 1244, these mainly focused on their containment and disarmament.
1422 Van Loon (2000), p. 667. See also: Interview June 16, 2011; Interview June 29, 2011.
1423 Interview June 29, 2011; Interview July 7, 2011(a).

and organised reconstruction and development projects according their formal assignment, but the security gap soon called for other priorities, such as providing public security for all entities. Aid and reconstruction assistance activities became of secondary order, mainly for two reasons. First, there were sufficient NGOs to help the local population effectively. Second, in terms of economic development the Kosovo Albanian community did comparatively well. They re-started their enterprises and trade relations with, for example, Albania. Apart from some reconstruction projects in the hills around Orahovac and supplying the Kosovo Serbs with necessities, CIMIC officers largely supported the battalion commander in his efforts to provide public security and conflict resolution.[1424]

Battery and platoon commanders established their own local networks, although these had been ad hoc and less institutionalised.[1425] Especially the platoon and section commanders, who operated directly within the communities, were able to develop local points of contact. According to one battery commander, his troops invested in establishing good relationships with the local population during patrolling.[1426]

The interaction with the local community changed after KFOR 2 took over responsibility for Orahovac. The reasons for the change were twofold. First, while KFOR 1 initially operated in a power vacuum, when KFOR 2 arrived in theatre, the UNMiK administrator and other officials were in place and exercised their formal administrative responsibilities.[1427] Second, KFOR 2 had chosen to deploy a different operational concept in which the platoons followed a fixed programme in which they rotated in a weekly schedule between separate blocks of activities, such as patrolling and checkpoints; escorting humanitarian convoys; training & maintenance; and recuperation. As platoons rotated between these blocks, it had been difficult to establish and maintain lasting and trusted local networks with individual citizens. Largely, the development of structural local contacts had therefore been the responsibility of CIMIC or other senior officers, and was limited to local key leaders and representatives of companies and institutions.[1428]

Throughout the full length of the mission, patrols provided a 24/7 presence in the area. The patrols adopted a friendly and open posture. They were accessible for the population in order to establish trust, interaction and cooperation. An important tactic to decrease possible thresholds between KFOR troops and the local population had been the choice not to wear helmets and to carry firearms in a non-aggressive way.[1429] When needed, KFOR showed force and relayed on their basic military skills. For example, on checkpoints KFOR presented itself in

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1424 Interview July 7, 2011(a).
1425 Interview June 29, 2011; Interview August 15, 2011.
1426 Interview August 15, 2011.
1427 Interview August 17, 2011.
1428 Interview October 5, 2011(b).
1429 Interview July 5, 2011; Interview August 15, 2011; Interview August 23, 2011; Interview September 8, 2011; Interview October 5, 2011(b).

full military garment and enforced their security rules in a strict, non-negotiable manner.[1430]

International organisations

From their arrival in Orahovac, KFOR cooperated with representatives of ICTY and UNHCR, both operating from Prizren. At the central level, these contacts initially had been ad hoc and focused on particular issues. After UNMiK assumed its full administrative responsibility, cooperation was institutionalised within the framework of the UNMiK administration. International cooperation largely involved the exchange of information and the coordination of activities between international organisations and agencies.[1431] At battalion level, KFOR also interacted with other international organisations or actors, often on a daily basis, for example with ICTY and the UN legal officer on the investigations of war crimes, and with UNHCR regarding aid projects and escorting humanitarian convoys.[1432]

KFOR 2 had a different position. While KFOR 1 had been in the lead because of the delayed international presence, KFOR 2 stepped into an environment with established structures. One officer explained that the input of KFOR 2 had therefore been limited to being a "back bencher" in the regular UNMiK meetings where general security issues were discussed, basically because the battalion focused to become obsolete by helping the international community to help themselves.[1433] KFOR 2 had decentralised its day-to-day interaction with the international organisations to its two CIMIC officers and its two battery commanders.[1434] One of the battery commanders assigned his platoon commanders additional roles as liaison officers, because the platoon level had no operational role in the execution of the daily Normal Framework Operations, as will be explained later on. One of those platoon commanders focused on the local UNMiK administrator and on organising support activities. KFOR 2 for example designed, institutionalised and operationalised a formal access procedure for citizens who wanted to visit the building in order to speak to an UNMiK official and staffed a central information desk in the UNMiK Administration building.[1435]

International police

In late August/early September 1999, the first UNMiK police officers arrived in the Orahovac area. KFOR informed them about the local security situation and their achievements so far to establish a basic level of public security.[1436] Initially, the cooperation between KFOR 1 and UNMiK Police suffered from operational

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1430 Interview June 29, 2011; Interview July 5, 2011.

1431 Interview June 27, 2011: Interview September 8, 2011.

1432 Interview June 27, 2011: Interview September 8, 2011.

1433 41 (NL) ArtyBn RA TF Orahovac (November 17, 1999) OpOrder No. 01. SSA, 41 (NL) Artillery Battalion KFOR 2, Diversen Operationele Staf BLS, MND South, HQ KFOR, BEVO-det, Hrstpel, NL Contco, Box 3.

1434 Interview August 17, 2011; Interview August 23, 2011; Interview October 5, 2011(b).

1435 Interview August 23, 2011.

1436 Interview June 29, 2011; Interview July 7, 2011(a); Interview September 8, 2011.

and cultural differences and difficulties. The two organisations differed in terms of chains of command, operational concepts and interests. In time, KFOR and UNMiK Police succeeded in mitigating the differences, notably by synchronising activities and operations, such as joint patrols and common investigations, and showing mutual respect.[1437] To enhance cooperation and to share information, the battalion immediately invited UNMiK Police to join their staff meetings on a weekly basis.[1438] During KFOR 1, there was no institutionalised consultation and coordination at the decentralised battery level.[1439]

During KFOR 2, the UNMiK Police had been in place and in charge of providing law enforcement and public order. Although UNMiK Police had increased in capacity, it continued its cooperation with KFOR. This cooperation consisted of consultation, coordination, patrolling and assistance.[1440] Consultation and coordination occurred at both the central battalion level and at battery level.[1441] At the central battalion level,[1442] coordination and consultation had an institutionalised and structured character. The UNMiK Police representative joined the KFOR staff meetings and interacted with the Head of Operations to coordinate joint activities.[1443] At the battery level, cooperation and consultation had been formalised and institutionalised too.[1444] The battery commander in Suva Reka met on a weekly basis with the UNMiK Police commissioner and the local UNMiK administrator to discuss the local security situation and to share information. Later, the OSCE and the local public prosecutor joined the meeting. However, as the number of participants grew, the effectiveness of the meetings decreased. To shorten the lines-of-communication, the battery commander assigned two platoon commanders to liaise bilaterally and daily with the UNMiK administrator and the local UNMiK police commissioner, being the most important security partners. The liaison officer to the UNMiK police commissioner served to coordinate operational assistance to the UNMiK Police, such as traffic surveillance and escorts.[1445]

7.3.5 Use of force and flexibility

The rules of engagement applied to KFOR had been part of COMKFOR's Operational Order No. 004 of June 25, 1999. The rules of engagement regulated

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1437 Interview July 7, 2011(a); Interview September 8, 2011. See for example Abels, Van Pelt & Jacobs (2000), p. 47.

1438 Interview June 27, 2011; SSA, 11 (NL) Artillery Battalion KFOR 1, June 12 – December 7, 1999, Box 5, Bataljonsstaf, Sectie 5, CIMIC, No. 10028.

1439 Interview August 15, 2011.

1440 Interview August 23, 2011; Interview October 5, 2011(b).

1441 Interview August 17, 2011; Interview August 23, 2011; Interview October 5, 2011(b).

1442 KFOR 2 operated from Orahovac and Suva Reka. The battalion commander was located in Orahovac while the deputy battalion commander was based in Suva Reka. As a result, the battalion had two separate command posts with their own external lines of communication.

1443 Interview August 17, 2011.

1444 Interview August 23, 2011; Interview October 5, 2011(b).

1445 Interview August 23, 2011.

and authorised the use of force in cases of self-defence and in designated operations, for example 'against an individual who commits or is about to commit an act which endangers life or is likely to cause bodily harm in circumstances where there is no other way to prevent the act.'[1446] In terms of public security, the rules of engagement also regulated the decentralisation of authority to disarm individuals or groups, to detain criminal or hostile individuals or groups, and to deploy riot control measures.[1447]

Prior to their deployment, KFOR 1 trained in varied applications of force. Nevertheless, the battalion commander questioned whether he had trained his troops sufficiently to make them acquainted with the principles of minimum use of force. During the operation, he learned that his personnel were able to learn and to adapt these principles swiftly, however.[1448] Three other officers also questioned the battalion's ability in the application of a restrained use of force.[1449] One of these officers recalled:

> We did not anticipate an operation in the lower part of the spectrum of force. We only expected that we had to use lethal force or no force at all. We also did not have the assets to vary in the application of force. It was either nothing or extreme.[1450]

Another officer noted that the training in restrained use of force had been limited to role-play in order to negotiate with local authorities successfully and to provide humanitarian and medical aid to civilians. In fact, this part of the training emphasised the non-use of force:

> You have to be able to communicate with the population with your firearm on your back. By communicating, you will avoid an escalation in terms of force. When you do this properly, and you are able to build trust, escalation is hardly needed.[1451]

Based upon the experiences of their colleagues of KFOR 1, 41 Artillery Battalion knew that it had to operate in the lower ends of the military spectrum-of-force. It had adjusted the mission-oriented training to the requirements of the mission and trained its troops in applying the principles of minimum use of force. For that purpose, it developed several scenarios in which it trained its troops to apply appropriate force in accordance with the character of the situation. The training also intended to enhance the soldiers' ability to deal with uncertainty and chaos

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1446 COMKFOR (June 25, 1999) *OPORDER 004, Appendix 1 to Amendment 1 to Annex R*, pp. R-1-2 – R-1-3. SSA, 11 (NL) Artillery Battalion KFOR 1, June 12 – December 7, 1999, Box 7, Correspondentiearchief, No. 6012.

1447 COMKFOR (June 25, 1999) *OPORDER 004, Appendix 1 to Amendment 1 to Annex R*, pp. R-1-2 – R-1-3. SSA, 11 (NL) Artillery Battalion KFOR 1, June 12 – December 7, 1999, Box 7, Correspondentiearchief, No. 6012.

1448 Interview September 8, 2011.

1449 Interview July 5, 2011; Interview August 15, 2011; Interview September 8, 2011.

1450 Interview July 5, 2011.

1451 Interview August 15, 2011.

in a flexible manner.[1452] In theatre, the battalion continued to pay attention to application of restrained force, for example in advance of certain operations. The leadership considered this important, mainly because the battalion was originally trained to operate at the higher levels of the spectrum-of-force.[1453]

7.4 Organisational concept

This section deals with the organisational concept of the NL Army as applied during the KFOR mission. The question to be answered is whether the organisational concept enabled the provision of public security during this crisis management operation. To answer this question, this section will analyse three dimensions of the organisational concept, which are characteristic for contemporary policing: individuality and autonomy; vertical differentiation; and geographical deconcentration.

7.4.1 Autonomy and individuality

Autonomy

To some extent, KFOR 1 applied a decentralised organisational concept. In terms of Normal Framework Operations, it had empowered battery and platoon commanders to plan, prioritise, and execute the daily activities such as patrolling and operating checkpoints.[1454] According to the battalion commander, the platoon had been the lowest junior level to decide on the follow-up to security incidents such as arson.[1455] Platoon commanders had their own area of responsibility. In line with the principles of mission-oriented command, platoon commanders were supposed to have a better situational awareness than the higher echelons in the chain of command. According to a battery commander, the platoon commanders exercised a close control over their section commanders. Their control had been direct and left little room for discretion. However, as two officers argued, there had still been some level of discretion for section commanders as long this fitted within the margins of the assignment.[1456]

In case of focused operations, such as search operations or arrests, however, the battalion had been in charge and left little room for discretion. The battalion commander closely controlled his junior commanders.[1457] One officer recalled:

> Command and control regarding public security was centralised at the battalion commander. Core staff consisting of the Head of Operations, Head of Intelligence and the Head of CIMIC supported him. Under the leadership of the battalion commander, this quartet developed scenarios and strategies, and decided upon all the battalion's actions and operations. In this way, we by-passed the regular staffing processes. Due to the need for immediate action and the

1452 Interview September 8, 2011; Interview October 5, 2011(b).
1453 Interview September 8, 2011.
1454 Interview June 29, 2011.
1455 Interview June 29, 2011.
1456 Interview July 5, 2011; Interview August 15, 2011.
1457 Interview June 29, 2011.

sensitiveness of the situation, the battalion commander had opted for this structure.[1458]

As a result, the battalion level planned, prioritised and directed the execution of sensitive public security activities.[1459] For the execution of these activities, the battalion's leadership developed and distributed concrete and detailed order that did not require any additional proceeding of the battery commanders.[1460] A staff officer mentioned that their orders often had been so specific that an individual soldier could execute them. In that sense, he noted, the battalion's leadership obstructed the principles of mission-oriented command, mainly because the dynamics of the situation required a centralised and detailed planning and command of activities, as one staff officers replied.[1461]

In comparison, KFOR 2 adopted a less centralised organisational concept and applied the rules of mission-oriented command, as much as possible. As such, it followed the principles of situational leadership.[1462] During Normal Framework Operations, battery and junior commanders applied the principles of mission-oriented command, leaving room for individual discretion at all levels.[1463] Nevertheless, among commanders there had been differences in the level of discretion they granted to their junior commanders, as one officer noted.[1464] The planning and execution of Normal Framework Operations had been under the authority of the batteries while the follow-up of minor incidents, such as a traffic accidents or the search of a vehicle or person, had been assigned to the section commander.[1465] In case of an incident however, the Battery Operations Room monitored, coordinated and/or directed the response actions.[1466] Discretion was further limited during complex and/or risky operations. Consequently, junior commanders switched to a more directive leadership style and applied drills and Standard Operating Procedures.[1467]

Individuality

At the operational level, the batteries performed two main activities to provide public security, patrolling and operating checkpoints. The batteries operated their checkpoints with a regular howitzer crew consisting of one sergeant, one corporal and five soldiers. The crew worked as a team in which every individual had its own tasks.[1468]

1458 Interview September 8, 2011.
1459 Interview June 29, 2011.
1460 Interview September 8, 2011.
1461 Interview September 8, 2011.
1462 Interview August 17, 2011; Interview August 23, 2011; Interview October 5, 2011(b).
1463 Interview August 17, 2011; Interview August 23, 2011; Interview October 5, 2011(b).
1464 Interview October 5, 2011(b).
1465 Interview August 23, 2011; Interview August 23, 2011(b); Interview October 5, 2011(b).
1466 Interview October 5, 2011(b).
1467 Interview August 17, 2011; Interview August 23, 2011(b); Interview October 5, 2011(b).
1468 Interview July 7, 2011(a); Interview September 8, 2011.

In terms of patrolling, it had been the section – normally consisting of six troops – that had been assigned to patrolling the streets of Orahovac and its surrounding villages, in line with the battalion's standard operating procedures.[1469] However, in the early days of the deployment, the battalion was temporarily understaffed, largely due to a staged deployment of its personnel. In terms of patrolling, the deficit urged the battalion to deploy their troops in a more individual deployment.[1470] One senior officer explained:

> Due to scarcity of personnel at the start of the operation we decided to patrol in smaller formations. We therefore send sections of two soldiers on patrol. In that sense we deployed our personnel rather in a police fashion than as a light infantry unit, just to create a wider presence in town. Afterwards, we have not stopped this kind of patrolling in town.[1471]

Later during the mission when the battalion had been deployed in full, battery commanders could decide to allow dual patrolling occasionally, for example when the security situation allowed such.[1472]. The fact that KFOR 1 temporarily deployed its personnel in pairs did not result in empowering individual soldiers to solve situations independently. The battalion exercised a top-down command and control and close supervision over all public security activities as explained above. This left little to no discretion at the lowest echelons in the chain of command.[1473]

KFOR 2 deployed its patrols in different formations, varying from a group of six troops to a set of two soldiers.[1474] The level of autonomy of the individual soldier was limited. As a rule, a section operated as the basic formation for the execution of social patrolling. The extent to which troops were deployed in pairs largely depended on the soldier's individual competences and liability, and the leadership's assessment of the security situation.[1475] Dual patrolling was only authorised if a section operated in a formation in which pairs could deploy in close proximity to one another, for example in the same street or at squares where troops could sustain visual contact with each other. Diffused patrolling did therefore not take place during the night, among large crowds or in case of increased tension.[1476]

1469 Interview July 7, 2011(b); Interview August 15, 2011 and additional e-mail of April 22, 2014.

1470 Interview August 15, 2011; Interview September 8, 2011.

1471 Interview September 8, 2011.

1472 Interview August 15, 2011 and additional e-mail of April 22, 2014.

1473 Interview June 16, 2011; Interview June 29, 2011; Interview August 15, 2011; Interview September 8, 2011(a).

1474 Interview August 17, 2011; Interview October 5, 2011(b).

1475 Interview October 5, 2011(b).

1476 Interview August 17, 2011; Interview October 5, 2011(b).

7.4.2 Vertical differentiation

KFOR 1 used the regular chain of command – consisting of the battalion, battery, platoon and the section – to communicate up and down the hierarchy.[1477] However, at the battery level there were some changes in the formal reporting and commanding structure. One important exception was the procedure of briefing and debriefing patrols. The battalion's Intelligence Section directly communicated with the Battery Intelligence Cell about the assignments the patrols should carry out. The Battery Intelligence Cell then instructed the patrols without further interference of the platoon commander, which in practice excluded this level from the operational chain of command.[1478] Another exception involved the position of the section commander. If a section divided into sub-sections, the commander of the sub-section no longer reported to the section commander but directly to the platoon commander, which shortened the chain of command for reasons of effectiveness.[1479]

KFOR 2 also reduced the formal chain of command, notably regarding the execution of Normal Framework Operations. During these operations, the Battery Operations Room directly communicated with the patrols and check-points on scene. As a result, during Normal Framework Operations, the platoon commanders had no executive or commanding role. Instead, he either operated as operations officer in the Operations Rooms or as liaison officer to an international organisation.[1480] In case of a dedicated platoon operation, however, the platoon commander operated according to the original chain of command.[1481]

7.4.3 Deconcentration

KFOR 1 applied a deconcentrated troop deployment. From its central base at the Zrze Airfield, south of Orahovac, the battalion deployed its sub-units in the communities it intended to serve and protect. The First Battery operated in Suva Reka, where it was responsible for providing public security by patrolling and manning checkpoints. Initially, the battery had its main base at Zrze Airfield from where it deployed its troops in Suva Reka on a twelve hours shift schedule. Because the daily transfers from Zrze to Suva Reka were long and inefficient, the First Battery later moved from Zrze to a separate base in Toplicane, near Suva Reka.[1482] The Second Battery operated in Orahovac and was based at Zrze Airfield. It deployed two platoons in Orahovac and one platoon in Velika Hoca, from where the battery operated its patrols and checkpoints. In Orahovac, the battery had a permanent presence at the market square.[1483] By positioning fixed units within the villages on a 24/7 basis, KFOR 1 was able to establish local

1477 Interview July 7, 2011(a); Interview August 15, 2011.
1478 Interview July 5, 2011.
1479 Interview August 15, 2011.
1480 Interview August 23, 2011; Interview October 5, 2011(b).
1481 Interview August 17, 2011; Interview October 5, 2011(b).
1482 Abels, Van Pelt & Jacobs (2000), p. 59; Interview June 27, 2011; Interview July 5, 2011; Interview August 15, 2011.
1483 Interview June 29, 2011; Interview July 5, 2011.

networks and trust and was able to better understand the local security problems and to respond rapidly, if needed.

KFOR 2 followed a deconcentrated organisational concept too. It operated from two compounds: one in Orahovac where the battalion commander and the Alpha Battery were stationed; and one in Siroko where the battalion staff and the Bravo Battery had their base.[1484] From these two main bases, the battalion operated its patrols and checkpoints. In the Kosovo Serbian quarter of Orahovac the Alpha Battery stationed a fixed platoon post,[1485] while a German infantry platoon was assigned to Velika Hoca.[1486]

7.5 Conclusions

Security gap

Right from the start, the mission in Kosovo had faced a deployment, enforcement and institutional gap. To fill the institutional gap, the UN Security Council authorised the UNMiK Police Force to provide public security until it had established and trained a new multi-ethnic local police for Kosovo. However, the UNMiK Police suffered from a deployment gap as it deployed slowly. In Orahovac, it took until October 27, 1999, until UNMiK Police had been able to assume full responsibility for public security, while for the rest of Kosovo this stage was reached only in June 2000. Meanwhile, ethnically related violence and criminality peaked, mostly involving acts of revenge targeted at Kosovo Serb minority groups. Like in other post-conflict areas, organised crime, smuggling, illegal possession of firearms and theft further increased the level of public insecurity. In terms of public order, citizens also organised demonstrations to express their discontent with the political and security situation. Because UNMiK Police required the support of KFOR throughout the full length of the Dutch mission, for example in patrolling, search operations and the arrest of suspects, it coud be concluded that Orahovac had also encountered an enforcement gap.

Operational concept

To fill the deployment gap between KFOR and UNMiK Police, the UN Security Council had authorised KFOR to provide interim policing until the international police were ready to assume full responsibility for public security. However, NATO and KFOR did not define specific assignments and guidelines regarding interim policing until the end of June 1999. Two significant documents eventually provided instructions on how troops should deal with law and order issues. German Directive No. 8 of June 22 regulated the search and disarmament of arrested suspects of serious crimes such as murder, manslaughter, robbery, and arson in the German MNB sector while COMKFOR's Operational

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1484 41 Afdeling Veldartillerie (2001), pp. 16-17; Interview August 17, 2011; Interview October 5, 2011(b); Interview August 23, 2011.

1485 Interview October 5, 2011(b).

1486 41 Afdeling Veldartillerie (2001), p.17.

Order 004 of June 25 provided guidelines on law and order issues for all of Kosovo.

Initially, 11 (NL) Artillery Battalion KFOR 1 deployed to supply fire-support to the 12 (GE) Armoured Brigade. Given the security gap, the lack of infantry troops on the ground, and the absence of an immediate requirement for fire support, KFOR 1's mission changed into an infantry role in order to provide area responsibility. The security gap also urged KFOR 1 to provide public security and interim policing. However, KFOR 1 had not planned and trained for public security tasks as it prepared for deploying its original fire support task and additional peacekeeping activities. As such, it had to learn on the ground to deal with these challenges. Based upon on the experiences of KFOR 1, 41 (NL) Artillery Battalion KFOR 2 included some public security aspects in their pre-deployment training, such as making arrests and search operations, however it did not label them as such. Although there had been demonstrations in Orahovac, the Dutch KFOR battalions did not train for CRC.

The provision of public security had not been the priority of the Dutch Ministry of Defence. The Ministry regarded public security to be a responsibility of the UNMiK Police. It therefore wanted to limit the Dutch military involvement in public security, although the UN Security Council had authorised KFOR to provide interim policing pending the arrival of UNMiK Police. The Ministry of Defence, for example, restricted the involvement of Dutch troops in the arrests of alleged war criminals, which it considered to be a responsibility of the UNMiK Police. The Ministry also restricted the involvement of personnel of the *Koninklijke Marechaussee* in crime investigations. In addition, the Ministry did not approve Directive No. 8 until October 6, 1999, although KFOR 1 had been working with this MNB directive since June. Finally, the Ministry ordered KFOR 2 to show restraint in performing public security tasks because the Ministry considered KFOR 1's interpretation of the mandate too challenging.

Nevertheless, the two battalions *de facto* executed tasks that are normally assigned to the police. In terms of public order, they patrolled the streets of towns and villages to keep the peace and to protect citizens against acts of violence and retaliation. They also observed and controlled demonstrations. In terms of law enforcement, KFOR 1 and 2 set up checkpoints to protect sensitive areas and threatened communities and to combat smuggling of weapons and contraband. Both battalions deployed search operations to combat illegal possession of firearms. KFOR 1 and 2 were also involved in the arrests of criminal offenders. In particular, the arrest of war crimes suspects during KFOR 1 had been of significance. Information provided by citizens had resulted in criminal intelligence on war crimes, which finally enabled the arrest of eleven suspects. Despite restrictions by the Ministry of Defence, KFOR 1 and 2 engaged in the arrest of several war criminals.

The Dutch operational concept largely focused on the collection of information and intelligence. Patrols and CIMIC officers had been important instruments to

acquire local information. KFOR 1 assumed a problem-oriented approach towards local security issues by opening a public desk where citizens could report serious crimes and other security related problems. Information was collected and analysed systematically and served as input for targeted responses, such as the arrest of alleged war criminals. As such, acquiring criminal intelligence became a core information activity. KFOR 1 and 2 also tasked their patrols to collect information. KFOR 1 focused its information gathering on public security while KFOR 2 focused on mapping the socio-economic situation of area and its citizens rather than the collection of criminal intelligence. Although KFOR shared operational information, it did not exchange intelligence unconditionally either due to a lack of trust or in order to prevent operations being compromised through a leakage of sensitive information.

KFOR 1 and 2 cooperated and coordinated with international security partners, such as ICTY, UNHCR, UNMiK, and UNMiK Police to improve public security. After the UNMiK Police had taken on full responsibility for governing and policing Orahovac, KFOR 2 moved to the background and focused on 'helping the international organisations to help themselves.'

The control of force had been an issue during the pre-deployment planning and training of KFOR 1 and 2. KFOR 1 had trained for either the maximum use of force or the abstinence of force. During the deployment, the troops learned how to deal with a restrained use of force effectively while performing their tasks in theatre. KFOR 1 and KFOR 2 both adopted a friendly, open posture vis-à-vis the local population. Their patrols were accessible for civilians who could address their security or other problems at all times.

Organisational concept

In terms of decentralisation, discretion of section commanders or operatives had been limited within KFOR 1. Based upon the magnitude of the security problems on the ground, the battalion commander of KFOR 1 followed a centralised model of decision-making. The platoon had been the lowest level of autonomy within the context of Normal Framework Operations. During the KFOR 2 deployment, decentralisation of decision-making seemed to be larger. Section commanders could solve some minor incidents independently although they had to report every incident to the Operations Room. In terms of individual deployment, the Dutch KFOR battalions occasionally employed their troops in smaller units than formally prescribed in their standard operating procedures. In case of KFOR 1, the choice for dual patrolling was largely related to deficit of sufficient troops in the early days of the mission. KFOR 2 occasionally patrolled in smaller formations than the section, but only if the security situation allowed such and troops were able to sustain visual contact.

Vertical differentiation formally remained unchanged in both KFOR 1 and KFOR 2. In practice, however, battalions could shorten the chain of command for reasons of efficiency. KFOR 1 sometimes bypassed the platoon level in the briefing and debriefing of the sections and patrols. The company level of KFOR

2 bypassed the platoon level from the chain of command during Normal Framework Operations as the Operations Room directly supervised the sections.

In terms of geographical differentiation, KFOR 1 and KFOR 2 adopted a deconcentrated model of troop deployment. Geographic dispersion enabled troops to improve their communication and interaction with the local population in order to understand their security related problems and to establish local networks. These networks were helpful in identifying local security problems and to winning the support of the community.

8 SFIR

8.1 Introduction

8.1.1 Background of the operation

On March 19, 2003, a US-led military coalition started Operation *Iraqi Freedom* in order 'to disarm Iraq of weapons of mass destruction, to end Saddam Hussein's support for terrorism, and to free the Iraqi people.'[1487] Three weeks later, coalition troops had defeated the Iraqi forces and removed Saddam Hussein from power.[1488] On May 1, 2003, President George W. Bush announced the formal end of "major combat operations".[1489] The rationale of *Operation Iraqi Freedom* could be found in Saddam Hussein's reluctance to meet the conditions of various UN Security Council Resolutions following the First Gulf War of January and February 1991. After the First Gulf War, the UN Security Council adopted UNSCR 687 to curtail Saddam Hussein's military power and weapon production programmes.[1490] To test Iraq's compliance with the resolution, the UN Security Council authorised the *International Atomic Energy Agency* (IAEA) to inspect its nuclear installations,[1491] and the *United Nations Special Commission* (UNSCOM) to inspect its biological and chemical facilities.[1492]

The inspections did not proceed without difficulties, however. The Iraqi government frequently frustrated the inspections, for example by providing misleading information or rejecting access to installations.[1493] Between 1991 and 1997, several UN Security Council Resolutions condemned the Iraqi violations of UNSCR 687, and urged the Iraqi government to cooperate fully with the UNSCOM and IAEA inspectors.[1494] The situation escalated in November 1997 when Iraq refused UNSCOM inspectors access to certain locations, such as presidential buildings and palaces.[1495] In response, the UN Security Council adopted UNSCR 1137 to condemn Iraq for its 'continued violations' of its obligation to cooperate with the inspection programmes.[1496] The Resolution demanded that Iraq cooperate with UN weapons inspectors immediately and

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1487 Radio Address by President of the United States G.W. Bush to the American Nation, March 19, 2003. Available at http://www.whitehouse.gov/news/releases/2003/03/20030322.html; accessed May 16, 2007.

1488 Brocades Zaalberg & Ten Cate (2010), p. 37.

1489 See for example: Woodward (2004), p. 412; Woodward (2006), pp. 186-187.

1490 UNSCR 687, *UN Doc* S/RES/687 (1991), §13.

1491 UNSCR 687 *UN Doc* S/RES/687 (1991), §12 & 13.

1492 UNSCR 697, *UN Doc* S/RES/697 (1991), §9 (b)(i).

1493 Brocades Zaalberg & Ten Cate (2010), p. 26; Klep & Van Gils (2005), p. 468.

1494 See for example UNSCR 707, *UN Doc* S/RES/707 (1991); UNSCR 715, *UN Doc* S/RES/715 (1991); UNSCR 949, *UN Doc* S/RES/949 (1994); UNSCR 1051, *UN Doc* S/RES/1051 (1996); UNSCR 1060, *UN Doc* S/RES/1060 (1996).

1495 Brocades Zaalberg & Ten Cate (2010), p. 27; Commissie Davids (2010), p. 49.

1496 *UN Doc* S/RES/1137 (1997), §1.

without conditions or restrictions.[1497] Initially, the Iraqi government agreed to comply with UNSCR 1137 but on August 5, 1998, Saddam Hussein decided to suspend his cooperation with UNSCOM and IAEA.[1498] The Security Council immediately condemned the suspended cooperation.[1499]

The situation further deteriorated after October 31, 1998. That day, the US Congress adopted the *Iraq Liberation Act* that supported a 'regime change' in Iraq. Saddam Hussein responded immediately and ended all cooperation with UNSCOM.[1500] After the head of the UNSCOM mission had reported to the UN Security Council on December 15, 1998 that Iraq had not provided the required cooperation, the United Stated and the United Kingdom started *Operation Desert Fox*; an air campaign to destroy Iraqi weapon and military facilities and to force Iraq to renew cooperation with the inspections. *Desert Fox* did not have the intended political effect, however.[1501] First, the air campaign lacked broad international support, as it did not get the consent of all five permanent members of the Security Council.[1502] Second, the air campaign did not result in the return of the UNSCOM inspectors.[1503]

After the terrorist attacks of September 11, 2001, the US focus on Iraq changed significantly.[1504] The US government was convinced that Iraq had Weapons of Mass Destruction (WMD) availability or had the knowledge and technology to develop them.[1505] Consequently, President Bush ordered the Pentagon and the US Central Command (CENTCOM) to plan a pre-emptive war against Iraq.[1506] Meanwhile, the US government increased the political and diplomatic pressure on Iraq. In his State of the Union address of January 29, 2002, for example, President Bush labelled Iraq as part of the 'axis of evil,' which consisted of states, such as Iran and North Korea, which were 'arming to threaten the peace of the world.' He considered the axis of evil to be 'a grave and growing danger' and underlined that '[t]he United States of America [would] not permit the world's most dangerous regimes to threaten us with the world's most destructive weapons.'[1507]

While the US government prepared for war, it tried to raise international and public support for its *casus belli*. A British and American initiative resulted in UNSCR 1441 of November 8, 2002. The resolution demanded 'immediate,

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1497 *UN Doc* S/RES/1137 (1997), §3.
1498 Commissie Davids (2010), p. 51.
1499 *UN Doc* S/RES/1194 (1998), §1.
1500 Brocades Zaalberg & Ten Cate (2010), p. 28; Commissie Davids (2010), pp. 51-52.
1501 Brocades Zaalberg & Ten Cate (2010), p. 28; Commissie Davids (2010), p. 53.
1502 Brocades Zaalberg & Ten Cate (2010), p. 28; Commissie Davids (2010), pp. 52-52.
1503 Commissie Davids (2010), pp. 51-52.
1504 Brocades Zaalberg & Ten Cate (2010), p. 29; Klep & Van Gils (2005), p. 469.
1505 Brocades Zaalberg & Ten Cate (2010), p. 29. See also: Woodward (2004).
1506 Woodward (2004), p. 30*ff*.
1507 The President's State of the Union Address January 29, 2002. Available at http://georgewbush-whitehouse.archives.gov/news/releases/2002/01/20020129-11.html; accessed June 25, 2012.

unimpeded, unconditional, and unrestricted' cooperation with the inspectors of IAEA and the United Nations Monitoring Verification and Inspection Commission (UNMOVIC) that replaced UNSCOM since December 17, 1999.[1508] Furthermore, UNSCR 1441 demanded a 'currently, accurate, full, and complete declaration of all aspects of [the Iraqi weapon] programmes' within thirty days.[1509] Finally, UNSCR 1441 noted that Iraq would 'face serious consequences' if it would not comply with the inspections.[1510] In response to UNSCR 1441, the Iraqi government provided a report on its weapon programmes on December 7, 2002.[1511] However, the IAEA and UNMOVIC regarded the report as a 'missed opportunity,'[1512] while the US government perceived it as proof of a 'material breach' of UNSCR 1441.[1513]

Because hard evidence on the existence of Iraqi WMD was missing,[1514] EU Member States and some members of the Security Council disagreed about whether there had been a 'material breach' of UNSCR 1414 and if the weapon inspections should continue.[1515] The United States and the United Kingdom regarded the unavailability of hard evidence as proof that Saddam Hussein was hiding WMD.[1516] After it became clear that the UN Security Council would not authorise military action against Iraq, the United States and the United Kingdom decided to launch *Operation Iraqi Freedom* without a UN mandate.[1517]

Dutch political support for Operation Iraqi Freedom

Like the Bush Administration, the Dutch government took the view that Iraq had been in 'further material breach' of UNSCR 1441. As a result, the Dutch government considered the continuation of the inspections as no longer useful.[1518] It argued that within the context of UNSCR 1441 there was no other option than the use of military force.[1519]

1508 UNSCR 1441, *UN Doc* S/RES/1441 (2002), §5.
1509 UNSCR 1441, *UN Doc* S/RES/1441 (2002), §3.
1510 UNSCR 1441, *UN Doc* S/RES/1441 (2002), §13.
1511 Brocades Zaalberg & Ten Cate (2010), p. 33; Commissie Davids (2010), p. 188.
1512 Commissie Davids (2010), p. 189.
1513 Brocades Zaalberg & Ten Cate (2010), p. 34; Woodward (2004), p. 234*ff*.
1514 See for example: UNMOVIC Briefing of the Security Council. *An Update on Inspections,* January 27, 2003 (available at http://www.un.org/Depts/unmovic/ new/pages/security_council_briefings.asp#5); UNMOVIC Briefing of the Security Council. *An Update on Inspections,* February 14, 2003. Available at http://www.un.org/Depts/unmovic/new/pages/security_council_briefings.asp#6; accessed June 25, 2012.
1515 Brocades Zaalberg & Ten Cate (2010), p. 34; Commissie Davids (2010), p. 171.
1516 Commissie Davids (2010), pp. 200-201.
1517 Brocades Zaalberg & Ten Cate (2010), p. 34.
1518 Commissie Davids (2010), p. 202.
1519 *Kamerstukken II*, 2002/03, 23 432, nr. 94, pp. 1-2.

However, the government did not decide to provide active military support to Operation *Iraqi Freedom*.[1520] Instead, it only gave its consent in political terms.[1521] The government was only willing to deploy troops when *Iraqi Freedom* had reached the stage of stabilisation.[1522] This intention was materialised on April 11, 2003 when the government decided to examine the feasibility of a possible Dutch contribution to a stabilisation force in Iraq,[1523] ultimately leading to the decision on June 6, 2003, to participate in the Multinational Force in Iraq (MFI) by deploying a battalion of Marines and additional support units in the province of Al-Muthanna under operational command of the UK-led Multinational Division South East (MND (SE)).[1524]

The Dutch military contribution initially involved a deployment of six months. The government noted that an extension of the deployment by a further six months would require a separate decision and additional consultation of the Parliament.[1525] The Dutch contribution to the MFI, from this point called the *Stability Force in Iraq* (SFIR),[1526] was extended twice. First, on November 28, 2003 the government decided to extend the mission for another six months,[1527] while on June 11, 2004 the government decided to extend the mission for a final eight months, until mid-May 2005.[1528] Altogether, from July 2003 until March 2005, the Netherlands deployed five SFIR battalions, of which two from the Marines and three from the NL Army.[1529] The Netherlands ended its contribution on March 7, 2005 when the commander of SFIR 5 formally transferred his responsibility to the

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1520 *Kamerstukken II*, 2002/03, 23 432, nr. 94, p. 4. The Netherlands provided some military support to Operation Iraqi Freedom, for example in terms of host nation support to US military transports (*Kamerstukken II*, 2002/03, 23 432, nr. 84, pp. 1-2) and by deploying three Patriot batteries in Turkey to protect the Turkish population in Diyarbakir and Batman (*Handelingen II*, 2002/03, 43-3023, February 12, 2003).

1521 Commissie Davids (2010), p. 103 & p. 106.

1522 *Kamerstukken II*, 2002/03, 23 432, nr. 94, p. 4.

1523 *Kamerstukken II*, 2002/03, 23 432, nr. 105.

1524 *Kamerstukken II*, 2002/03, 23 432, nr. 116, p. 1. The Multinational Force in Iraq operated under the command of the US Central Command (CENTCOM). CENTCOM had divided Iraq into four MND sectors: MND Central North (CN), MND Baghdad (both under US command), MND Central South (S) (under Polish command), and MND South East (SE) (under British command) (Ministerie van Defensie – Defensiestaf (2004b), p. 5; *Kamerstukken II*, 2002/03, 23 432, nr. 116, p. 11).

1525 *Kamerstukken II*, 2002/03, 23 432, nr. 116, p. 13.

1526 Within the Multinational Force, only the Netherlands used the abbreviation SFIR to label its troop contribution. All other non-occupying countries addressed themselves as Coalition Forces. By presenting themselves as SFIR, the Netherlands intended to express the difference between the occupying powers (US and UK) and the other force-contributing countries. (Brocades Zaalberg & Ten Cate (2010), pp. 83-84. The first Dutch Marines Battalion did not use the abbreviation SFIR, however. It presented itself as 1 (NL) Battlegroup (Brocades Zaalberg & Ten Cate (2010), p. 66).

1527 *Kamerstukken II*, 2003/04, 23 432, nr. 134, p. 2.

1528 *Kamerstukken II*, 2003/04, 23 432, nr. 164, p. 1.

1529 Brocades Zaalberg & Ten Cate (2010), p. 9. SFIR 3 operated in Al-Muthanna from March 14, 2004 until July 14, 2004; SFIR 4 from July 14, 2004 until November 15, 2004, and SFIR 5 from November 15, 2004 until March 7, 2005.

commander of the British *Task Force Eagle*.[1530] For the chronology of the mission, see Appendix 1.

8.1.2 Structure of the chapter

This chapter provides an answer to sub-questions 4, 5 and 6 in relation to the NL Army's involvement[1531] in the SFIR mission in Iraq from March 2004 until March 2005. This chapter first deals with the question whether the SFIR mission encountered a security gap. Second, the chapter deals with the operational concept of the three NL Army battalions and answers the question whether their concept has contributed to public security. Third, it describes their organisational concept and answers the question to what extent their concept supported the execution of police-like activities.[1532]

8.2 Security gap

8.2.1 Public security situation

Demographic composition of the area

The demographic composition of Iraq is of significance to understand the insecurity and disorder that occurred during the SFIR mission. In 2003, prior to the US-led *Operation Iraqi Freedom*, Iraq had an estimated population of 26.2 million citizens.[1533] Approximately 75 percent of population was of Arab origin of which 60 percent were Shi'ite Muslims and 40 percent Sunni Muslims. Twenty percent of the population was Kurdish, while the other five percent consisted of various ethnic minorities. The Sunnis largely lived in Central Iraq while the Shi'ite population primarily lived in the South. The Kurds and other minorities resided in the in northern and north-eastern part of Iraq.[1534] During the Saddam Hussein era, the Sunni Ba'ath party had suppressed the Shi'ite and Kurdish population. After its defeat, remnants of the old regime tried to destabilise Iraq in order to consolidate their influence or to disrupt the reconstruction of Iraq. On the other hand, Shi'ite groups seized the opportunity to retaliate for Sunni repression.[1535]

The Al-Muthanna province – the Dutch area of operations – had approximately 450,000 inhabitants, of which the majority lived in three towns located around

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1530 Brocades Zaalberg & Ten Cate (2010), pp. 291-292; 11 (NL) Battle Group SFIR 5 (s.a), p. 269.

1531 This chapter does not cover the involvement of the two Marines battalions in public security during the SFIR operation.

1532 The main body of the case description is based on interviews with commanders and senior staff officers who served in SFIR during the deployment of three NL Army battalions. The interviews are complemented with data from the Dutch Defence Archives, policy documents issued by the NL Army, documentation and reports issued by the Dutch parliament, and memorial books produced by the respective Dutch battalions.

1533 http://databank.worldbank.org; accessed October 21, 2012.

1534 See for example Voorhoeve (2006), p. 144; http://www.mapsofworld.com/iraq/iraq-population.html; acessed October 21, 2012.

1535 See Chapter 1, Introduction.

the Euphrates River in the northern part of the province. As-Samawah, the capital of the province, had approximately 130,000 inhabitants; Ar-Rumaythah 75,000, and Al-Kidr 60,000. Around eighty percent of the province consisted of desert and was – with the exception of the villages of As-Salman and Al-Bussayah – largely uninhabited.[1536] Ninety-eight percent of the population was of Shi'ite origin[1537] and belonged to various denominations and tribes.[1538] Finally, Al-Muthanna had a small number of Bedouin clans.[1539] The Ba'ath party traditionally did not have had a strong popular basis like it had in Baghdad. According to the Dutch government in June 2003, the remnants of the old regime were no major security threat. In Al-Muthanna, there had been no major incidents so far and the population had been open towards the coalition troops.[1540] Still, it warned that rivalry between various political and religious groups could result in violence.[1541]

Crime and criminality

During the SFIR mission, public security threats varied from public disturbances and crime to insurgency and terrorism. Weapons were widely available, particularly after the demilitarisation of the armed forces when former military personnel took their personal weapons home and citizens and gangs looted the abandoned weapon storages.[1542] Roughly, in Al-Muthanna, three different categories of crimes occurred as defined in Hansen's classification of crimes in war-torn societies: petty crimes, organised crime and insurgency.[1543] The distinction between these security threats was not always clear-cut, however.[1544] Although their goals differed, criminals and insurgents often used comparable means and methods to achieve their respective goals. For example, insurgents were involved in smuggling to finance their activities and criminals sometimes used heavy arms to support their activities. These threats often influenced or reinforced each other so it was difficult to see them as independent phenomena.[1545]

In terms of petty crimes, criminality in Al-Muthanna in 2003 and early 2004 often involved theft, murder, carjacking and looting of trucks and public buildings.[1546] In case of carjacking, criminals blocked the road to stop trucks or private cars after which they took the cars, leaving the passengers behind, chained

1536 Brocades Zaalberg & Ten Cate (2010), p. 63. Ministerie van Defensie – Defensiestaf (2004b), p. 3.
1537 *Kamerstukken II*, 2003/04, 23 432, nr. 136, p. 6.
1538 *Kamerstukken II*, 2002/03, 23 432, nr. 116, p. 9.
1539 *Kamerstukken II*, 2002/03, 23 432, nr. 116, p. 9.
1540 *Kamerstukken II*, 2002/03, 23 432, nr. 117, p. 13.
1541 *Kamerstukken II*, 2002/03, 23 432, nr. 116, p. 12.
1542 Brocades Zaalberg & Ten Cate (2010), p. 78.
1543 See for example: Lovelock (2005), pp. 124-125; Rausch (2002), p. 24.
1544 Interview June 21, 2011.
1545 Interview June 21, 2011; Brocades Zaalberg & Ten Cate (2010), p. 178. See also: Hansen (2002b), p. 91.
1546 Brocades Zaalberg & Ten Cate (2010), pp. 65 & p. 78; Interview September 1, 2011(b); See also: *Kamerstukken II*, 2002/03, 23 432, nr. 116, p. 12.

and blindfolded, and sometimes even killed.[1547] Looting had also been an exponent of petty crime. Looting often occurred after a truck accidentally slipped off the road due to bad road conditions. Looting also occurred with intent. Looters occasionally simulated a traffic accident and forced a truck off the road in order to seize its load.[1548] Carjacking and plundering continued at least until mid 2004.[1549]

Organised crime largely involved smuggling livestock, water, fuel and weaponry.[1550] In particular, the illegal trade in livestock (sheep) had a major social impact. Livestock was often smuggled into Saudi Arabia where the consumer prices were higher than in Iraq. Because of the illegal export, the prices of sheep in the province doubled within a short period. For many, meat became unaffordable, which fuelled social unrest.[1551] Smuggling fuel and weaponry was another security problem. It continued throughout the full length of the SFIR mission.[1552] Smuggling occurred particularly in the border area and in the desert between Iraq and Saudi Arabia.

The third obvious type of crime was insurgency; largely inflicted by the Sunni religious leader Muqtada Al-Sadr, supported by a relatively large group of disappointed, low-educated and unemployed young men, mainly from urban areas.[1553] Until early 2004, Al-Sadr did not have a strong power-base in Al-Muthanna. After he gained influence in the larger cities in southern Iraq, he tried to expand his influence also to that province.[1554] The first significant action of the Sadrists occurred in As-Samawah on April 5, 2004, when an armed mob of Sadrists entered the local police station and demanded authority over the station. An intervention of the mayor, the local chief of police and local clan leaders prevented an (armed) escalation.[1555] In the following days, the tension in the province increased. In urban areas, men increasingly carried arms in public, which put public order under pressure.[1556]
At the end of April, the Dutch troops also became a target of violence. The attacks started in April, when insurgents mortared the Dutch bases in As-

1547 Brocades Zaalberg & Ten Cate (2010), p. 78.
1548 Interview September 1, 2011(b).
1549 Brocades Zaalberg & Ten Cate (2010), p. 178; Interview September 1, 2011(a); Interview September 1, 2011(b).
1550 Brocades Zaalberg & Ten Cate (2010), p. 79. See also: *Kamerstukken II*, 2003/04, 23 432, nr. 134: p. 10.
1551 CIMIC Legal Affairs. *Letter to S3*, August 14, 2003. SSA, Hard Disk 156/SFIR 51012/Diversen/schapensmokkel.
1552 Brocades Zaalberg & Ten Cate (2010), p. 206; Interview September 20, 2011(b); interview October 12, 2011(b); Interview October 19, 2011.
1553 Brocades Zaalberg & Ten Cate (2010), p. 192; *Kamerstukken II*, 2003/04, 23 432, nr. 154, p. 3
1554 Brocades Zaalberg & Ten Cate (2010), p. 194; *Kamerstukken II*, 2003/04, 23 432, nr. 154, p. 5.
1555 Brocades Zaalberg & Ten Cate (2010), pp. 194-195. See also: Jansen & Platenburg (2005), p. 36.
1556 Brocades Zaalberg & Ten Cate (2010), pp. 197-198.

Samawah on April 22 and in Ar-Rumaythah on April 29.[1557] The situation further deteriorated in May. On May 11, hand-grenades killed a Dutch first sergeant and injured a soldier patrolling a bridge in As-Samawah.[1558] The same day, Iraqi extremists shot at a Dutch vehicle checkpoint, after which the Dutch returned fire.[1559] A few days later, armed resistance became more public - on May 14, after Friday prayers, a group of armed Sadrists assembled at the Sadr building in As-Samawah and threatened to attack the Government building. While Iraqi authorities tried to calm down the situation, the local police cordoned off the demonstration. SFIR troops took up positions around the building and prepared for an intervention. However, that evening the crowd [dissolved and] dispersed over town after which the SFIR troops withdrew. During the night, elements of the Sadr movement frequently fired at Dutch patrols. The following day, the crowd again assembled around the Sadr building. The Dutch battalion blocked off areas surrounding the building. The Iraqi police and Dutch troops decided to enter and search the building in order to arrest insurgents. However, the insurgents had already managed to escape the building the night before, unnoticed by the local police.[1560]

By the end of May 2004, the situation stabilised, mainly because Al-Sadr and Grand Ayatollah Al-Sistani reached an agreement.[1561] The relative peace, however, ended in August 2004 when coalition troops and the Mahdi Army of Al-Sadr clashed in Najaf. These fights turned out to be a catalyst for public disorder and insurgency in Al-Muthanna.[1562] In Al-Muthanna, Al-Sadr had acquired support from a small group of sympathisers. The influence of the Sadr movement was tangible in the streets; the Dutch troops noticed that citizens were more restrained in their daily interactions.[1563] The first confrontation between Dutch troops and Sadrists occurred during the night of August 6 when insurgents mortared a joint vehicle checkpoint of Iraqi Security Forces and SFIR on the MSR Jackson near Al-Kidr.[1564] The authorities responded by proclaiming a curfew from midnight until five o'clock in the morning.[1565] On August 12, armed Sadrists caused armed incidents around the Sadr building and at the police station and the Provincial Joint Coordination Centre.[1566]

The armed resistance in Al-Muthanna escalated into an ambush in Ar-Rumaythah during the night of August 14 and 15. Insurgents attacked a Dutch MP convoy, killing one MP first sergeant and injuring three others.[1567] After the

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1557 *Handelingen II*, 2003/04, 23 432, nr. 158, pp. 1-2; Jansen & Platenburg (2005), p. 60 & p. 66.

1558 *Handelingen II*, 2003/04, 23 432, nr. 158, p. 1; Jansen & Platenburg (2005), p. 87.

1559 Jansen & Platenburg (2005), p. 88.

1560 Brocades Zaalberg & Ten Cate (2010), p. 212; Jansen & Platenburg (2005), p. 94 & p. 98; Interview June 21, 2011; Interview October 4, 2011(c).

1561 Brocades Zaalberg & Ten Cate (2010), p. 217; *Kamerstukken II*, 2003/04, 23 432, nr. 168, pp. 4-5; *Kamerstukken II*, 23 432, nr. 179, p. 4.

1562 Interview June 24, 2011; *Kamerstukken II*, 23 432, nr. 179, p. 3.

1563 Interview June 24, 2011, Interview September 1, 2011(a); Matthijssen (2005), pp. 149-150; Jansen & Platenburg (2005), p. 189.

1564 Brocades Zaalberg & Ten Cate (2010), p. 223; Jansen & Platenburg (2005), p. 189.

1565 Jansen & Platenburg (2005), p. 190.

1566 Interview October 19, 2011; Jansen & Platenburg (2005), p. 190.

1567 *Kamerstukken II*, 2003/04, 23 432, nr. 174, pp. 1-2.

ambush, the security situation in Al-Muthanna remained unstable. SFIR and local police patrols were engaged in a number of shooting incidents.[1568] Public security returned to a more stabilised situation after August 26 when the crisis in Najaf was resolved and resulted into a cease-fire. The agreement on Najaf also stabilised the situation in Al-Muthanna.[1569] The situation of relative peace and stability continued until the end of the deployment of SFIR 5 in March 2005.[1570]

Public order

In terms of public order, political and economic instability had been the main drivers for public protests. For example, the level of unemployment had been high and public services were unable to distribute water, fuel, and electricity effectively.[1571] The shortage of fuel and electricity resulted in various demonstrations.[1572] The shortage of fuel also regularly caused public unrest at petrol stations at the Main Supply Route (MSR) Jackson in As-Samawah and Ar-Rumaythah where citizens queuing up blocked the main road, got frustrated and accidentally started fighting.[1573] These problems continued until the end of 2004, by which time the distribution of fuel from depots had improved.[1574]

The high unemployment rates also created public order disturbances, in particular after the CPA had temporarily stopped its (ineffective) employment programme.[1575] During the following months, the protests continued on various occasions. On April 7, for example, a small group of citizens organised peaceful demonstrations in the three large towns of Al-Muthanna to express their frustration with the CPA and the coalition troops.[1576] The Sadr movement also initiated civilian protests. A demonstration in As-Samawah of around 150 students on April 14 proceeded quietly and required no intervention by the local police.[1577] On July 25, around 40 students organised a demonstration in As-Samawah to protest against unemployment and the political climate.[1578] In September, citizens organised small demonstrations, for instance to defy terrorism and against the authorities who had been unable to improve their quality of life.[1579]

1568 See for example: Brocades Zaalberg & Ten Cate (2010), p. 232; Jansen & Platenburg (2005), p. 192 & p. 195.

1569 Brocades Zaalberg & Ten Cate (2010), pp. 232-233, Matthijssen (2005), p. 151.

1570 Interview June 9, 2011; Interview September 20, 2011(b); 1 (NL) Battle Group SFIR 5 (s.a), p. 207*ff.*

1571 See for example: *Kamerstukken II*, 2002/03, 23 432, nr. 116, p. 12; *Kamerstukken II*, 2002/03, 23 432, nr. 122, p. 2; Brocades Zaalberg & Ten Cate (2010), p. 65.

1572 *Kamerstukken II*, 2002/03, 23 432, nr. 122, p. 7; Interview September 1, 2011(b).

1573 Interview October 4, 2011(c); Jansen & Platenburg (2005), pp. 204-206; 11 (NL) Battle Group SFIR 5 (s.a), p. 29.

1574 Jansen & Platenburg (2005), p. 206; 11 (NL) Battle Group SFIR 5 (s.a), p. 29.

1575 Brocades Zaalberg & Ten Cate (2010), pp. 149-150.

1576 Brocades Zaalberg & Ten Cate (2010), pp. 149-150.

1577 Brocades Zaalberg & Ten Cate (2010), p. 201; Jansen & Platenburg (2005), p. 52.

1578 Jansen & Platenburg (2005), p. 187.

1579 Jansen & Platenburg (2005), p. 199.

8.2.2 Local police

Police nationwide

On May 16, 2003, as part of the wider process of de-Ba'athification, CPA Administrator Bremer decided to remove the top three layers of the management of the Iraqi National Police.[1580] He did not dissolve the police force as a whole as he did with the Iraqi Armed Forces on May 23, 2003.[1581] Nevertheless, after the end of conflict the police suffered from an unexpected loss of police officers. Within in a few weeks, the capacity of the police had shrunk to about 30,000, mostly low-ranking police officers,[1582] while the estimated pre-war strength of the Iraqi Police Force had been around 58,000.[1583]

In terms of performance, professionalism and equipment, the quality of the remaining Iraqi police was poor.[1584] In May 2003, the CPA concluded that 'the Iraqi Police, as currently constituted and trained, [were] unable to independently maintain law and order and need the assistance and guidance of Coalition Force assets (or some appropriate follow on force) to accomplish this task.' The CPA also concluded that the police had 'suffered years of neglect, coupled with a repressive command structure that prohibited training, pro-activity, initiative and stifled attempts toward modernisation of the police.'[1585] For example, the police were unfamiliar with the principles of community policing. They also displayed a reactive attitude towards the public and crime and spent most of their time in police stations. When called to an incident, their 'procedure was to round up possible suspects, extract confessions by force, and extort bribes from family members for release of the suspects.'[1586]

Nevertheless, the CPA failed to prioritise police reforms immediately.[1587] According to the RAND Cooperation, this failure resulted in a police force that

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1580 Coalition Provisional Authority (May 16, 2003). *Order No. 1: De-Ba'athification of Iraqi Society*. CPA/ORD/16 May 2003/01. Available at http://www.iraqcoalition.org/regulations/20030516_CPAORD_1_De-Ba_athification_of_Iraqi_Society_.pdf; accessed September 26, 2012.

1581 Coalition Provisional Authority (May 23, 2003). *Order No. 2: Dissolution of Entities*. CPA/ORD/23 May 2003/02, Section 3. Available at http://www.iraqcoalition.org/regulations/20030823_CPAORD_2_Dissolution_of_Entities_with_Annex_A.pdf; accessed September 26, 2012.

1582 Dobbins, Jones, Runkle & Mohandes (2009), p. 71; Inspectors General US Department of State and US Department of Defense (2005), p. 9; Perito (2005), p. 4.

1583 Inspectors General US Department of State and US Department of Defense (2005), footnote 3. Perito speaks of a pre-war strength of the INP of 60,000 police officers (Perito (2005), p. 3.)

1584 Dobbins, Jones, Runkle & Mohandes (2009), pp. 71-72; Jones, Wilson, Rathmell & Riley (2005), p. 120.

1585 Coalition Provisional Authority and Iraqi Interior Ministry (2003). *Iraq Police: An Assessment of the Present and Recommendations for the Future*. Baghdad: Coalition Provisional Authority and Iraqi Interior Ministry, p. 4.

1586 Jones, Wilson, Rathmell & Riley (2005), p. 110.

1587 See for example: Jones, Wilson, Rathmell & Riley (2005), p. 111; Perito (2005), p. 10.

became a 'serious source of insecurity for the next several years.'[1588] A sense of urgency to reform the Iraqi police reached the CPA only by the end of 2003 when it started to draft a coalition-wide reform programme to improve the quality of the Iraqi police.[1589] By May 2004, the CPA was ready to introduce 'a twin-track approach to police transformation,' which involved a plan for pre-hiring and training police officers from the Saddam era and recruiting and educating new police officers and a schedule to modernise the institutional and operational capacity of the Iraqi police.[1590] In terms of the modernisation of the Iraqi police, the CPA focused on the establishment of a police force of around 135,000 'trained and equipped' police officers of which 79,000 were to be deployed in the regular police,[1591] 56,000 in the specialised police (Public Order Battalions, Special Police Commando Units, and a Mechanised Police Brigade), and 40,000 in the Border Police.[1592] The CPA based the future capacity of the Iraq Police upon the 'per capita police-to-population ratios in neighbouring Islamic countries.'[1593]

Police in Al-Muthanna

In line with the observations described above, NL Army officers generally perceived the quality of the Al-Muthanna police as insufficient.

First, many regarded the police as corrupt.[1594] They related one of the root-causes of police corruption to the fact that police officers were locally rooted and had strong affiliation with their clans and families.[1595] As such, loyalty to the clan or family could be perceived as more important than commitment to the police organisation.[1596] This loyalty could also make police officers vulnerable to corruption or could influence their objectivity. For example, it was not always clear what criteria the police used to arrest an individual or not, especially if clan or family members or interests were involved. Because police officers were supposed to protect the interests of their clans, they often refrained from arresting a fellow clan-member.[1597] Some NL Army officers perceived the provincial chief of police as corrupt.[1598] Two of them suspected that he misused allocated funds, for example for private or clan purposes.[1599] Another officer assumed that clans

1588 Jones, Wilson, Rathmell & Riley (2005), p. xxi.
1589 Jones, Wilson, Rathmell & Riley (2005), p. 116; Perito (2005), p. 10.
1590 Jones, Wilson, Rathmell & Riley (2005), pp 118-119.
1591 In October 2003, the Dutch government informed the Parliament that the CPA focused on establishing a police organisation of 75,000 police officers in 2005 (*Kamerstukken II*, 2003/04, 23 432, nr. 131, p. 5).
1592 Inspectors General US Department of State and US Department of Defense (2005), figure 1, p. 10.
1593 Inspectors General US Department of State and US Department of Defense (2005), p. 9.
1594 Interview June 9, 2011; Interview September 1, 2011(a); Interview September 1, 2011(b); Interview October 4, 2011(c); Interview October 12, 2011(b).
1595 Interview June 24, 2011; Interview September 1, 2011(b); Interview October 4, 2011(c).
1596 Interview August 29, 2011; Interview September 1, 2011(a).
1597 Interview June 24, 2011; Interview September 20, 2011(b); Interview October 12, 2011(b).
1598 Interview June 9, 2011; Interview August 29, 2011; Interview September 1, 2011(a).
1599 Interview August 29, 2011; Interview September 1, 2011(a).

paid him to recruit relatives in exchange for more influence in the police organisation.[1600]

Second, the Dutch regarded the attitude of the police of Al-Muthanna as problematic, notably regarding the public. Around two-third of the police had served in the Saddam era, which also explained their authoritarian and repressive attitude.[1601] Consequently, the public generally mistrusted and feared the police, and hardly felt protected by them.[1602] The lack of interaction and trust had created a considerable gap between the community and the police, which was, considering its long history, difficult to bridge within a short period.[1603] Citizens rather preferred the Iraqi National Guard (ING), which they perceived as professional and objective, in order to protect their interests.[1604]

Third, the quality of police officers had been problematic and hampered the overall performance of the police.[1605] One police advisor explained:

> The lack of quality was visible at all levels of the police organisation. The chief-of-police had no police background; he had his roots in Saddam's Army. At the next level of the chain of command, there were some officers with policing experience and expertise. However, further down the chain of command, the quality increasingly disappeared. At the operational level many policemen were even unable to read or write.[1606]

The lack of quality was also noticeable in terms of commitment and responsibility. According to MP personnel of SFIR 3, the Iraqi police officer generally lacked a sense of responsibility and initiative. They never questioned the background of their orders; they just obeyed them. The MP personnel also noted that senior officers failed to motivate their personnel.[1607]

Fourth, the police were poorly equipped and housed. This problem was largely rooted in the Saddam era in which the police had had a low priority in terms of funding and resourcing. They lacked, for example, the necessary assets in terms of police gear, vehicles, computers, and weaponry to perform effective and professional policing.[1608]

1600 Interview June 9, 2011.

1601 *Kamerstukken II*, 2003/04, 23 432, nr. 168, p. 4; Interview June 21, 2011; Interview June 24, 2011; Interview August 29, 2011; Interview October 4, 2011(c).

1602 Interview June 24, 2011; Interview August 29, 2011; Interview September 1, 2011(b); Interview October 4, 2011(c).

1603 Interview June 24, 2011; Interview August 29, 2011; Matthijssen (2005), p. 146.

1604 Interview June 9, 2011; Interview June 23, 2011; Interview September 1, 2011(b); Interview October 4, 2011(c).

1605 Interview June 23, 2011; Interview June 24, 2011; Interview September 1, 2011(a); Brocades Zaalberg & Ten Cate (2010), p. 261; Matthijssen (2005), p. 146.

1606 Interview September 1, 2011(a).

1607 Feijt, Jongejan, Verburg & De Vries (2005), p. 83.

1608 Brocades Zaalberg & Ten Cate (2010), p. 261; Dobbins, Jones, Runkle & Mohandes (2009), pp. 71-72; *Kamerstukken II*, 2003/04, 23 432, nr. 168, p. 4; Interview June 24, 2011, Interview September 1, 2011(a); interview September 1, 2011(b).

In Al-Muthanna, the CPA had planned for a police force of 1,400 police officers. At the start of the SFIR mission, there had been between 500 and 1,000 police officers.[1609] In mid-2003, US Army and MP personnel had started a five-day SSR programme to train the remaining elements of the Al-Muthanna police force. Altogether, they managed to train around 800 police officers in about two months.[1610] After the Dutch Marines had replaced the US troops, they continued training the local police. For that purpose, the Marines assigned a MP platoon of 25 *marechaussees*.[1611] They drafted a new training programme involving a two-week basic training course for newly hired police recruits and an additional training for police officers from the old Iraqi police force. In addition to the basic training course, the Dutch MPs also provided on-the-job training by mentoring and monitoring Iraqi police officers during their daily duties.[1612]

In March 2004, SSR became a top priority of the MND (SE).[1613] For that purpose, it had developed a SSR Programme which focused on the reform and training of all Iraqi Security Forces (ISF),[1614] including the police. The objective of the SSR Programme was to achieve 'a secure and stable environment

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1609 One of the interviewees and Brocades Zaalberg and Ten Cate mention a police-strength of around 1.000 police officers at the start of the operation (Interview September 1, 2011(a); Brocades Zaalberg & Ten Cate (2010), p. 153), while on June 25, 2003, the Minister of Defence speaks of 500 police officers as the actual strength of the Al-Muthanna police force (*Kamerstukken II*, 2002/03, 23 432, nr. 120, p. 27).

1610 See for example: Brocades Zaalberg & Ten Cate (2010), p. 152; *Kamerstukken II*, 2002/03, 23 432, nr. 122, p. 6; Interview August 29, 2011.

1611 *Kamerstukken II*, 2002/03, 23 432, nr. 122, p. 6. At the start of the SFIR operation, a MP platoon of 25 *marechaussees* was assigned to train and mentor the local police. To reinforce those SSR efforts, the commander of SFIR 2 requested the government in January 2004 to deploy an additional 28 police trainers to train the *Iraqi Police*; *Iraqi Highway Police* en *Iraqi Border Police*. He also asked for six extra trainers for the *Police Academy* and the *Provincial Joint Coordination Center* (*Kamerstukken II*, 2003/04, 23 432, nr. 146, p. 7). The government granted that request by the deployment of 41 additional police trainers for four months (*Kamerstukken II*, 2003/04, 23 432, nr. 149, p. 1). Twelve trainers were assigned to the Iraqi Border Police, sixteen to the Iraqi National Police and Iraqi Highway Police, seven to the TSU (Tactical Support Unit) Emergency Battalion, and six to the Police Academy. During the mission, the number of police trainers varied (Ministerie van Defensie – Defensiestaf (2004b), p. 15. At the end of the mission 35 police trainers were deployed (Ministerie van Defensie & Ministerie van Buitenlandse Zaken (2005), p. 24).

1612 Interview August 29, 2011; Ministerie van Defensie & Ministerie van Buitenlandse Zaken (2005), p. 24.

1613 Matthijssen (2005), p. 146; Ministerie van Defensie & Ministerie van Buitenlandse Zaken (2005), p. 24; Mulder (2005), p. 167. Although SSR had become one of SFIR's priorities, staffing of the SSR detachment had been a problem in both qualitative and quantitative terms, the Dutch Defence Operational Centre lacked the knowledge to interpret the required competences. As a result, the Ministry deployed SSR-personnel that did not meet the required competences or expertise (Ministerie van Defensie & Ministerie van Buitenlandse Zaken (2005), p. 25 & p. 37).

1614 The ISF consisted of the Iraqi Police Services (IPS), Department of Border Enforcement (DBE; Border Police), Facility Protection Service (FPS), Iraqi Correctional Service (ICS), Iraqi National Guard (ING), New Iraqi Army (NIA), Iraqi Air Force (IAF), Iraqi Coastal Defence Force (ICDF), Criminal Justice System (CJS), and the Permanent Joint Operation Centre (PJOC) (Mulder (2005), p. 167).

maintained by credible, self confident and capable security structures under Iraqi governance.'[1615] The SSR Programme not only aimed to establish sustainable and functioning security forces; it also intended to create conditions for an exit strategy for the multinational forces.[1616]

The SSR Programme identified three different phases: "local control", "regional control", and "strategic over-watch". The three phases were not clearly defined stages but rather merging evolutions on a continuum. During "local control", the Iraqi Security Forces were supposed to reach 'an adequate level of effectiveness to maintain law and order in populated dense areas under the direction and supervision of the [Multinational Forces]'. During "regional control", the Iraqi Security Forces were supposed to have reached 'an adequate level of effectiveness to maintain law and order within the provincial boundaries under governance of the Iraqi Provincial Councils.' If required, the Iraqi authorities could request the Multinational Forces for advice regarding the provision of law and order. During "strategic over-watch", the Iraqi government and the Iraqi Security Forces would have established a maximum level of effectiveness. The role of the Multinational Forces would be limited to occasional monitoring of the Iraqi Security Forces.[1617]

On April 30, 2004, the Iraqi Security Forces had reached the level of local control. If everything had proceeded as planned, the MND (SE) expected that the Iraqi Security Forces would reach the level of regional control before the Transfer of Authority.[1618] However, the attacks on coalition troops in Baghdad, Najaf, Falluhaj and Karballa during March-August 2004 slowed down the process. The attacks also had an effect on public security in Al-Muthanna and delayed the execution of the SSR programme.[1619] The poor Iraqi response to the security problems in Al-Muthanna proved, for example, that the Iraqi Security Forces were not yet able to assume full responsibility for law and order before the Transfer of Authority at the end of June 2004. The SSR Programme was further delayed after the ambush of August 14 since the Dutch temporarily stopped their SSR activities. The ambush had disturbed the relationship between SFIR and the local police, in particular, the relationship with the Ar-Rumaythah police.[1620] Although the local authorities and the local police had assumed responsibility for public security in Al-Muthanna, and the police had reached the intended capacity of 1,400 officers by the end of June 2004, the police were still at the stage of local control. As a result, SFIR considered the local police to be still unqualified

1615 Mulder (2005), p. 167.
1616 Mulder (2005), p. 167.
1617 Mulder (2005), pp. 173-175.
1618 Mulder (2005), p. 176.
1619 See for example: *Kamerstukken II*, 2004/05, 23 432, nr. 179, p. 6; Ministerie van Defensie & Ministerie van Buitenlandse Zaken (2005), p. 24; Mulder (2005), p. 176.
1620 Interview June 24, 2011; Interview September 1, 2011(a); *Kamerstukken II*, 2004/05, 23 432, nr. 179, p. 6. The battalion assumed it unlikely that the Ar-Rumaythah police had not been aware of preparations of the ambush, although the ambush happened near the police station and had not alarmed the police (Interview September 1, 2011(a); *Kamerstukken II*, 2004/05, 23 432, nr. 179, p. 6).

to provide public security independently and effectively.[1621] Nevertheless, SFIR's prime focus shifted from providing public security to assisting, training and mentoring the local police (and other security institutions).[1622] For that purpose, SFIR 4 evaluated the status of the local police in order to define their future SSR activities. The evaluation proved that the development of police leadership required further attention. Furthermore, it underlined that the cooperation between the security forces required improvement as well as the full commitment of local commanders.

To establish the required improvements, SFIR 4 developed a new SSR plan, which articulated the need for an intensification of the training and monitoring of the local police, including the Tactical Support Unit-Emergency Battalion.[1623] The plan also addressed the need to improve the quality of the police organisation's facilities (police stations, prisons and training centre), processes, coordination mechanisms, management and leadership.[1624] Finally, the plan included a proposal for a three-week training course in the Netherlands, in police management and leadership, for twenty high potential members of the Al-Muthanna police. This training finally happened in February/March 2005.[1625]

At the end of his mission, the commander of SFIR 4 observed some improvement. For example, he noted an increase in coordination and cooperation between the police and the other security services, a slight improvement in the quality of the police and growing public trust in the police.[1626] Nevertheless, he thought that the police still had to make some mental changes regarding their relationship to the public:

> We had focused on reinforcing the public support for the police and tried to make police aware that it was helpful to interact with the public in the streets. We told them that they should not only focus on catching criminals, but also on chatting with the people on the streets and ask them how they were. That

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1621 Interview August 29, 2011; Mulder (2005), pp. 176-177.

1622 Ministerie van Defensie & Ministerie van Buitenlandse Zaken (2005), p. 24; Matthijssen (2005), p. 146; Mulder (2005), p. 174.

1623 In Al-Muthanna, a Tactical Support Unit (TSU) Emergency Battalion was deployed end of October 2004. The mission of the TSU Emergency Battalion was to enhance the quality of the local police and to support local authorities to maintain public order. The battalion had a capacity of 650 police officers. They were locally recruited and trained and largely had a background in the Army. After completion of the two-week training course, elements of the TSU Emergency Battalion deployed at vehicle checkpoints in and around the urban areas (Jansen & Platenburg (2005), pp. 202-203 & p. 211; *Kamerstukken II*, 2004/05, 23 432, nr. 185, p. 7; Matthijssen (2005), p. 144). In comparison with the local police, the Dutch officers perceived the TSU Emergency Battalion in comparison with the local police as professional, well trained, and reliable (Interview June 9, 2011; Interview October 12, 2011(b)).

1624 Matthijssen (2005), pp. 146-147. See also: *Kamerstukken II*, 2004/05, 23 432, nr. 177, pp. 35-36; *Kamerstukken II*, 2004/05, 23 432, nr. 181, p. 3.

1625 *Kamerstukken II*, 2004/05, 23 432, nr. 181, p. 3; Ministerie van Defensie & Ministerie van Buitenlandse Zaken (2005), p. 24.

1626 Matthijssen (2005), pp. 147-148.

> mind-shift was very difficult to achieve. We were after all in a country where there was a huge gap between the public and the police. There had been a huge aversion to the police due to their relationship with the previous regime.[1627]

After SFIR 5 replaced SFIR 4 on November 15, 2004, the Section Operations again evaluated the status of the Iraqi Security Forces in the province. The evaluation showed that these forces were still making progress to reach the required level of quality yet and that they were still unable to operate independently and without support of SFIR. The Section Operations concluded that additional training was required, especially in terms of command and control, and coordination.[1628] As a result, the completion of the SSR required more time to reach the appropriate level of provincial control than anticipated and became the prime focus of SFIR 5 in order to prepare the police and the other security forces to assume full responsibility for public security during the elections on January 30, 2005.[1629]

Towards the end of the mission, Dutch SSR efforts started to yield some results as the quality of the Iraqi police improved incrementally. Gradually, the police were capable of tackling basic, non-complex crime cases, as one police adviser had observed.[1630] Whether the police had reached an acceptable level of quality by Western standards was, however, hard to define as he reported:

> To my opinion the implementation of the model of community policing was difficult and perhaps it was not a very good choice. The model works well in Western society, but is an anomaly within the Iraqi culture. The culture of the Arabic world differs from that of the Western society. This is reflected in the police. The police operate more aloof from civil society rather than engaging to restore disruptions of social values and norms.[1631]

It was also doubted whether the training of the police finally rooted in the police force and would change the attitude of police officers. It seemed difficult to change the old police culture. When police trainers were around, Iraqi police officers often showed desirable behaviour. However, as soon as the Dutch had left, the local police often returned to their traditional habits, as two senior officers reported.[1632]

8.3 Operational concept

8.3.1 Planning and preparation

The planning for the SFIR mission had had a national and international component. At the national level, political and strategic planning and preparation and

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1627 Interview June 24, 2011.
1628 11 (NL) Battle Group SFIR 5 (s.a), p. 70.
1629 Interview June 9, 2011; Interview September 20, 2011(b).
1630 Interview September 20, 2011(b).
1631 Interview September 20, 2011(b).
1632 Interview September 20, 2011(b); Interview October 12, 2011(b).

overall command and control ("full command") had been the responsibility of the Chief of the Armed Forces. The Chief of the Defence Staff tasked the contributing branches to prepare and deploy the SFIR battalions. The Defence Operations Centre had been responsible for monitoring the daily operations and activities with a specific national interest, such as force protection, intelligence, and national civil-military cooperation. The operational planning, and command and control in theatre had been a responsibility of the (UK) Commander of the MND (SE).[1633]

International mandates and planning

The legal basis for the deployment of the Multinational Force (MNF) in Iraq was UNSCR 1483, which called for 'the willingness of Member States to contribute to stability and security in Iraq by contributing personnel, equipment, and other resources under the Authority.'[1634] UNSCR 1483 invited states 'to assist the people of Iraq in their efforts to reform their institutions and rebuild their country, and to contribute to conditions of stability and security in Iraq' under Chapter VII of the UN Charter.[1635] UNSCR 1483 offered UN member states the opportunity to deploy troops and resources under the command and control of the United States and the United Kingdom.[1636] The Resolution did not specify or authorise the establishment of a Multinational Force. That was covered in UNSCR 1511 of October 16, 2003, which authorised the establishment of a Multinational Force 'under unified command to take all necessary measures to contribute to the maintenance of security and stability in Iraq.'[1637]

UNSCR 1483 recognised the United States and the United Kingdom as occupying powers.[1638] As such, UNSCR 1483 called on these countries, under applicable international law, 'to promote the welfare of the Iraqi people through the effective administration of the territory, including in particular working towards the restoration of conditions of security and stability and the creation of conditions in which the Iraqi people can freely determine their own political future.'[1639] The resolution made thus clear that the United States and the United Kingdom were responsible for providing public security to the citizens of Iraq. This was in line with Article 43 of the Hague Regulations, which notes that an occupant 'shall take all the measures in his power to restore, and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country.'[1640]

1633 Ministerie van Defensie & Ministerie van Buitenlandse Zaken (2005), p. 21.
1634 *UN Doc* S/RES/1483 (2003), preamble.
1635 *UN Doc* S/RES/1483 (2003), §1.
1636 Ministerie van Defensie & Ministerie van Buitenlandse Zaken (2005), p. 9.
1637 *UN Doc* S/RES/1511 (2003), §13.
1638 *UN Doc* S/RES/1483 (2003), preamble.
1639 *UN Doc* S/RES/1483 (2003), §4.
1640 Hague Convention (IV) concerning the Laws and Customs of War on Land, The Hague, October 18, 1907, Article 43.

The (UK) Commander of the MND (SE) took this obligation into account. In his Concept of Operations, he defined – among other tasks – a number of tasks regarding the provision of public security, such as:

- Restoring and maintaining security and stability;
- Maintaining public order;
- Protecting and securing police facilities, and financial and cultural institutions;
- Enabling the operations of humanitarian organisations.[1641]

Until the formal Transfer of Authority to the Iraqi people on June 28, 2004, the Multinational Force had been responsible for providing public security. From this date onwards, however, the Iraqi authorities and security forces would progressively assume full responsibility for public security and stability in Iraq.[1642] Nevertheless, UNSCR 1546 of June 8, 2004 decided that the Multinational Force would keep 'the authority to take all necessary measures to contribute to the maintenance of security and stability in Iraq.'[1643] As such, the Resolution allowed the Multinational Force to use force or to intervene in public security matters when required or appropriate.[1644]

After the Transfer of Authority, the mission and tasks of (UK) Commander of MND (SE) and the units under his command changed from occupation to security assistance. In his Commander's Intent, he underlined the consequences of the change of focus:

> I see our mission very much as security assistance. The end state can only be achieved through a partnership between MNF and the Iraqis. Ultimately, we must work alongside ISF to provide a sufficiently secure environment to permit free and fair elections. To reach that state of security we must continue to establish effective ISF that can neutralise Anti Iraqi Forces (AIF), whether they are terrorist, militia, criminals or simply the disenchanted. Our continued presence and ability to assist ISF depends entirely upon the consent of the Iraqi people.[1645]

1641 *Kamerstukken II*, 2002/03, 23 432, nr. 116, p. 10; Ministerie van Defensie & Ministerie van Buitenlandse Zaken (2005), p. 11.

1642 *UN Doc* S/RES/1546 (2004), §8.

1643 *UN Doc* S/RES/1546 (2004), §10.

1644 Voetelink (2013), pp. 436-437.

1645 Multinational Division (South East), *CONOPS 02/04*, June 20, 2004, p. 4. SSA, Hard Disk 156/SFIR extra/Sfir 4/operaties/conops/conops MND SE/-NIEUW- Draft CONOPS 0204 Main Body Version 2. See also: Commander 13 (NL) BG SFIR 4, *Operation Order No. 002 (SFIR 4)*, July 20, 2004. SSA, Hard Disk 156/SFIR 051012/Operaties/contingency plans and operations/NLBG SFIR 4 CONOPS/ OPORDER NR 002/Romp oporder nr 002 draft, p. 2.

He further emphasised that:

> We must demonstrate that we are no longer occupying forces, but that the Iraqis have primacy and in security terms this means ISF primacy. (….) That means that we must be prepared to allow the Iraqis to lead.[1646]

After the Transfer of Authority, the operations of the MND (SE) concentrated on two priorities:

- Assistance to the reform of the Iraqi police and other security forces and through a programme of recruitment, training, equipping, mentoring, and monitoring.
- Framework operations to disrupt, deter, and defeat threats against multinational forces and the ISF, both as part of force protection and in support of ISF. Wherever possible these activities were performed in cooperation with the ISF until they had sufficient capability to handle the situation independently.[1647]

Public security continued to be a focal point of the MND (SE). Next to the establishment of effective Iraqi Security Forces, the commander also targeted the reduction of criminality to a level acceptable to the local community as one of the conditions to reach the desired end state of an independent and stable Iraqi state.[1648] How this was to be achieved, he did not mention, however.

National political planning

UNHCR 1483 had been the political and the legal foundation for the Dutch government to deploy troops to Iraq.[1649] Although the Dutch forces were *de jure* not occupying forces, the government endorsed the call from the UN Security Council 'to comply fully with the obligations under international law including

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1646 Multinational Division (South East), *CONOPS 02/04*, June 20, 2004, p. 5. SSA, Hard Disk 156/SFIR extra/Sfir 4/operaties/conops/conops MND SE/-NIEUW- Draft CONOPS 0204 Main Body Version 2. See also: Commander 13 (NL) BG SFIR 4, *Operation Order No. 002 (SFIR 4)*, July 20, 2004. SSA, Hard Disk 156/SFIR 051012/ Operaties/ contingency plans and operations/NLBG SFIR 4 CONOPS/OPORDER NR 002/Romp oporder nr 002 draft, p. 2.

1647 Multinational Division (South East), *CONOPS 02/04, June 20, 2004*, p. 5. SSA, Hard Disk 156/SFIR extra/Sfir 4/operaties/conops/conops MND SE/-NIEUW- Draft CONOPS 0204 Main Body Version 2. See also: Commander 13 (NL) BG SFIR 4, *Operation Order No. 002 (SFIR 4)*, July 20, 2004. SSA, Hard Disk 156/SFIR 051012/ Operaties/contingency plans and operations/NLBG SFIR 4 CONOPS/OPORDER NR 002/Romp oporder nr 002 draft, p. 2.

1648 Multinational Division (South East), *CONOPS 02/04*, June 20, 2004, p. 4. SSA, Hard Disk 156/SFIR extra/Sfir 4/operaties/conops/conops MND SE/-NIEUW- Draft CONOPS 0204 Main Body Version 2. See also: Commander 13 (NL) BG SFIR 4, *Operation Order No. 002 (SFIR 4)*, July 20, 2004. SSA, Hard Disk 156/SFIR 051012/Operaties/ contingency plans and operations/NLBG SFIR 4 CONOPS/OPORDER NR 002/Romp oporder nr 002 draft, p. 2.

1649 *Kamerstukken II*, 2002/03, 23 432, nr. 116, p. 2; Ministerie van Defensie – Defensiestaf (2004b), p. 6.

in particular the Geneva Conventions of 1949 and the Hague Regulations of 1907' as it had done in every previous crisis management operation.[1650]

Nevertheless, the Netherlands wanted to avoid the discussion whether it *de facto* operated as an occupying force if it were to assume executive law enforcement and public order activities. The Netherlands therefore defined a number of caveats. These stated that Dutch forces were not supposed to assume administrative tasks or to execute autonomous 'executive law enforcement development activities' including the 'active searching for suspected war criminals.' The government regarded these law enforcement activities to be a responsibility of the Iraqis themselves.[1651] Merely to acquire a broad parliamentary support for the mission and to ease the political and public aversion against the status of occupier,[1652] the government underlined that the focus of the operation was to transfer responsibilities to the Iraqi population as swiftly as possible. The prime responsibility of the stabilisation force was to support rather than to replace Iraqi structures. The Dutch troops had to act proactively and as much as possible avoid a military presence in the form of, for example, patrolling and operating checkpoints.[1653]

During the deployment of the Marines battalion SFIR 1, these caveats, however, turned out to be ineffective and impractical to restore law and order during a security gap, mainly because the Iraqis were still unable to provide public security independently and effectively. As a result, SFIR 1 was authorised to take on public security tasks under the authority of the CPA until the Iraqi authorities and police were able to fulfil these responsibilities themselves.[1654] When on November 28, 2003, the government decided to extend the Dutch contribution to the SFIR mission, it again emphasised that the battalions were only authorised to execute public security tasks in order to enable a swift transfer of authority. It also underlined that these activities were not to be executed independently but in cooperation with the local police as much as possible.[1655]

As mentioned earlier, the Concept of Operations of the Commander of the MND (SE) had been the operational foundation upon which the Dutch SFIR commanders based their operational plans and activities.[1656] Another input to the battalion's operational planning were the reconnaissance missions the three NL Army SFIR battalions organised prior to their deployment in their future area of operations. These missions helped to acquire additional situational awareness and information in order to complete the battalion's operational planning processes.

1650 *Kamerstukken II*, 2002/03, 23 432, nr. 116, p. 8. See also: *UN Doc* S/RES/1483 (2003), §5.

1651 *Kamerstukken II*, 2003/04, 23 432, nr. 133, p. 8; Ministerie van Defensie & Ministerie van Buitenlandse Zaken (2005), p. 10.

1652 Brocades Zaalberg & Ten Cate (2012), p. 124.

1653 *Kamerstukken II*, 2002/03, 23 432, nr. 116, p. 10.

1654 Ministerie van Defensie – Defensiestaf (2004b), p. 7; Ministerie van Defensie & Ministerie van Buitenlandse Zaken (2005), p. 10.

1655 *Kamerstukken II*, 2003/04, 23 432, nr. 134, pp. 13-14.

1656 Ministerie van Defensie & Ministerie van Buitenlandse Zaken (2005), p. 21.

The reconnaissance missions made clear that to a large extent the mission would have a civilian focus in terms of providing public security, for example by supporting the local authorities and police and by training the local police and other security forces.[1657]

However, whereas the Marines battalions SFIR 1 and 2 were largely involved in providing interim policing,[1658] Army battalion SFIR 3 did not regard itself as an interim police force. Instead, SFIR 3 rather focused on ensuring a safe and secure environment in which the Iraqi police and other security forces could develop towards being self-supporting organisations.[1659] As such, the commander of SFIR 3 articulated that the end-state of the mission became 'to create the conditions in Muthanna that will make the Coalition Forces (CF) presence obsolete.'[1660] For that purpose, the activities of SFIR 3 increasingly moved from actively providing public security into training and mentoring the Iraqi police and the other security forces. Nevertheless, SFIR 3 formally kept its responsibility for providing public security and stability until the official Transfer of Authority.[1661] In this initial operational plan, the commander of SFIR 3 therefore had still included a number of public security tasks.[1662] Also in his Operational Order No. 002 of April 26 – which preluded on a controlled Transfer of Authority – he continued to regard

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1657 Interview June 9, 2011; Interview June 21, 2011; Interview June 24, 2011; Interview September 1, 2011(b); Interview October 4, 2011(c); Interview October 12, 2011(b). After completing their initial planning processes, battalion commanders did not present their operational plans to the Dutch military authorities (*in casu* the Director of Operations of the Defence Staff) for final approval. As a result, national command and control during the SFIR operation was rather loosely structured, except when major incidents were involved and there had been an intensive national monitoring of events (Ministerie van Defensie & Ministerie van Buitenlandse Zaken (2005), p. 21. See also: Interview June 21, 2011; Interview June 24, 2011).

1658 See for example: *Kamerstukken II*, 2002/03, 23 432, nr. 117, p. 28; *Kamerstukken II*, 2003/04, 23 432, nr. 133, p. 5 & pp. 8-9; *Kamerstukken II*, 2003/04, 23 432, nr. 134, p. 13.

1659 Commander 42 (NL) BG, *Provisional Operation Order No. 001 (SFIR 3)*, p. 2. SSA, Hard Disk 156/SFIR 051012/Operaties/contingency plans and operations/NLBG SFIR 3 CONOPS/OpO 001 (Provisional Version)/oporder 001; Interview June 21, 2011; Interview September 1, 2011(b); Interview October 4, 2011(c).

1660 Commander 42 (NL) BG, *Provisional Operation Order No. 001 (SFIR 3)*, p. 2. SSA, Hard Disk 156/SFIR 051012/Operaties/contingency plans and operations/NLBG SFIR 3 CONOPS/OpO 001 (Provisional Version)/oporder 001. See also: *Kamerstukken II*, 2003/04, 23 432, nr. 163, pp. 2-3; Interview June 21, 2011; Interview October 4, 2011(c).

1661 *Kamerstukken II*, 2003/04, 23 432, nr. 163, pp. 2-3; Interview June 21, 2011; Interview October 4, 2011(c); Commander 42 (NL) BG, *Provisional Operation Order No. 001 (SFIR 3)*, p. 2. SSA, Hard Disk 156/SFIR 051012/Operaties/contingency plans and operations/NLBG SFIR 3 CONOPS/OpO 001 (Provisional Version)/oporder 001.

1662 These public security tasks included, for example, providing security on the Main Supply Routes, conducting independent social and security patrols and vehicle checkpoints; conducting joint security patrols and vehicle checkpoint with MP and local police if necessary and/or applicable; and being prepared to detain High Pay-off Targets linked to the former regime of Iraq Commander 42 (NL) BG, *Provisional Operation Order No. 001 (SFIR 3)*, p. 2. SSA, Hard Disk 156/SFIR 051012/Operaties/contingency plans and operations/NLBG SFIR 3 CONOPS/OpO 001 (Provisional Version)/oporder 001.

reducing criminality and maintaining public order as part of his mission.[1663] However, he did not translate this mission into specific public security tasks in order to instruct or at least challenge his company commanders to focus on providing interim policing. This omission fitted within the viewpoint that the battalion, although responsible for interim policing, did not regard itself as an interim police force.

After the Transfer of Authority of June 28, 2004, the focus and mission of the subsequent SFIR deployments changed into a support role.[1664] This change also focused the mission of SFIR 4, which intended to:

> [C]onduct security and stabilisation operations in line with MND (SE) lines of operation within boundaries in support of Iraqi Security Forces (ISF) and Iraqi civil authorities in order to realise the political process and set the conditions for Iraq becoming a united and stable, democratic state, integrated within the international community.[1665]

Based upon this assignment, the commander of SFIR 4 formulated his objective for the mission. He intended 'to assist and support the ISF and Iraqi civil authorities in executing their responsibility to maintain security and stability.' In his Commander's Intent, he underlined the importance 'to establish effective ISF to reach a sufficient level of security', which he regarded as a 'prerequisite for free and fair elections.'[1666] As such, SFIR 4 focused its public security efforts on training and mentoring the Iraqi Security Forces and improving their coordination and cooperation mechanisms and processes.[1667] The option to provide interim policing moved to the background, not only because of the prioritisation of SSR but also because SFIR 4 planned to limit its presence in urban areas in favour of patrolling and operating in rural and border areas.[1668]

SFIR 5 also focused its public security efforts on SSR in order to enable the police and the authorities to assume full responsibility for public security during the elections of January 30, 2005.[1669] However, different to SFIR 4, SFIR 5 also

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1663 Commander 42 (NL) BG, *Operational Order No. 002 (SFIR 3)*, April 26, 2004, p. 2. SSA, Hard Disk 156/SFIR 051012/Operaties/contingency plans and operations/NLBG SFIR 3 CONOPS/OpO 002 (inclusief relevante bijlagen)/Opord 002 (SFIR3).

1664 Interview June 24, 2011.

1665 Commander 13 (NL) BG SFIR 4, *Operation Order No. 002 (SFIR 4)*, July 20, 2004. SSA, Hard Disk 156/SFIR 051012/Operaties/contingency plans and operations/NLBG SFIR 4 CONOPS/OPORDER NR 002/Romp oporder nr 002 draft, p. 2. See also: Matthijssen (2005), p. 142.

1666 Commander 13 (NL) BG SFIR 4, *Operation Order No. 002 (SFIR 4)*, July 20, 2004. SSA, Hard Disk 156/SFIR 051012/Operaties/contingency plans and operations/NLBG SFIR 4 CONOPS/OPORDER NR 002/Romp oporder nr 002 draft, p. 2. See also: Matthijssen (2005), p. 142.

1667 Interview June 23, 2011; Interview June 24, 2011; Interview October 19, 2011.

1668 Commander 13 (NL) BG SFIR 4, *Operation Order No. 002 (SFIR 4)*, July 20, 2004. SSA, Hard Disk 156/SFIR 051012/Operaties/contingency plans and operations/NLBG SFIR 4 CONOPS/OPORDER NR 002/Romp oporder nr 002 draft, p. 2.

1669 11 (NL) Battle Group SFIR 5 (s.a), p. 252.

prioritised active and intensive patrolling of urban areas.[1670] Patrolling enabled SFIR 5 to re-establish an information capacity that disappeared after the Transfer of Authority when SFIR 4 complied with the request of the local authorities to minimise their patrols in the urban areas. The withdrawal had resulted in a loss of information and intelligence because the interaction with the local population had been minimised. SFIR 5 prioritised the restoration of their information capacity by intensifying their patrolling.[1671]

Operational planning and preparation

During the training and preparation of the three Army-based SFIR battalions, public security had played a limited role. SFIR 3 had not specifically trained for public security tasks, although providing interim policing had been part of the mandate. The battalion commander noted:

> We were not trained to execute public security tasks. My troops for example did not receive a formal CRC training. In physical terms, we were not prepared.[1672]

Nevertheless, the battalion had trained to search and arrest individuals. This training had been part of the regular mission-oriented training and focused on searching, handcuffing and transporting suspects including the use of tie-rips and dark goggles to blindfold arrested suspects. This training was not based upon specific police instructions but upon the regular curriculum for the treatment of prisoners of war.[1673] At least one company additionally trained for CRC. This had been an improvised training provided by a company official who acquired CRC experience during his mission in the Balkans. The unofficial training had a basic character and focused on taking up positions and formations, like sealing off an area, isolating individuals from a group and manoeuvring in a line.[1674]

SFIR 4 also trained for arresting and searching suspects as part of the regular mission-oriented training.[1675] One company commander mentioned that he used the expertise of personnel of the *Marechaussee* to improve the soldiers' skills. In the mission area, this kind of training continued as part of a cross-training in which personnel of the *Marechaussee* trained in so-called contact drills.[1676] Within the mission-oriented training, company commanders were empowered to emphasise issues that they considered important in relation to their future mission in Al-Muthanna. One company commander used that opportunity to organise an

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1670 In addition to SSR, Support to Elections, and Normal Framework Operations, CIMIC had been the fourth priority of SFIR 5 (11 (NL) Battle Group SFIR 5 (s.a), p. 252).

1671 Interview June 9, 2011; Interview June 24, 2011; Interview October 12, 2011(b); Interview October 19, 2011. See also: Brocades Zaalberg & Ten Cate (2010), pp. 268-260.

1672 Interview June 21, 2011.

1673 Interview June 21, 2011; Interview September 1, 2011(b); Interview October 4, 2011(c).

1674 Interview September 1, 2011(b).

1675 Interview June 23, 2011; Interview October 19, 2011.

1676 Interview June 23, 2011.

unofficial, improvised CRC training to prepare his troops on possible public security activities:

> Officially, we were not trained in providing public security and we did not receive CRC training. I organised an additional training for my company. I do not know whether the other company commanders organised such training as well. Based upon my experiences in Bosnia and Herzegovina, I anticipated that we might encounter large crowds. My experience was that under these circumstances the pressure could increase. What is important then is that you are capable of managing that pressure, mainly because your posture affects that of the crowd. The CRC training was organised by some members of my staff who served in a CRC platoon in Bosnia and Herzegovina. As such, they transferred their experience to a new group.[1677]

Although this company commander provided his troops a makeshift CRC training, in theatre he did not deploy them in CRC-like situations. He used the training to get his troops acquainted with the pressure of large crowds. In the mission area, he clearly recognised the benefits of the training, especially at checkpoints during the Ashura marches when situations could get tense and required some crowd control.[1678]

Like its predecessors, SFIR 5 did not label public security as a specific training element. The search and arrest of civilian suspects had been an integral element of the mission-oriented training. Like SFIR 4, the battalion used the expertise of the *Marechaussee* to support that training. The training focused on the arrest of suspects at checkpoints and not on arresting pinpointed suspects, which they saw as a responsibility of the Iraqi police.[1679]

Although Army battalions did not extensively train for public security, they had a CRC platoon at their disposal. Initially, CRC had not been part of the Dutch operational concept. Early in 2004, the commander of the Marine battalion SFIR 2 anticipated public disturbances and demonstrations in his area of responsibility during the yearly Islamic pilgrimage *Hadj* and requested additional CRC capacity.[1680] The government shared his assessment and approved the deployment of a dedicated CRC platoon. The platoon was provided by 41 Artillery Battalion of the NL Army and was formally tasked to provide force protection, to guarantee freedom of movement of coalition forces, to protect the battalion's infrastructure and to protect persons and resources indicated by the Commander of the MND (SE).

After the Army battalion SFIR 3 had replaced the Marines of SFIR 2, the government extended the deployment of the CRC platoon provided by 41

1677 Interview June 23, 2011.
1678 Interview June 23, 2011.
1679 Interview June 9, 2011; Interview October 12, 2011(b).
1680 *Kamerstukken II*, 2003/04, 23 432, nr. 146, p. 7.

Artillery Battalion.[1681] The battalion commander of SFIR 3 did not deploy this platoon to control demonstrations or public disorder. Instead, he used the platoon for Normal Framework Operations, such as perimeter patrolling and force protection.[1682] He had doubts regarding the effectiveness of the concept, especially in a hostile context:

> The CRC concept does not work and I do not believe in it. You cannot have a platoon on a notice to move of one hour for four months. It could work if you would know of a demonstration in advance. That only happened once. Most demonstrations occurred spontaneously or were secretly prepared. Besides, you should ask yourself whether you should deploy your platoon in those situations. I am convinced you should not. As a Westerner, you must never step into that trap. We do not speak the language and do not know the culture in order to be effective. The CRC concept is not limited to the use of the truncheon, but also consists of verbal and non-verbal communication with civilians. You should not get involved in situations where you do not speak the language. Moreover, in a stability operation you must make the local authorities responsible for public security. Your contribution should be limited to training of local police officers.[1683]

The commander of SFIR 3 also doubted the effectiveness of CRC in crisis management operations:

> I had full confidence in the troops, but whether they were prepared well enough to operate in chaotic circumstances effectively, I do not know. I knew that it was a good team that would be ready when I needed it and that it would act considerately and according to its ability. But that does not mean that they were well prepared for operating in complex situations.[1684]

As such, battalion commanders showed serious reservations about deploying the CRC platoon if an operational opportunity were to occur. According to the commander of the CRC platoon, these reservations were largely based upon a lack of knowledge and trust in the organisation. He assumed that commanders did not know how to use the instrument in an optimal way. On the other hand, he admitted that trust in the effectiveness of the instrument could only increase if CRC platoons would have the opportunity to acquire operational experience

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1681 See for example: *Kamerstukken II*, 2003/04, 23 432, 149, p. 2; Ministerie van Defensie – Defensiestaf (2004b), pp. 15-16; Ministerie van Defensie & Ministerie van Buitenlandse Zaken (2005), p. 29. See also: Brocades Zaalberg & Ten Cate (2010), p. 159.

1682 See for example: *Kamerstukken II*, 2003/04, 23 432, 149, p. 2; Ministerie van Defensie – Defensiestaf (2004b), pp. 15-16; Ministerie van Defensie & Ministerie van Buitenlandse Zaken (2005), p. 29; Interview June 21, 2011. The CRC platoon assigned to SFIR 3 joined the battalion in theatre; it did not participate in the battalion's pre-deployment training.

1683 Interview June 21, 2011.

1684 Interview June 24, 2011.

during deployments at home, for example in support of the civilian police,[1685] which had not been the case.

The debate on the effectiveness of the CRC instrument continued during SFIR 5 and influenced the preparation of its CRC platoon. Although the *Marechaussee* had trained the platoon, it did not receive the formal certification required for full operational deployment. *De jure*, SFIR 5 did not have a CRC capacity.[1686] In addition, the battalion commander decided to limit the integration of CRC in his operational concept to the minimum of what he thought was required. Largely, he based his decision on the experiences of his predecessors who had not used the CRC instrument for public order purposes. As such, he supposed that a full deployment would not be realistic, especially since the local police had assumed full responsibility for public order.[1687]

8.3.2 Managing the security gap

8.3.2.1 Public order management

Patrolling

Patrolling had been one of the most important activities to promote public security throughout the SFIR mission. The subsequent battalions deployed several foot patrols in urban areas, often on a 24/7 basis, in order to show presence and to interact with the local population as much as possible. In Iraq, the Dutch military continued the approach they had successfully applied in the Balkans. Unlike the US troops elsewhere in Iraq, the Dutch did not patrol the streets in full battle-gear and in heavy armoured vehicles but were, rather, lightly armed and on foot or in soft-top vehicles. As a rule, a patrol was executed by an infantry section of six soldiers, one corporal, and one sergeant. Patrols could deploy independently or in cooperation with the local police.[1688]

Until the Transfer of Authority, the patrols were largely tasked to create a safe and secure environment, for example to keep the peace in turbulent neighbourhoods or areas, to observe demonstrations, or to intervene in minor incidents. After the Transfer of Authority, the Dutch patrolled in cooperation with or in support of the Iraqi police and other security forces. They also reduced the number and frequency of their patrols in the urban areas of Al-Muthanna. After the ambush in Ar-Rumaythah, the governor requested a reduction in the number of patrols in the towns. The governor argued that the presence of SFIR patrols would further provoke public resistance against the Dutch troops. Although the commander of SFIR 4 had his doubts, he complied with the

1685 Interview October 13, 2011(a).

1686 Commander 1 (NL) Contco SFIR, *Evaluatie C-Contco SFIR 5*, March 25, 2005, p. 2. SSA, Hard Disk 156/SFIR 051012/Evaluaties en verslagen/SFIR5/Eindevaluatie.

1687 Interview June 9, 2011.

1688 Interview June 9, 2011; Interview September 1, 2011(a); Interview September 1, 2011(b); Interview October 4, 2011(c); Interview October 12, 2011(b); Interview October 19, 2011; *Kamerstukken II*, 2002/03, 23 432, nr. 131, p. 7; Matthijssen (2005), p. 149; Van Wijk (2005), pp. 116-117.

request and focused patrolling on force protection for some weeks. After the fights in Najaf had ended and US troops had reached a cease-fire with Al-Sadr end of August, the situation in Al-Muthanna calmed down. The battalion gradually resumed its social patrolling activities in cooperation with the local police in urban areas as part of the SSR training, although the cooperation with the Ar-Rumaythah police did not recover during the remainder of their mission and remained tense.[1689]

The commander of SFIR 5 noticed that by reducing its presence in urban areas SFIR 4 had limited its freedom of movement and its ability to collect information and intelligence. He therefore decided to intensify the number of patrols in order to enlarge its visibility and influence. The battalion commander argued that he could only support the Iraqi authorities and police in promoting public security if he had full freedom of movement:

> I had a different approach. Of course, we were there to support the Iraqis. To my opinion, however, we could only be successful if we had absolute freedom-of-movement. After our arrival, we explicitly focused at the restoration of the relationship. To be effective and to know what is going on, we needed to have access to the hotspots, also to acquire our intelligence. After we announced that we wanted to have access to the neighbourhoods again, we did not receive any response. We had chosen for a controlled and incremental approach. We started in Ar-Rumaythah, first in the surrounding neighbourhoods and then in the city centre. That went quite smoothly while we expected some resistance. We applied the same approach in the other towns. In As-Samawah only we encountered some resistance, but that was verbal rather than physical.[1690]

Overall, by patrolling the streets of urban areas, all NL Army battalions had *de facto* taken on interim policing in order to maintain public security. According to two Dutch senior police advisers of the *Marechaussee*, they did this well.[1691] One of them explained:

> The battalion did a good job as interim police providing public order. They were the only institution to do that. I think the *Marechaussee* should have taken on these tasks, but we lack the personnel and resources. Deploying the battalion had been the only option to promote public security.[1692]

Demonstrations

While the Marines had played an active role in controlling demonstrations,[1693] the role of Army battalions had been less significant. In early April 2004, the

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1689 Interview June 9, 2011; Interview September 1, 2011(a); Interview September 1, 2011(b); Interview October 4, 2011(c); Interview October 12, 2011(b); Interview October 19, 2011; *Kamerstukken II*, 2002/03, 23 432, nr. 131, p. 7. See also: Brocades Zaalberg & Ten Cate(2012), p. 133.

1690 Interview June 9, 2011. See also: Brocades Zaalberg & Ten Cate(2012), p. 133.

1691 Interview September 1, 2011(a); Interview September 20, 2011(b).

1692 Interview September 1, 2011(a).

1693 See for example: Brocades Zaalberg & Ten Cate (2010), p. 125, p. 149 & p. 161.

battalion commander, the CPA representative and the governor agreed that the Iraqi police and other security services would take the lead in crowd and riot control. The idea was that this would enable the Iraqi police to adjust to their new responsibilities after the Transfer of Authority.[1694]

In the new arrangement, police mentors of the *Marechaussee* liaised with the Iraqi police as soon as a demonstration was announced, to assist and advise them in their planning and preparation.[1695] During a demonstration, the Iraqi police were in the lead. The police trainers of the *Marechaussee* monitored their activities while a company liaison officer generally liaised with the mayor and/or local chief of police. As a rule, platoons took positions at strategic locations elsewhere in town in order to intervene and assist in case of escalation.[1696] The new approach had been a deliberate choice of the commander of SFIR 3:

> We had no role in controlling demonstrations. To my opinion, a larger role would only stir up the fire. The trick was to show presence sufficiently. The Iraqis knew that we had our platoons on standby at assembly points in the outer ring. They also knew if it would escalate, we would intervene.[1697]

In the following months of the SFIR mission, the Dutch did not need to intervene to control demonstrations,[1698] except during the events on May 14, 2004 when Sadr supporters in As-Samawah launched a demonstration that escalated and required combined Dutch and Iraqi action, as explained earlier.

Support for elections

The first free and democratic elections since the Saddam era took place on January 30, 2005. They could be seen as the apotheosis of the Dutch SFIR mission. In terms of public security, preparations for the elections already started during the deployment of SFIR 4 with a crisis management exercise in which the security services and Provincial Joint Operations Centre (PJOC) were tested. The exercise had been organised by the Dutch SSR trainers and monitors and included a number of scenarios and incidents that could occur during the elections. These incidents were simulated in a role-play in which the police and other services had to take appropriate action while being monitored by the Dutch.[1699]

The preparations continued during SFIR 5. On December 13, 2004, the battalion organised emergency exercise *Operation Koala*. This exercise intended to

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1694 See for example: Brocades Zaalberg (2010), p. 195; *Kamerstukken II*, 2003/04, 23 432, nr. 154, p. 6.

1695 Interview September 1, 2011(a); Interview September 1, 2011(b).

1696 Interview June 21, 2011; Interview September 1, 2011(b); *Kamerstukken II*, 2003/04, 23 432, nr. 156, p. 6.

1697 Interview June 21, 2011.

1698 Interview June 9, 2011; Interview June 21, 2011; Interview August 29, 2011; Interview September 1, 2011(a).

1699 Interview June 23, 2011; Interview October 19, 2011.

prepare and train the Provincial Security Committee, the PJOC, ISF, and the emergency services (such as such as the fire department and ambulance services) to 'handle any oncoming emergency during the election and afterwards.'[1700] The exercise involved a multiple incident scenario of a major car crash with casualties and a public order incident. These scenarios were executed simultaneously in As-Samawah, Ar-Rumaythah and Al-Kidr.[1701] Although the Iraqi Security Services operated in an "Iraqi Style," the exercise was called a success for 'the fires were extinguished, the casualties were transported and the offenders were caught,' as one officer recalled.[1702] On January 18, 2005, the SSR trainers organised a second emergency exercise. The exercise consisted of ten different incidents that occurred simultaneously in each of the three towns and required a coordinated response by the PJOC, the security forces and emergency services. According to the battalion commander, the Iraqi Security Forces had made considerable progress in comparison to the first emergency exercise. The commanders of the Security Forces attended the exercise that, according to the SFIR battalion commander, had to be seen as a "major sign of progress".[1703] On January 25, the Dutch organised a "full dress rehearsal" for all those involved in providing a safe and secure election day. The SFIR companies also participated in the exercise, not only to monitor the events but also to train for their role and procedures during the elections.[1704]

In addition to training its personnel, the battalion also assisted the Security Forces in their planning and preparation for the election day. Although the Iraqi authorities were responsible for organising safe and secure elections, the SFIR leadership took *de facto* control, and coordinated most of these efforts. At the strategic level, the battalion commander for example initiated a weekly Security Council meeting to be attended by the governor, the provincial chief of police, the commander of the ING battalion and the commander of SFIR. Initially, some of the Iraqi key-players showed their disinterest and sensed no immediate urgency. The governor, for example, did not even show up during the first two meetings. However, four weeks in advance of the elections the Iraqi authorities assumed their responsibilities. In the following meetings, the participants discussed the Security Plan, the division of roles and responsibilities between the Security Forces and emergency response services and the staffing of the PJOC. The SFIR battalion commander pledged the support of his troops if required. He underlined that public security during the elections primarily would be a responsibility of the Iraqis.[1705] At the operational level, company commanders assisted the police chiefs in their area of responsibility to develop a security plan. In Ar-Rumaythah, the company commander wrote the plan himself. He considered the Iraqis incapable of producing a workable concept themselves:

1700 11 (NL) Battle Group, FRAGO 102/04 OP KOALA, December 6, 2004, p. 1

1701 11 (NL) Battle Group, J3, Chief SSR, Evaluation Emergency Exercise, 972-3109, December 29, 2004.

1702 Interview September 20, 2011(b).

1703 11 (NL) Battle Group SFIR 5 (s.a), p. 261.

1704 11 (NL) Battle Group SFIR 5 (s.a), p. 262.

1705 11 (NL) Battle Group SFIR 5 (s.a), pp. 254-263.

> I made a planning for the Iraqi security efforts during the elections. In the weeks prior to the elections, I made a first draft and presented it carefully to my security partners. I gave them the impression that they had a significant input in the plan. In the following weeks, I discussed the plan with the commanders of the police and the ING at designated meetings. I made sure that they could agree with my ideas and that everything proceeded in cooperation and consultation. Of course, I tried to control the process, because ultimately I was responsible for overall security.[1706]

On election day, SFIR deployed *Operation Kurki* to support the Iraqi Security Forces.[1707] There had been a clear division of tasks between SFIR and the Iraqi Security Forces. At the central level, monitors of the SSR team were deployed in the PJOC where they mentored the Iraqi officials during their coordinating efforts. At the decentralised level, the Iraqi police and ING secured and patrolled the area of the 130 polling stations of Al-Muthanna while SFIR[1708] was on standby at close range in order to assist the Iraqis when required.[1709] At the access roads to the main towns of Al-Muthanna, SFIR, police and ING operated combined mobile vehicle checkpoints, which sealed off these towns for all ingoing traffic. At each checkpoint, Iraqi police and ING searched every vehicle on weapons or explosives in order to prevent assaults on polling stations in town while the Dutch monitored the search process. In the towns, there had been prohibition on vehicle movements. To enforce that ban, SFIR deployed mobile vehicle checkpoints to stop and search cars if needed. All security preparations and measures contributed to safe and secure elections without major incidents. The elections were called a success.[1710]

8.3.2.2 Law enforcement

Arrests

During their deployment, troops of the NL Army arrested suspects on various occasions and during various operations. This section provides a number of examples of these arrests.

In April 2004, the SFIR 3 ran an operation to apprehend those suspected of planning and preparing an attack on coalition forces.[1711] The operation deployed

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1706 Interview October 12, 2011(b).

1707 During the elections a company of eighty Royal Highland Fusiliers augmented the Dutch battalion.

1708 A Company of the UK Royal Highland Fusiliers augmented SFIR 5 during the elections and manned checkpoints around As-Samawah from January 26 and February 2 (11 (NL) Battle Group SFIR 5 (s.a), pp 262-263 & p. 259).

1709 *Kamerstukken II*, 2004/05, 23 432, nr. 183, p. 4.

1710 Interview September 20, 2011(b); Interview October 12, 2011(b).

1711 The rules of engagement enabled the Dutch SFIR troops to apprehend criminal suspects. However, they were not entitled to formally arrest and detain those apprehended. The authorisation to arrest and to detain criminal suspects rested formally with the occupying powers and the local police (see for example: *Kamerstukken II*, 2002/03, 23 432, nr. 117, p. 32; *Kamerstukken II*, 200/04, 23 432, nr. 134, p. 13). After being transported to the Dutch

independently from the Iraqi police although it was based upon information from the local police. Over several days, the companies operated observation posts and mobile vehicle checkpoints to survey vehicle movements in the area. The operation resulted in the arrest of several suspects. On April 10, for example, personnel of the Bravo Company stopped and searched a mini-van, apprehended four suspects and confiscated a mortar and several shells. The next day, personnel of the Charlie Company stopped a car transporting a RPG and several grenades and apprehended the four passengers of the car. They processed the suspects in accordance with the Standard Operating Procedure for handling detainees,[1712] and transported them to the base in Ar-Rumaythah from where they were delivered into the custody of the British forces in Basra.[1713]

Another example of the arrest of those suspected of insurgency occurred on April 24 when SFIR troops stopped a car at a vehicle checkpoint. When searching the car, troops discovered nine 107 mm grenades. They arrested the two passengers. One suspect was later released; the other was transferred to the British forces.[1714]

During the night of April 1, 2004, SFIR 3 executed *Operation Swatter*. This knock-talk-search operation was initiated by the MND (SE) and deployed in cooperation with coalition forces under operational command and control of the Dutch battalion.[1715] The operation focused on the arrest of suspects, who allegedly were part of a criminal network involved in weapon smuggle, human trafficking, and drugs trade. The suspects were perceived as a threat to the Coalition Forces.[1716] According to the Dutch Contingent Commander, 'the legal basis was found in the Memorandum of Understanding "*Command arrangements and related matters for the Multinational Division South East (MND SE) within the stabilization of Iraq*".'[1717]
The operation involved the deployment of SFIR 3's Alpha, Bravo and Charlie Companies. The Dutch battalion was reinforced by Delta Company of 2 (UK) Para Battalion. The operation also involved the support of other coalition assets, such as a liaison team from the US to arrest the suspects, and a sniper team, five

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base at As-Samawah, the suspects were submitted to a medical evaluation by a physician and a verification of their identity by a lawyer. Next, a team of lawyers and intelligence personnel had to decide whether there was a legal ground to transfer a suspect to the British forces in Basra. Within 72 hours the Dutch had to determine whether there was sufficient evidence that the suspect had threatened or obstructed the security of the operation of that of the coalition forces. If not, the Dutch had to release the suspect (Interview June 21, 2011; Interview June 24, 2011; Interview September 1, 2011(b)).

1712 Interview September 1, 2011(b).

1713 Feijt, Jongejan, Verburg & De Vries (2005), p. 43 & p. 45; *Kamerstukken II*, 2003/04, 23 432, nr. 154, p. 6.

1714 *Kamerstukken II*, 2003/04, 23 432, nr. 158, p. 2.

1715 Commander 1 (NL) CONTCO SFIR, *Operation Swatter, Letter to J3 DCBC*, undated. SSA, Hard Disk 156/SFIR 051012/Operaties/Alfabetisch/Swatter/nota Swatter

1716 Commander 1 (NL) CONTCO SFIR, *Operation Swatter, Letter to J3 DCBC*, undated. SSA, Hard Disk 156/SFIR 051012/Operaties/Alfabetisch/Swatter/nota Swatter; Interview June 21, 2011.

1717 Commander 1 (NL) CONTCO SFIR, *Operation Swatter, Letter to J3 DCBC*, undated. SSA, Hard Disk 156/SFIR 051012/Operaties/Alfabetisch/Swatter/nota Swatter.

helicopters (three Pumas, one Lynx and one Chinook) and a Phoenix Unmanned Aerial Vehicle (UAV) from the UK to provide air-to-ground surveillance.[1718]
The battalion executed the operation as a Special Operation. Although its purpose was to arrest criminal suspects, the battalion commander did not involve personnel of the *Marechaussee* in the planning process or for additional advice. Technical advice regarding the arrest of criminal suspects was provided by the Field Liaison Team of the Dutch Special Forces, which was assigned to him for intelligence purposes.[1719]
The operation consisted of four simultaneous entries at four different locations in and around As-Samawah. The British Delta Company concentrated on two targets close to Camp Smitty, while the Dutch Alpha and Bravo Company each had two targets down-town. The battalion's Charlie Company had been on standby. At the target assigned to the Alpha Company, the company commander deployed two platoons to form a perimeter to seal off the area and took positions to support the Dutch Special Forces Team and a section of the battalion's Reconnaissance Platoon in the inner ring. As such, he provided freedom of movement to the Special Forces to execute the actual entry, to apprehend five suspects and to search the target. In the area of operations of the Bravo Company, the company commander deployed three platoons: one to seal off all access roads and two to provide a cordon around the target. A section of the battalion's Reconnaissance Platoon secured the inner ring, while a team of the Special Forces executed the entry and seized the suspects present.
After the Dutch Special Forces seized the suspects, personnel of the US liaison team executed the formal arrest. After the arrest, the Chinook helicopter transported the suspects to Tallil Air Force Base, and from there a C-130 Hercules brought them to Baghdad for further questioning and detention.[1720]
Operation Swatter was seen as successful and was executed swiftly and without armed violence. Altogether, twenty-four suspects were arrested and detained. The search of the targets also resulted in the confiscation of weapons, ammunition, passports, computers and some cash.[1721]

On September 5, 2004, SFIR 4 executed *Operation Kyodo*.[1722] This "knock-talk-search" operation focused on the arrest of suspects involved in the ambush in Ar-

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1718 Commander 42 (NL) BG, *Briefing Operation Swatter*, undated. SSA, Hard Disk 156/SFIR 051012/Operaties/Alfabetisch/Swatter/Op Swatter Briefing; See also: Feijt, Jongejan, Verburg & De Vries (2005), p. 30.

1719 Interview June 21, 2011.

1720 Commander 42 (NL) BG, *Briefing Operation Swatter*, undated. SSA, Hard Disk 156/SFIR 051012/Operaties/Alfabetisch/Swatter/Op Swatter Briefing; Commander 1 (NL) CONTCO SFIR, *Operation Swatter, Letter to J3 DCBC*, undated. SSA, Hard Disk 156/SFIR 051012/Operaties/Alfabetisch/Swatter/nota Swatter; Interview June 21, 2011; Interview September 1, 2011(b); Interview October 4, 2011(c).

1721 Commander 42 (NL) BG, *Briefing Operation Swatter*, undated. SSA, Hard Disk 156/SFIR 051012/Operaties/Alfabetisch/Swatter/Op Swatter Briefing; See also: Feijt, Jongejan, Verburg & De Vries (2005), p. 30; Brocades Zaalberg & Ten Cate (2010), pp. 185-186.

1722 The name Kyodo referred to the Japanese Press Agency Kyodo. According to the Dutch, the press agency was often well informed and able to publish new items on security issues very swiftly, even earlier than known by the Dutch battalion. The battalion wanted to

Rumaythah on August 14. It had astonished the battalion commander and his staff that the governor – who lived in Ar-Rumaythah – had not been aware of the preparations for the ambush and supposedly did not know who were involved. The battalion commander had pushed the governor to come forward with information on the whereabouts of the possible suspects.[1723]

The battalion commander ran the operation independently from the Iraqi Security Forces since he considered the purpose of operation to be in accordance with the ISAF mandate,[1724] which authorised coalition forces 'to take all necessary measures to contribute to the maintenance of security and stability in Iraq.'[1725] In advance, the commander informed the National Contingent Commander on the purpose of the operation while he informed the Dutch Defence Staff only afterwards, in order to report the results.[1726] Based upon the information of the governor the battalion planned an operation to be executed at the two identified locations.

The operation started at 14:00 hrs, during the Iraqi siesta and involved a ground move and an air move. Bravo Company executed the ground move, which involved forming a perimeter around each of the two targets. The air move consisted of a British Chinook, which transported a Task Force of Dutch Special Forces team, the battalion's reconnaissance platoon and a British forensic team. The battalion's Head of Operations commanded the Task Force that took off from Camp Smitty in As-Samawah. After landing on the first target PUMA, a team of the reconnaissance platoon secured the building in order to search it later on, while the Special Forces entered the building and seized the suspects inside. After seizing the suspects, the Chinook transported the remaining part of the Task Force to the second object TIGER, where the action proceeded according to the same procedure. At both locations, a US liaison officer of the Task Force executed the formal arrest. Immediately after the arrest, the reconnaissance platoon and the forensic team entered the building and searched the place. After having completed their search, they moved back to PUMA in order to search it as well.[1727]

Operation Kyodo resulted in the arrest of eight suspects and the confiscation of weapons, ammunition and falsified passports. The battalion transferred the suspects to the British forces in Basra for further questioning. After some weeks, the British military authorities had to release all suspects due to a lack of evidence.[1728]

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report the official results of Operation Kyodo before the Japanese Press Agency Kyodo could get hold of the news (Interview October 19, 2011).

1723 Interview June 24, 2011; Interview October 19, 2011. A "knock-talk-search" operation involves a soft search tactic in which the searcher explains the purpose of his visit and requests a formal permission of the proprietor to search his premises.

1724 Interview June 24, 2011.

1725 *UN Doc* S/RES/1546 (2004), §10.

1726 Interview June 24, 2011.

1727 Commander 13 (NL) BG, *FRAGO 47/04 OP KYODO,*, September 3, 2004. SSA, Hard Disk 156/SFIR 051012/Operaties/Alfabetisch/Kyodo/Frago 47.04 KYODO. Interview June 24, 2011; Interview October 19, 2011.

1728 Interview June 24, 2011; Interview October 19, 2011.

Search and anti-smuggling operation

All Army battalions deployed operations to fight smuggling weapons, drugs, contraband and alleged terrorists. These operations were either intelligence-driven or were part of normal framework operations.[1729]

During normal framework operations troops could deploy random checks at checkpoints or during patrolling.[1730] As a rule, SFIR deployed these activities in cooperation with the local police and/or ING. Towards the end of the mission, SFIR increasingly acted in support of the Security Forces and focused on monitoring their activities.[1731]

Intelligence-led or focused operations against smuggling activities were deployed largely in the desert in the southern part of Al-Muthanna, close to the Saudi Arabian border. On October 8 and 9, 2004, for example, the reconnaissance platoon and Dutch Special Forces of SFIR 4 executed *Operation Knock Out* in cooperation with a team of 40 (UK) Royal Marine Commandos and Iraqi Border Police in order to search three locations close to the Saudi Arabian border. At these locations, troops had observed concentrations of trucks that could be related to the infiltration/smuggling of alleged suicide bombers and/or terrorists. The Task Force divided over the three locations: the Dutch covered two while the British Marine Commandos covered the other. Three helicopters dropped each team on its designated target. Because there was only one forensic team to assist the search and to collect the necessary evidence, the three teams were supposed to freeze and secure their sites until the forensic specialists had arrived. For that purpose, the forensic specialists jumped from location to location. The Dutch approached the objects overtly and engaged with the Bedouins in a friendly manner in order to show they had nothing to fear. The British Marine Commandos, however, did not apply a soft approach. They did not wait for the forensic team and immediately searched their site and rip-tied every person present. According to the Dutch Head of Operations, who acted as the commander-on-scene, the Marine Commandos had disturbed the evidence, which according to an officer involved, made further forensic investigation redundant.[1732] This underlined the importance of troops being familiar with and trained in law enforcement procedures, as Voetelink notes.[1733]

Operation Knock Out had been the prelude for *Operation Buzzard* that was conducted from October 11 until October 16. *Operation Buzzard* was again a joint operation that involved a Task Force of the Dutch reconnaissance platoon

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1729 Interview June 21, 2011; Interview June 23, 2011; Interview October 4, 2011(c); Interview October 12, 2011(b).

1730 Interview June 23, 2011; Interview October 12, 2011(b).

1731 Interview October 12, 2011(b).

1732 Interview October 19, 2011; Jansen & Platenburg (2005), p. 206 & p. 207. See also: Commander 13(NL) BG, *Frago 04/04 – Operation Knockout*, Oct 4, 2004. SSA, Hard Disk 156/SFIR 051012/Operaties/Alfabetisch/KNOCKOUT/04 10 08 FRAGO 04-04 – OP KNOCKOUT.

1733 Voetelink (2013), p. 444.

and anti-tank platoon, a platoon of 40 (UK) Marine Commandos, several Italian observers and two American Blackhawk helicopters for medical evacuation. The purpose of the operation was to stop and search suspicious individuals and vehicles. In case of seized suspects, the plan was to transfer them and the accompanying evidence to the Dutch base in Al-Muthanna for further processing. The Task Force used a Forward Operating Base 60 kilometres from the Saudi Arabian border. From there, the Dutch platoons deployed in the Al-Muthanna part of the desert to search vehicles for contraband and weapons, in cooperation with the Iraqi Border Police. The British Marine Commandos deployed in the province of Najaf in order to show presence and execute search operations if required. Although troops searched many vehicles, the operation did not result in arrests or confiscated contraband.[1734]

SFIR 4 also deployed targeted "knock-talk-search" operations to confiscate illegal firearms.[1735] In Ar-Rumaythah, SFIR 4 ran a search operation after it had received information about mortar ammunition boxes in a house in Ar-Rumaythah. The battalion executed the operation in cooperation with the local police, but it did not proceed as planned. The commander-on-scene recalled:

> We were supposed to deploy a cordon while the police would search the house. After we had quietly organised the cordon, the police arrived in a flying column with their blue flashing lights switched on. It looked as if we were in an American TV series. In the house, they were busy doing nothing. Without having searched the place, they left. Ultimately, we searched the house. Officially, we had to do this together with the police, but at the time, they were not ready for it.[1736]

On September 1, SFIR 4 ran another "knock-talk-search" operation. The battalion had received information that in a house close to the Sadr building in As-Samawah illegal weapons were allegedly stored. Although the information had been single-source, the battalion took the information seriously. After the battalion's reconnaissance platoon had deployed a cordon, a team of Dutch Special Forces searched the house. The commander-on-scene had an Apache helicopter that provided him with live-stream information. Ultimately, the search did not result in the discovery of the alleged weapon cache.[1737]

SFIR 5 also deployed operations to fight smuggling in the Al-Muthanna desert. For this purpose, it deployed its reconnaissance platoon in a number of targeted operations. During *Operation Phoenix* the platoon cooperated with British troops to investigate smuggling activities in the desert south of As-Samawah. In

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1734 Commander 13(NL) BG, *Frago 73/04 Operation Buzzard* , October 5, 2004. SSA, Hard Disk 156/SFIR 051012/Operaties/Alfabetisch/Buzzard/Frago 73-04 BUZZARD; Interview October 19, 2011; Jansen & Platenburg (2005), p. 206 & p. 207.

1735 Interview June 24, 2011; Interview October 19, 2011; Jansen & Platenburg (2005), p. 193 & p. 196.

1736 Interview October 19, 2011, Jansen & Platenburg (2005), p. 193.

1737 Interview October 19, 2011; Jansen & Platenburg (2005), p. 196.

Operation Covert, the platoon focused on weapon-smuggling activities for a week at night. The platoon operated observation posts at a bridge in As-Samawah. During *Operation Achilles*, and deployed an intelligence-led area search to record illegal border crossings. In *Operation Jackboot* the reconnaissance platoon cooperated with British and American units to secure the border with Saudi Arabia to fight illegal border crossings of alleged insurgents. One Dutch section operated on MSR Milwaukee, which ran from As-Samawah to the Saudi Arabia border, to seal off the road if required while another team was on standby at Tallil Airbase in order to deploy an Air Mobile Checkpoint and to transport arrested suspects when required. Finally, the platoon executed *Operation Jawhawker.* This covert operation deployed after the battalion had received information on an alleged terrorist camp in the Al-Muthanna desert. The operation did not produce any evidence for the existence of such a camp.[1738] In addition, the infantry companies contributed to the fight against smuggling. For example, Bravo Company ran *Operation Tiger Watch*. During the operation it assigned patrols to record smuggling activities and storages of explosives in area around MSR Tampa, north of Ar-Rumaythah.[1739]

8.3.3 Intelligence

Collection

SFIR used various instruments to collect information, such as patrols, the Field Liaison Team (FLT), CIMIC and other liaison officers, meetings with key leaders and focused reconnaissance operations.[1740]

The daily patrols were the basic instrument to collect information on a wide variety of subjects, such as the social composition of society, socio-economic issues and the activities of criminal organisations. To focus and adjust the collection of information, the company's Intelligence Cell briefed each patrol in advance of their mission. The patrols received a number of focused questions to be answered during the patrol. These questions served to complete the situational awareness of the company or battalion. After patrolling, personnel of the company's Intelligence Cell debriefed the patrols and they drafted a standard patrol report to be further analysed by the Intelligence Section of the battalion.[1741]

According to some officers, the information gathered by the patrols rather served to complete the company's and battalion's situational awareness than to generate

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1738 11 (NL) Battle Group SFIR 5 (s.a), p. 58.

1739 11 (NL) Battle Group SFIR 5 (s.a), p.124.

1740 Interview June 9, 2011; Interview June 21, 2011; Interview June 23, 2011; Interview June 24, 2011; Interview September 1, 2011(b); Interview October 4, 2011(c); Interview October 12, 2011(b); Interview October 19, 2011; Ministerie van Defensie & Ministerie van Buitenlandse Zaken (2005), p. 22.

1741 Interview June 9, 2011; Interview June 21, 2011; Interview June 23, 2011; Interview September 1, 2011(b); Interview October 4, 2011(c); Interview October 12, 2011(b); Interview October 19, 2011; Jansen & Platenburg (2005), p. 52; 11 (NL) Battle Group SFIR 5 (s.a), p. 157 & p. 192.

actionable intelligence. This information largely came from the FLT,[1742] which directly reported to the battalion's Head of Intelligence. The FLT was assigned to collect HUMINT in order to improve the battalion's situational awareness. For that purpose, the FLT had built and maintained trusted networks and contact with all sorts of people within the Iraqi population, such as entrepreneurs, teachers, local police chiefs, politicians, shop-owners as well as common citizens. They also collected criminal intelligence by contacting weapon dealers and other criminals to collect information on possible hostile intentions against SFIR forces.[1743] Until the Transfer of Authority, the FLT operated from the CPA House in As-Samawah. After the CPA had been dismantled, the FLT moved to Camp Smitty. At both locations, the FLT had created a facility where citizens could report their information discreetly and confidentially.[1744] The FLT had also introduced a kind of hotline manned by an Iraqi interpreter where Iraqi citizens could report information on various issues.[1745]

In addition to the patrols and the FLT, the battalion also used other instruments to acquire information. For example, meetings in which commanders engaged with local authorities and key leaders served to complete or adjust the battalion's situational awareness.[1746] To be able to process the information acquired during those meetings effectively, commanders always brought in one of their intelligence officer to take notes or advise the commander to raise additional questions that could serve to complete the overall intelligence picture.[1747]

However, whether information was collected or processed effectively was debated.[1748] One officer argued that the lack of information prevented proactive action:

> Our intelligence organisation was not good enough. We did not have a clear picture of what was going on, with whom we had to deal and who was causing problems. In Ar-Rumaythah, a cleric supported Sadr. We suspected him of provoking the population. We could not put a finger on it. In addition, we should have known of the attacks in Ar-Rumaytah. These were prepared. These were planned. We also had a limited view on what was going on in the desert. That was strange because we were not the first to be there. The database happened to be a pile of paper and a stack of CDs. But it was not a real database of what was really happening there.[1749]

1742 Interview June 21, 2011; Interview October 19, 2011.

1743 Jansen & Platenburg (2005), p.98. See also: Interview June 21, 2011; Interview October 19, 2011; Feijt, Jongejan, Verburg & De Vries (2005), p. 40; Ministerie van Defensie & Ministerie van Buitenlandse Zaken (2005), p. 22.

1744 Interview June 21, 2011; Jansen & Platenburg (2005), p. 98.

1745 Interview June 21, 2011; Jansen & Platenburg (2005), p. 98.

1746 Interview June 9, 2011; Interview June 23, 2011; Interview June 24, 2011; Interview October 12, 2011(b); Interview October 19, 2011.

1747 Interview June 9, 2011; Interview June 24, 2011; Interview October 12, 2011(b).

1748 Interview June 23, 2011; Interview June 24, 2011; Interview October 19, 2011.

1749 Interview October 19, 2011.

Matthijssen, the commander of SFIR, also recognised the limitations of SFIR's intelligence organisation. First, he noted that the SFIR mission revealed that there had been a greater need for specialised HUMINT officers, both for gathering and analysis of information. Second, he argued that section commanders needed additional training in interview techniques in order to acquire more and better information during patrolling. Finally, he argued that the company level needed structural reinforcement of intelligence personnel rather than adding and training staff just for the occasion.[1750] In addition, the Ministry of Defence and Foreign Affairs concluded too that the intelligence structure lacked quality and quantity in order to operate effectively in a large area and against irregular opponents.[1751]

Criminal intelligence

The SFIR battalions collected information and intelligence on a wide array of subjects. Criminal intelligence had been one of these subjects; although this kind of intelligence was not exclusively labelled as such. Collection of criminal intelligence, for example on criminal suspects, organisations or activities, had been part of the Normal Framework Operations and FLT or had been part of observation operations by the companies and reconnaissance platoon, for example to map the movements of smugglers and illegal border crossers.[1752]

Exchange

In general, the SFIR commanders, both at the battalion and the company level, were not keen on sharing information and intelligence with their Iraqi counterparts and/or partners. Most commanders showed reserve because they feared that their intelligence would leak from the police or other partners to third parties, such as criminals or insurgents.[1753] In general, information was shared if the Dutch needed the support of, for example, the Iraqi police or when there was a common interest between parties to achieve progress on certain issues.[1754] In case of an operation, the Dutch did not inform the Iraqi authorities until the start of an operation, because either they did not want any Iraqi involvement, or they feared that their operation would be compromised.[1755] One commander explained:

> I informed the local authorities just before the operation or after it had started. Certainly not days ahead otherwise that would all leak. And although the mayor could be trusted, he was informed too only just before or during an operation; a procedure which he had agreed to.[1756]

1750 Matthijssen (2005), p. 154.

1751 Ministerie van Defensie & Ministerie van Buitenlandse Zaken (2005), p. 22.

1752 See for example: Jansen & Platenburg (2005), pp. 188-189 & pp. 192-193; 11 (NL) Battle Group SFIR 5 (s.a), p. 58 & p. 124.

1753 Interview June 9, 2011; Interview June 21, 2011, Interview June 23, 2011; Interview June 24, 2011; Interview September 1, 2011(b); Interview October 19, 2011; Interview October 12, 2011(b).

1754 Interview June 23, 2011; Interview September 1, 2011(b); Interview October 19, 2011.

1755 Interview June 9, 2011; Interview June 24, 2011; Interview October 4, 2011(c); Interview October 12, 2011(b).

1756 Interview October 12, 2011(b).

On the other hand, commanders indicated the Iraqis did not share their information or intelligence either.[1757] One commander recalled:

> I cannot remember that the governor ever told me anything of which I got the impression I should have acted to. Our relationship was not strong enough. I always had the impression that he had a hidden agenda. That is one of the problems when you work in another country where there are different norms regarding self-interest or where there is a competition between clans and the government.[1758]

Another commander also had the impression that the Iraqis were reserved in sharing information but he also noticed some willingness:

> We never knew what we did not get. Nevertheless, I had the impression that the chief-of-police, the imam and some sheikhs were willing to share information. They sometimes provided useful information that helped us completing our picture.[1759]

Sometimes, the willingness to establish good relationships resulted in the exchange of information. One commander, for example, explained that his liaison officer to the local police worked with them on equal terms and with mutual respect, which sometimes resulted in actionable intelligence.[1760]

8.3.4 Cooperation

Local authorities

Cooperation with the local authorities occurred at both the central battalion level as well as at the decentralised company level, although there were differences between the companies in terms of the level of decentralisation.

At the battalion level, the battalion commander focused on cooperating with the provincial authorities such as the governor, the provincial chief of police, the commander of the ING battalion and the commander of the fire department. The SFIR battalion commanders met these authorities on a weekly basis in the Provincial Security Committee where they discussed current public security issues (see below, under Police).[1761] Battalion commanders also frequently met influential sheikhs, politicians and religious leaders. These contacts had a more ad hoc and informal character. Contacts sometimes involved public security issues, or merely focused on establishing good relationships.[1762] According to one battalion commander, meetings with sheikhs had been of importance because they could play a crucial role in public security, especially when the local police

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1757 Interview June 21, 2011; Interview June 23, 2011.
1758 Interview June 21, 2011.
1759 Interview June 24, 2011.
1760 Interview September 1, 2011(b).
1761 Interview June 9, 2011; Interview June 21, 2011; Interview June 24, 2011.
1762 Interview June 9, 2011; Interview June 24, 2011; Feijt, Jongejan, Verburg & De Vries (2005), p. 14.

had a different tribal background than the local clans. During the elections, sheikhs even committed to the provincial security plan and assumed responsibility for public order and security in their region.[1763]

The company commanders had similar contacts. They met with the municipal authorities and key leaders in their area of responsibility.[1764] The company commanders – with the exception of the company commander in As-Samawah (see below under police) – met with the municipal Security Committee on a weekly basis. In these formal meetings, they discussed local public security issues with the mayor, council members, the municipal chief-of-police, the ING company commander and the fire department commander. Company commanders also weekly met with the City Council. These meetings had no public security focus, but concentrated on discussing the progress of running reconstruction and development projects and/or exploring projects that SFIR could support.[1765] Company commanders also maintained individual, informal contacts with local authorities or key leaders, such as the mayors, police chiefs, local sheikhs, representatives of political parties and mullahs, to exchange information on various subjects, such as development and reconstruction, cooperation, security and the mission of SFIR.[1766] Some company commanders authorised and/or involved their platoon commanders to establish and maintain contacts with local key leaders, such as mullahs, sheikhs, directors of public service corporations, politicians and community leaders.[1767]

External communication did not happen at random. Meetings with local key leaders were well planned. One of the company commanders, for example, drafted a contact matrix to delegate these contacts and to determine the topics he wanted them to discuss.[1768] Another company commander coordinated the upcoming meetings with the local key leaders during his weekly staff meeting in order to define and prepare the topics to be discussed.[1769]

Local police

Throughout the mission, the police had not been able to provide public security without the support of SFIR. That support concentrated on providing assistance, mentoring and monitoring of daily policing and management activities and enabling and improving of operational coordination between the security sector agencies (see also Box 5). To support the cooperation with the police, SFIR company commanders appointed liaison officers who, together with the dedicated

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1763 Interview June 9, 2011.

1764 Interview June 9, 2011; Interview June 21, 2011; Interview June 24, 2011; Interview October 19, 2011.

1765 Interview September 1, 2011(b); Interview October 4, 2011(c).

1766 Interview June 9, 2011; Interview June 21, 2011; Interview June 24, 2011; Interview October 12, 2011(b); Interview October 19, 2011. See also: Jansen & Platenburg (2005), p. 129.

1767 Interview June 23, 2011; Interview September 1, 2011(b); Interview October 4, 2011(c); Interview October 12, 2011(b). See also: 11 (NL) Battle Group SFIR 5 (s.a), p. 34.

1768 Interview June 23, 2011.

1769 Interview October 4, 2011(c).

police monitors, contacted the police on a daily basis. These contacts served to exchange information, to coordinate joint activities such as joint patrols and checkpoints and to monitor the overall development and progress of the police.[1770]

The commander of SFIR 3 had decided to push the Iraqis to assume responsibility for public security already prior to the Transfer of Authority. The decision implied that SFIR's role in public security moved from being in the lead to assistance, mentoring and monitoring.[1771] Cooperation between SFIR and the local police had been difficult, however. In addition, cooperation was interpreted differently within the battalion. The battalion commander, for example, described the cooperation as problematic because the Iraqis lacked qualified personnel for a smooth cooperation.[1772] One of his company commanders explained that his unit was not yet ready to accompany and guide the police. Cooperation with the police had therefore not been a priority; they rather focused on the ING.[1773] Another company commander, however, had taken on an active role in public security. He actively sought cooperation to engage the Iraqi police in public security and to show the public the police was committed to protect them. It had been of help that one of his lieutenants had a background in the Dutch civilian police. It enabled him to establish some sort of peer-related contacts and to acquire more in-depth information, based upon mutual respect and understanding.[1774]

Box 5: Mentoring and monitoring

Cooperation largely involved monitoring and mentoring of local police officers. Monitoring and mentoring had been the prime responsibility of police trainers of the *Marechaussee*. In these efforts, they got the support of Army patrols, for example in providing force protection and instructing police personnel.[1775] Monitoring and mentoring occurred on a daily basis in the local police stations, central prison and the courthouse and during joint patrolling and/or at checkpoints.[1776] During mentoring and monitoring, *Marechaussee* personnel advised and provided on-the job training for both the police management and junior police officers, for example to improve policing and management skills, to stimulate interaction and communication with the local population, or to make them familiar with the basic principles of community policing.[1777]

1770 Interview June 23, 2011; Interview September 1, 2011(b); Interview October 4, 2011(c).
1771 Interview June 21, 2011; Interview August 29, 2011; Interview September 1, 2011(b); Interview October 4, 2011(c).
1772 Interview June 21, 2011.
1773 Interview October 4, 2011(c).
1774 Interview September 1, 2011(b).
1775 11 (NL) Battle Group SFIR 5 (s.a), p. 154; Interview June 9, 2011; Interview October 19, 2011.
1776 Interview June 9, 2011; Interview June 23, 2011; Interview June 24, 2011; Interview September 1, 2011(b); Interview October 4, 2011(c); Interview October 19, 2011; Feijt, Jongejan, Verburg & De Vries (2005), p. 46; 11 (NL) Battle Group SFIR 5 (s.a), p. 102.
1777 Interview June 9, 2011; Interview June 24, 2011; Interview September 1, 2011(a); Interview September 1, 2011(b); Feijt, Jongejan, Verburg & De Vries (2005), p. 46; Jansen

After the Transfer of Authority, SFIR 4 had to concentrate on training, mentoring and monitoring. As such, it showed restraint towards active participation in local policing.[1778] In addition, the Iraqis no longer felt subordinate to SFIR.[1779] Assistance remained necessary, however. A lack of quality and capacity required SFIR to provide some sort of support.[1780] For example, SFIR 4 supported the local police in Al-Kidr to prevent fuel being stolen from pipelines and trains by criminal organisations. Because they lacked the capacity to fight these gangs, the police asked for assistance. SFIR helped the police by redrafting the initial operational plan, monitoring the operation and providing backup in case the situation would escalate. SFIR also regularly assisted the local police during traffic surveillance at checkpoints.[1781] This kind of assistance could be part of the Normal Framework Operations,[1782] or could be deployed upon request when situations got tense, for example during the Ashura marches when large numbers of vehicles and busses had to be searched on weapons while others tried to avoid these checks. SFIR personnel then assisted to help the Iraqis to control the situation.[1783] SFIR 4 also assisted the police in As-Samawah to patrol and keep the peace in troubled neighbourhoods during the fights in Najaf.[1784] After the ambush in Ar-Rumaythah, the cooperation between SFIR and the police had deteriorated for some time; especially with the police in Ar-Rumaythah as SFIR 4 assumed that somehow they had been involved in its planning or execution.[1785]

After the rotation, SFIR 5 therefore immediately prioritised the re-establishment of the relationships between SFIR and the local police. It invested in improving cooperation, in which, according to the battalion commander, they finally succeeded. He noted that the renewed collaboration also strengthened SFIR's information capacity as the daily contacts with the Iraqi enabled them to acquire information that only the Iraqi police could get hold on because, better than the Dutch, they had been able to "read" the security situation and to understand underlying emotions. Cooperation therefore had also been essential for reasons of force protection.[1786]

Provincial Security Committee

In addition to police cooperation, the Provincial Security Committee served as a platform to coordinate public security efforts.[1787] The Provincial Security

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& Platenburg (2005), p. 102; 11 (NL) Battle Group SFIR 5 (s.a), pp. 29-30, p. 102 & p. 154.

1778 Interview June 24, 2011; Interview October 19, 2011; Matthijssen (2005), p. 146; Ministerie van Defensie & Ministerie van Buitenlandse Zaken (2005), p. 24.

1779 Interview September 1, 2011(a).

1780 Interview June 23, 2011; Interview October 19, 2011.

1781 Interview October 4, 2011(c), Interview October 12, 2011(b).

1782 Interview October 4, 2011(c); Interview October 12, 2011(b).

1783 Interview August 29, 2011; Interview October 19, 2011.

1784 Interview June 24, 2011.

1785 Interview June 9, 2011; Interview June 24, 2011.

1786 Interview June 9, 2011.

1787 *Kamerstukken II*, 2004/05, 23 432, nr. 177, pp. 36-37; *Kamerstukken II*, 2004/05, 23 432, nr. 179, p. 5; Matthijssen (2005), pp. 145-146.

Committee was established during the deployment of SFIR 1.[1788] The Provincial Security Committee consisted of the governor, the provincial chief of police, the battalion commander of the Iraqi National Guard, the commander of the Iraqi Border Police and the commander of the Fire Department. The SFIR battalion commander also attended the meeting and was assisted by the battalion's Legal Advisor, Political Advisor, and the Mentor of the Chief of Police.[1789] The Provincial Security Committee was scheduled to meet every Monday, either at Camp Smitty or at the Governance Building.

Although the committee was supposed to discuss and coordinate public security policies at a strategic level, according to SFIR officials, the discussions lacked quality and mainly focused on operational and current public security issues and incidents.[1790] One Dutch police advisor compared these meetings with 'running in a swamp', underlining their incremental character and lack of focus.[1791]

In Ar-Rumaythah and Al-Kidr there had been similar security committees.[1792] Like the Provincial Security Committee, these committees met at a weekly frequency and served the municipal authorities, such as the major, the chief of police, and the local commander of the Iraqi National Guard, allowing discussion of the latest security incidents and coordination of upcoming events with a public security impact. On behalf of SFIR, the company commander attended the meeting.[1793] According to one company commander, the mutual trust between the municipal authorities had been fragile which affected the effectiveness of the discussions. To overcome these problems, he sometimes discussed urgent issues informally and bilaterally with the local police chief in order to create an open atmosphere and to reduce the resistance to share information.[1794] Like his colleague who attended the Provincial Security Council meetings, he regarded the quality of the meetings as insufficient:

> These meetings were about nothing. There was no structure; there were no lines. It had nothing to do with security.[1795]

To improve the quality and effectiveness of the meetings, he suggested that the mayor review the number of participants. The mayor accepted his proposal and agreed to limit the number of participants to the commanders of the security

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1788 Brocades Zaalberg & Ten Cate (2010), pp. 131-132.

1789 Interview June 24, 2011; Interview September 1, 2011(a); Matthijssen (2005), p. 146.

1790 Interview June 24, 2011; Interview August 29, 2011; Interview September 1, 2011(a); Matthijssen (2005), p. 146.

1791 Interview September 20, 2011(b).

1792 In As-Samawah there had been no separate meeting because the municipal Security Committee coincided with the Provincial Security Committee (Interview October 4, 2011(c)). In the villages of Ad-Darraji and As-Salman there were Security Committees too. However, these had an informal character (Jansen & Platenburg (2005), p. 198; 11 (NL) Battle Group SFIR 5 (s.a), p. 44).

1793 Interview June 23, 2011; Interview September 1, 2011(b); Interview October 12, 2011(b).

1794 Interview September 1, 2011(b).

1795 Interview October 12, 2011(b).

forces in town: SFIR, the police, the ING and the (Police) Emergency Battalion. He also agreed to prioritise security-related issues, such as the upcoming elections and urgent public order and criminality incidents in town, which, according to him, worked a lot better because now decisions were taken. Nevertheless, he still thought that the quality could be improved, for example in terms of cooperation and the commitment of the participants. Considering public security as the prime responsibility of the mayor, he decided to invest in the mayor as the chairman of the meeting. For that purpose, he and the mayor had frequent bilateral meetings in which they discussed the topics in advance in order to focus the quality of the meetings and to find ways to enhance the effectiveness of the input from the other participants. However, improving the quality of the collaboration of the Iraqi security services continued to be of his priorities until the end of mission.[1796]

The Provincial Joint Operations Centre

The second provincial structure to coordinate efforts regarding public security was the PJOC, located in the provincial Governance Building. In the PJOC, the Security Forces and emergency services of Al-Muthanna shared operational information and coordinated their efforts to solve current public security incidents.[1797] After the MND (SE) had initiated the establishment of operation centres in the main towns in its area of responsibility,[1798] SFIR 2 created a provincial coordination facility for Al-Muthanna by the end of December 2003.[1799] Although the centre had initially a rudimentary shape, it was immediately seen as an important step to improve the joint efforts of the provincial security and emergency services.[1800]

To support the operations of the operations centre, all SFIR battalions assigned specialised personnel to train and mentor the local staff. *Marechaussees* focused on the police, Army trainers mentored the ING, while Army reservists in their capacity as civilian specialists were hired to train the local fire department and ambulance service to improve their operations and performances during calamities and crises.[1801] SFIR also deployed initiatives to reinforce the commitment of the commanders of the Security Forces to the PJOC, for example to involve them in the planning of the PJOC, to further improve its infrastructure, to organise joint exercises, and to host a seminar on public security to exchange views and experiences on managing public security.[1802]

All these efforts contributed to a gradual improvement of the quality and effectiveness of the PJOC.[1803] The effectiveness of the PJOC was further improved by giving it additional publicity. Initially, the PJOC had been a new

1796 Interview October 12, 2011(b).
1797 Interview August 29, 2011; Interview October 19, 2011; Matthijssen (2005), p. 146.
1798 *Kamerstukken II*, 2004/05, 23 432, nr. 179, p. 5.
1799 Brocades Zaalberg & Ten Cate (2010), p. 158.
1800 Interview August 29, 2011; Interview October 4, 2011(c).
1801 Interview September 20, 2011(b).
1802 Matthijssen (2005), p. 147.
1803 Matthijssen (2005), p. 147.

phenomenon in the Iraqi society. It had not been widely known, although SFIR 3 had run an information campaign to promote the central provincial emergency number 115.[1804] Still, the number of reports that reached the PJOC had been limited.[1805] To boost the name of the PJOC, SFIR 5 again had run a media campaign to inform the citizens of Al-Muthanna on the purpose of PJOC and the central emergency number.[1806]

However, whether the PJOC was functioning effectively and adequately at the end of the Dutch mission was hard to say. The PJOC was shaped along the Western model of a coordination centre, which is based upon initiative and horizontal communication between the participating services. In the Iraqi culture, this had not been obvious, as two interviewees noted.[1807] One of them explained:

> If an incident occurred, a Dutch soldier took his responsibility and tried to solve the problem himself while an Iraqi immediately called his superior to ask for permission. Everything moved through the chain of command up to the governor or chief-of-police. If the top brass were not informed, nothing happened.[1808]

The public

Throughout the SFIR mission, cooperation with the local population was largely unilateral and focused on establishing local contacts to retrieve information from local sources on various subjects.[1809] For that purpose, all SFIR companies deployed social patrols in the urban areas of Al-Muthanna, largely on a 24/7 basis.[1810] As mentioned earlier, these patrols also served to show presence in order to promote public security, public confidence and to win the hearts and minds of the population. Some company commanders deployed their platoons and sections in fixed and designated areas of responsibilities in order to develop local networks of trusted key leaders and key informants.[1811] Others had opted for a flexible operational deployment of their units, which meant that they rotated between the various areas or neighbourhoods. As a result, these units were less able to establish fixed local networks and contacts on at the section level; they rather developed some sort of network at the platoon or company level that was used

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1804 Feijt, Jongejan, Verburg & De Vries (2005), p. 26.
1805 Matthijssen (2005), p. 146.
1806 Interview June 9, 2011; Interview September 20, 2011(b).
1807 Interview August 29, 2011; Interview October 19, 2011.
1808 Interview August 29, 2011.
1809 Interview June 9, 2011; Interview June 23, 2011; Interview September 1, 2011(b); Interview October 4, 2011(c); Interview October 12, 2011(b); Interview October 19, 2011; Jansen & Platenburg (2005), p. 64 & p. 129; *Kamerstukken II*, 2003/04, 23 432, nr. 143, p. 6; Ministerie van Defensie & Ministerie van Buitenlandse Zaken (2005), p. 22.
1810 Interview June 9, 2011; Interview September 1, 2011(a); Interview September 1, 2011(b); Interview October 4, 2011(c); Interview October 12, 2011(b); Interview October 19, 2011; Matthijssen (2005), p. 149.
1811 Interview September 1, 2011(b); Jansen & Platenburg (2005), p. 61; 11 (NL) Battle Group SFIR 5 (s.a), p. 34).

and shared by the various sections.[1812] According to two Dutch police mentors, the patrols did well in establishing local contacts and networks, largely because they showed an open and proactive attitude towards the population, which made them approachable and – to some extent – accepted.[1813]

Interviewees reported that SFIR companies had created some sort of informal facility where citizens could report information or discuss proposals for CIMIC projects.[1814] Iraqi citizens were then supposed to report themselves at the gate after which the guard informed the Operation Room in order to call for a specialist to deal with the subject in question.[1815] According to some SFIR officers, Iraqis did not use the opportunity to visit a base very frequently.[1816] They rather addressed a foot patrol to share their information or to raise a question,[1817] for example to have it solved on the spot or to pass it to a specialist later on.[1818]

8.3.5 Use of force and flexibility

The Netherlands had adopted the rules of engagement of the United Kingdom as lead nation,[1819] which described the level, conditions, and circumstances regarding the use of force.[1820] According to the Dutch government, the rules of engagement served their purpose as they were robust and enabled SFIR to create a safe and stable environment and to protect itself effectively.[1821]

The rules of engagement were further explained in the *Aide-Memoire voor SFIR Commandanten* (*Aide-Memoire* for SFIR Commanders), issued by the Dutch Commander of the Armed Forces. The *Aide-Memoire* also incorporated the national restrictions compared to the British rules of engagement. The *Aide-Memoire* explained, for example, that the use of force was authorised only in case where alternatives were inadequate and that under all circumstances, troops could not use more force than strictly necessary to achieve their mission.[1822]

1812 Interview June 23, 2011; Interview October 4, 2011(c); Interview October 12, 2011(b).

1813 Interview August 29, 2011; Interview September 1, 2011(a).

1814 Interview June 23, 2011; Interview June 24, 2011; Interview September 1, 2011(b); Interview October 4, 2011(c); Interview October 12, 2011(b); Interview October 19, 2011.

1815 Interview June 24, 2011; Interview September 1, 2011(b); Interview October 12, 2011(b).

1816 Interview June 23, 2011; Interview September 1, 2011(b).

1817 Interview September 1, 2011(b), Interview October 12, 2011(b); Interview October 19, 2011.

1818 Interview October 12, 2011(b).

1819 *Kamerstukken II*, 2002/03, 23 432, nr. 116, p. 11; *Kamerstukken II*, 2003/04, 23 432, nr. 134, p. 13; Ministerie van Defensie & Ministerie van Buitenlandse Zaken (2005), p. 15.

1820 For the content of the Rules-of-Engagement, see for example: http://www.risk.org/article283html; http://www.nrk.no/nyheter/inneriks/3462304.html; http://cryptome/uk-roe-1q.htm; accessed November 9, 2012.

1821 *Kamerstukken II*, 2002/03, 23 432, nr. 116, p. 11; *Kamerstukken II*, 2003/04, 23 432, nr. 134, p. 13.

1822 Chef Defensiestaf, *Aide Memoire voor SFIR Commandanten*, July, 24, 2003, cited by Gerechtshof te Arnhem, Militaire Kamer, Uitspraak Gerechtshof zaak Eric O, May 4,

The rules of engagement had been part of the pre-employment training of the Army battalions.[1823] For that purpose, each individual soldier received a so-called *Soldier's Card* comprising the basic elements of the rules of engagement.[1824] In addition, troops attended a scenario training that confronted them with varying levels of violence in dynamic and turbulent situations. Troops were trained to deal with uncertainty and to choose the course of action appropriate to the situation, in order to control a violent or escalating situation effectively. Troops were also trained to shift between escalation and de-escalation and to return to normality. According to commanders, the training focused on teaching troops that situations could be solved effectively by de-escalation rather than by the use of force.[1825] Commanders also paid attention to the role of the leadership and for example organised sessions with junior commanders, both prior to and during the deployment, to discuss the moral implications of the use of force.[1826] One commander explained:

> Switching correctly between the various levels of force is hard. It is a matter of leadership. It will make or break as a consequence of the leadership and having the right leaders at the right spot. It is namely all about life or death.[1827]

Other commanders underlined that having shared views on the interpretation of the rules of engagement had been of importance to apply force correctly and with restraint.[1828] One of the company commanders noticed that some junior commanders required extra attention:

> For the section commanders and occasionally the platoon commanders the concept of minimum use of force was a difficult issue. Many of them joined the Army to fight rather than to drink tea. To establish a change of attitude it was therefore of great importance to have a critical mass of the senior leadership, such as the deputy company commander, platoon commanders, and the senior warrant officers. (…) However, Iraq has proven that we are able to both fight and to drink tea. But, as a leader, you have to communicate this to your personnel. Therefore, it is of importance that you also have senior and experienced leaders in your unit since, the younger the leader, the more difficult this is.[1829]

2005. Available at http://www.om.nl/algemene_onderdelen/uitgebreid_zoeken/@124387/uitspraak/; accessed November 9, 2012.

1823 Interview June 9, 2011; Interview June 23, 2011; Interview June 24, 2011; Interview September 1, 2011(b); Interview October 4, 2011(c); Interview October 19, 2011.

1824 Ministerie van Defensie – Defensiestaf (2004b), p. 8.

1825 Interview June 9, 2011; Interview June 23, 2011; Interview June 24, 2011; Interview September 1, 2011; Interview October 4, 2011(c); Interview October 19, 2011.

1826 Interview June 23, 2011; Interview June 24, 2011; Interview September 1, 2011(b); Interview October 4, 2011(c).

1827 Interview June 9, 2011.

1828 Interview June 24, 2011; Interview September 1, 2011(b).

1829 Interview September 1, 2011(b).

Although troops were trained to show restraint in the use of force, commanders underlined that only during the mission did troops actually become familiar with dealing with questions of escalation and de-escalation of a situation. Dealing with these issues effectively was a matter of acquiring experience during their missions.[1830] In practice, troops and junior leaders showed enough flexibility to deal with changing levels of violence successfully.[1831] One commander explained:

> The section commander and his section had to be able to shift from a public friendly attitude to combat action. That was difficult, but our people were capable of it.[1832]

Gooren made the same observation, that if Dutch troops were 'under attack and force protection (…) took priority over maintaining friendly relations with the local population,' (…) soldiers persisted in their efforts to gain trust and win over hearts and minds.' Gooren adds that it was important that 'commanding officers remained convinced that it was essential to maintain a good relationship with most of the people of Al-Muthanna province.'[1833] Nonetheless, commanders reported that the concept of minimum use of force and escalation and de-escalation required continued attention by commanders. Especially after a violent incident, the concept needed extra attention, for example in the debriefings, in order to focus the troops on the necessity of a "heart and minds" approach.[1834] One company commander explained why:

> At some occasions you have to fight, at other occasions you have to wave. After we had [an armed] operation, the next day we drove into town again. You may then show a long face, but these people do not know what has happened and wave. Although you may be angry, you have to wave back.[1835]

The posture and attitude during patrolling had been another aspect that underlined the de-escalating approach of the Dutch troops.[1836] The Dutch troops patrolled in a "relaxed" and rather "friendly" outfit, wearing the desert hat or beret instead of the helmet and carrying their rifles pointed down. The rationale of this posture was that the troops had to demonstrate professionalism and that they were in control.[1837] One company commander underlined that an offensive

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1830 Interview June 23, 2011; Interview September 1, 2011(b); Interview October 4, 2011(c); Interview October 12, 2011(b); Interview October 19, 2011.

1831 Interview June 23, 2011; Interview June 24, 2011; Interview September 1, 2011(b); Interview October 12, 2011(c).

1832 Interview June 24, 2011.

1833 Gooren (2006), p. 59.

1834 Interview June 21, 2011; Interview June 23, 2011; Interview September 1, 2011(b).

1835 Interview September 1, 2011(b).

1836 Interview September 1, 2011(a); Interview October 4, 2011(c); Interview October 12, 2011(b); Interview October 19, 2011.

1837 Interview September 1, 2011(b); Interview October 4, 2011(c); Interview October 12, 2011(b); Interview October 19, 2011.

attitude could stimulate a feeling of insecurity among the local population, which in return could affect the security of the troops.[1838]

8.4 Organisational concept

This section deals with the organisational concept of the NL Army as applied during the SFIR mission. The question to be answered here is whether the NL Army's organisational concept enabled the provision of public security during this crisis management operation. To answer this question, this section will analyse three dimensions of the organisational concept that are characteristic for contemporary policing: individuality and autonomy; vertical differentiation and geographical deconcentration.

8.4.1 Autonomy and individuality

Autonomy

Within the scope of the Concept of Operations, the authority to deploy operations in the field of public security was delegated to the company commander. As such, the company commander had the authority to set his own priorities and targets in order to establish a safe and secure environment.[1839] Most commanders applied the principles of mission-oriented command as the leading concept to command and direct their sub-units.[1840] However, there were differences in the level of empowerment of junior commanding officers. Differences occurred through variations in style and experience of the commander and the character of the assignment.[1841] For example, a number of commanders underlined that the character of some assignments required a more directive approach and did not leave much room for autonomy.[1842] The leadership style of the senior commander was another aspect that influenced the level of autonomy of the junior commanders. Some commanders applied tight control while others fully committed to the principles of mission-oriented command.[1843] One commander who left room for discretion explained:

> You cannot decide for the section commanders what they are allowed to do. You have to give them freedom of action. You have to be confident that they will act professionally and with the best intentions. Mostly, they do. They have their rules of engagement and they will surely act accordingly. Within this framework, I expected the section commanders to operate autonomously.[1844]

1838 Interview October 4, 2011(c).

1839 Interview June 9, 2011; Interview June 24, 2011; Interview September 1, 2011(b); Interview October 4, 2011(c).

1840 Koninklijke Landmacht (1996), pp. 109-112.

1841 Interview June 9, 2011; Interview June 21, 2011; Interview June 23, 2011; Interview June 24, 2011; Interview September 1, 2011(b); Interview October 4, 2011(c); Interview October 12, 2011(b); Interview October 19, 2011.

1842 Interview September 1, 2011(b); Interview October 4, 2011(c); Interview October 12, 2011(b).

1843 Interview June 24, 2011; Interview October 19, 2011.

1844 Interview October 19, 2011.

Another commander noted that he would have liked to grant more discretion to his junior commanders, but the situation forced him to adopt a more centralised approach:

> I did not take away their autonomy, the situation did. This was not only due to the security situation, but also because of a lack of capacity. Sometimes, it was like "incident hopping". (…) Given the scarcity of resources, you see that everything becomes more centralised. Consequently, there is less autonomy for the junior levels and more top-down control.[1845]

Although the company level was the most junior level to plan and deploy public security operations, the execution of the daily Normal Framework Operations rested with the section commander.[1846] During these operations, the section commander had been the commander-on-scene. As such, the section commander could be authorised to solve minor public security incidents, such as small disturbances and traffic accidents independently as long as it fitted in their assignments.[1847] As a rule, the section commander informed the company's Operations Officer in the Operations Room about the character and consequences of the incident.[1848] Based upon the information provided, the operations officer could decide either to authorise the section commander to solve the incident independently or to escalate the incident to the company or even battalion level.[1849]

Individuality

Whereas policing can largely be characterised as an individual activity, during the SFIR mission, the section had been the smallest unit of deployment. Because most of the daily activities were assigned to the section, it had been SFIR's core operational element.[1850] The fact that the section had been the smallest operational unit implied that – apart from CIMIC officers, liaison officers and other specialists – there had been no individual operational deployments,[1851] for a couple of reasons.

The deployment was first of all based on the security situation and the formal force protection rules that regulated the minimum force strength for independent operational activities.

1845 Interview October 4, 2011(c).

1846 Interview June 21, 2011; Interview June 23, 2011; Interview June 24, 2011; Interview September 1, 2011(b); Interview October 12, 2011(b); Interview October 19, 2011.

1847 Interview June 9, 2011; Interview June 23, 2011.

1848 Interview June 9, 2011; Interview September 1, 2011(b); Interview October 4, 2011(c); Interview October 12, 2011(b); Interview October 19, 2011. See also: 13 Infanteriebataljon Luchtmobiel Regiment Stoottroepen Prins Bernard SFIR 4 004), p. 28.

1849 Interview June 9, 2011; Interview September 1, 2011(b); Interview October 12, 2011(b); Interview October 19, 2011.

1850 Interview June 9, 2011 and additional e-mail of April 24; Interview June 21, 2011; Interview June 23, 2011; Interview June 24, 2011; Interview September 1, 2011(b); Interview October 4, 2011(c); Interview October 12, 2011(b); Interview October 19, 2011.

1851 Interview June 21, 2011; Interview June 24, 2011; Interview September 1, 2011(b); Interview October 4, 2011(c).

Second, the section was the smallest formal troop deployment, which had been in accordance with the standard operating procedures of the NL Army. Unlike the police, these procedures did not allow individual deployments, since the individual is seen as an indispensible element of the section.[1852]
Finally, the availability of sufficient communication assets played a role in this matter too, but was not seen as a first-order consideration.[1853]

The section consisted of seven to eight troops commanded by a sergeant. The section operated on foot or motorised with two soft-top vehicles.[1854] During a foot patrol in an urban area, a section could divide in smaller deployments, for example when the environment was considered safe. Soldiers could then patrol with a distance between them of twenty to thirty meters, as long they were able to keep visual contact with each other.[1855] In insecure areas, the sections always operated in close proximity to other sections in order to provide mutual support when required.[1856]

8.4.2 Vertical differentiation

The chain of command of an infantry battalion formally entails five levels from the battalion commander to the individual soldier.[1857] During the SFIR mission, the Army battalions formally maintained their original force structure. In practice however, the platoon level had a limited operational role during the execution of the Normal Framework Operations. The SFIR battalions had chosen to coordinate and control these operations at the company level by Operations Room. This procedure implied that the company level directly commanded the sections, which excluded the platoon level from the operational chain of command.[1858] As a result, the platoon level had no added operational value, except for QRF purposes or specific assignments. The role of the platoon level

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1852 Interview June 9, 2011 and additional e-mail of April 24; Interview June 21, 2011; Interview June 24, 2011 and additional e-mail of April 25, 2014; Interview October 4, 2011(c) and additional e-mail of April 22, 2014; Interview October 19, 2011 and additional e-mail of April 22, 2014; 13 Infanteriebataljon Luchtmobiel Regiment Stoottroepen Prins Bernard SFIR 4 (2004).

1853 Interview June 9, 2011 and additional e-mail of April 24; Interview June 24, 2011 and additional e-mail of April 25, 2014; Interview October 4, 2011(c) and additional e-mail of April 22, 2014; Interview October 19, 2011 and additional e-mail of April 22, 2014.

1854 Interview June 23, 2011; Interview June 24, 2011; Interview October 4, 2011(c); Interview October 12, 2011(b); Interview October 19, 2011.

1855 Interview September 1, 2011(b); Interview October 12, 2011(b).

1856 Interview October 12, 2011(b).

1857 Military organisations tend to have long chains of command. The chain of command of the Dutch military counts from the Commander of Armed Forces to the individual soldier eight levels, while the Dutch National Police from the National Chief of Police to the individual police officer entails five levels. See for example: http://www.politie.nl; http://www.rijksoverheid.nl/onderwerpen/politie/nationale-politie; www.mindef.nl.

1858 Interview June 21, 2011; Interview June 24, 2011; Interview September 1, 2011(b); Interview October 4, 2011(c); Interview October 12, 2011(b); Interview October 19, 2011.

was therefore mainly limited to managing administrative and organisational processes, such as personnel planning, maintenance, training, and base guard.[1859]

Because the platoon had become largely redundant in an operational sense, the platoon commanders and their deputies no longer had an independent role in commanding daily operations. Company commanders therefore assigned them to alternative tasks, such as liaison officer, CIMIC officer or operations officers.[1860] One commander reported that shortening the operational chain of command evolved incrementally, almost automatically. Afterwards, he realised that had reinforced the level of centralisation, which as such conflicted with the type of operation SFIR was involved in and which required the empowerment of junior leaders.[1861]

8.4.3 Deconcentration

As mentioned earlier, SFIR had divided its area of responsibility into three sectors of which each was assigned to a single company: one company in As-Samawah, one in Ar-Rumaythah, and one in Al-Kidr. As a rule, company commanders further divided their company sectors in platoon sectors that covered the different neighbourhoods of the towns. Within these sectors, platoon commanders were tasked to establish local networks and contacts for intelligence purposes.[1862] One company commander deliberately chose to apply a different concept. He did not decide to assign his platoons to a designated sector for reasons of flexibility and practicality. First, he considered the area as too small for separate platoon sectors. Second, he wanted to keep his troops eager by deploying them in different areas and with different assignments. With this choice, he accepted that his troops were less effective in establishing local contacts and networks. He did not perceive this as a major problem for he considered that the patrols often contacted those people known to them.[1863]

The companies operated from secured and gated compounds that were located just outside the urban areas of these towns. The choice to accommodate troops in gated and secured compounds was largely based upon force protection motives.[1864] As such, SFIR did not apply the tactic followed in Bosnia and Herzegovina to deploy platoon houses when appropriate in order to live and work in proximity to civilians.[1865] Nevertheless, subsequent companies followed some sort of deconcentrated organisation concept as troops frequently patrolled

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1859 Interview June 21, 2011.

1860 Interview June 23, 2011; Interview September 1, 2011(b); Interview October 12, 2011(b); Interview October 19, 2011. See also: Jansen & Platenburg (2005), p. 64.

1861 Interview October 4, 2011(c).

1862 Interview June 23, 2011; Interview September 1, 2011(b); Interview October 4, 2011(c); Jansen & Platenburg (2005), p. 53 & p. 64; 11 (NL) Battle Group SFIR 5 (s.a), p. 29, p. 30 & p. 34.

1863 Interview October 12, 2011(b).

1864 *Kamerstukken II*, 2003/04, 23 432, nr. 143, p. 7; *Kamerstukken II*, 2003/04, 23 432, nr. 154, p. 5.

1865 Interview June 9, 2011; Interview June 21, 2011; Interview October 19, 2011.

the neighbourhoods of the main towns of Al-Muthanna. However, during SFIR 4, the residential deployment of patrols faced a serious setback after insurgents ambushed an MP convoy in Ar-Rumaythah. Troops located in Ar-Rumaythah refrained from regular urban patrolling until the end of their rotation, prioritising force protection above re-establishing contacts and interactions with the local population.[1866] As such, the concept of residential troop deployment turned out to be vulnerable if challenged by a fatal incident.

8.5 Conclusions

Security gap

Throughout the SFIR mission, Dutch troops operated in a security gap. Like in most post-conflict environments, weapons were widely available and crime and public disorder endangered society. In terms of criminality, three types of crime were largely dominant: petty crime (e.g. murder, theft and plundering), organised crime (e.g. looting, smuggling of arms, life-stock, fuel and water and carjacking) and insurgency (e.g. assaults on coalition troops). In terms of public order, the weak socio-economic situation (e.g. the shortage of water and fuel and unemployment) and the perceived failure of the coalition fuelled civil frustration, resulting into demonstrations and disorder, at least until the end of 2004.

An enforcement gap occurred because the Iraqi police were unable to deal with these public security issues adequately for at least two reasons. First, the police had lost almost half of its strength and had had its top management removed because of the de-Ba'athification process. Second, the police lacked professionalism and quality and were reactive, repressive, corrupt and non-responsive to public needs.

With no deployment of international civilian police, coalition forces had been responsible for filling the enforcement gap and providing interim policing until the Transfer of Authority on June 28, 2004. After the Transfer of Authority, coalition forces continued to support public security but limited their role in public security to providing assistance, and mentoring and monitoring the police in order to prepare the police take on their responsibilities independently and effectively at the time of the elections at the end of January 2005.

In addition to the enforcement gap, the mission also suffered from an institutional gap. After the defeat of Saddam Hussein, the Iraqi police largely dissolved, not only because of the process of de-Ba'athification, but also because many police officers left their posts. The remaining part of the police consisted of low-ranked and poorly-trained police officers unable to police society effectively and professionally. To reform the Iraqi police, the CPA launched a SSR programme late 2003. In March 2004, SSR became the top priority of the MND (SE) in order to establish sustainable and functioning security forces.

1866 Interview June 9, 2011; Interview June 24, 2011; Interview October 19, 2011. See also: Brocades Zaalberg & Ten Cate (2012), p. 133.

Operational concept

UNSCR 1483 authorised international coalition troops to reform Iraqi institutions and to re-establish the country's stability and security until the Iraqi people were able to govern their own country. UNSCR 1483 also authorised coalition troops to restore law and order. Consequently, the MND (SE) made the restoration and maintenance of security and stability and the maintenance of public order, a priority in order to enable Iraqi authorities to assume full responsibility for public security after Transfer of Authority. After that, the MND (SE) focused on providing police assistance and SSR.

UNSCR 1483 and 1511 had also been the legal basis for Dutch troop deployment in Iraq. The resolution enabled coalition forces to engage in public security and to provide interim policing as long the Iraqis failed to do so. Nevertheless, the Dutch government initially defined a number of caveats, which prohibited the Dutch Marines from engaging in executive law enforcement activities autonomously. The effects of the security gap showed however, that these caveats were ineffective and unsustainable. As a result, the government reviewed its policy and authorised SFIR (including SFIR 3) to engage in public security tasks until the Transfer of Authority if these tasks were performed in cooperation with the local police as much as possible.

Whereas the Marines, during SFIR, actively engaged in providing public security and the UNSCR 1483 authorised interim policing until the Transfer of Authority, the leadership of SFIR 3 showed restraint and did not prioritise public security, although it had included reducing criminality and maintaining public order as focal points in its operational plan. After the Transfer of Authority, SFIR 4 and 5 focused on providing assistance and training of the Iraqi police in order to make them self-sustainable by the time of the elections at the end of January 2005.

In their pre-deployment training, the Army battalions followed the regular programme for crisis management operations. Apart from incorporating a CRC platoon in the force structure and some occasional makeshift CRC training at the company level, interim policing did not receive special attention, despite the existence of a security gap. Commanders also debated the effectiveness of the CRC instrument, which they considered anomalous with the character of a crisis management operation in a hostile environment and a different culture.

Although the Army battalions did not explicitly plan and train for interim policing, they were involved in several activities that could be related to providing public security because under normal circumstances these activities are a responsibility of the police.

Patrolling had been the prime activity to contribute to public order. Largely on a 24/7 basis, battalions provided foot patrols in urban areas, first of all to show presence and secondly to interact with the public as much as possible. Until the Transfer of Authority, patrols operated autonomously, thereafter mostly in

support of the local police, although SFIR 4 temporarily reduced patrolling in urban areas after the ambush in Ar-Rumaythah. Regarding demonstrations and protests, the Army battalions did not deploy their CRC assets. They had limited their role in public order to monitoring and mentoring the local police in the execution of their responsibilities. Finally, SFIR 4 and 5 were engaged in the preparation of the elections of January 30, 2005. SFIR 5 in particular had made the elections one of its priorities. It organised exercises to train the local security forces and assisted the local authorities and security forces in their operational planning processes. During the elections, SFIR 5 monitored the achievements of the Iraqi security forces, deployed autonomous mobile vehicle checkpoints, and provided security backup.

In terms of law enforcement, the Army battalions deployed "knock-talk-search" operations to help arrest those suspected of offenses related to smuggling, insurgency and illegal possession of firearms. Some of these operations were executed in cooperation with the local police; others were deployed autonomously or in close cooperation with other coalition troops. SFIR also deployed observation and "knock-talk-search" operations to investigate places and targets where firearms were allegedly hidden or smuggled.

In terms of intelligence, the prime focus had been on acquiring and maintaining situational awareness regarding the social composition of society, socio-economic issues and the activities of criminal organisations. The main instrument to collect information had been the patrol. Information on crime and public order had been part of the general request for intelligence. Like in intelligence-led policing, patrols were systematically briefed and debriefed and the information collected was systematically analysed and used to focus new assignments. In terms of criminal intelligence, the FLT of the Special Forces served to gather information on the whereabouts and activities of criminals and criminal organisations. In general, battalions were reluctant to share intelligence or information with local authorities or the local police, largely due to a lack of trust.

The Army battalions cooperated with local authorities, key leaders and local police and established local networks. Interaction with local actors largely occurred at the battalion and company level. Cooperation could have a formalised, institutionalised character (e.g. in the provincial and municipal Security Committees and in the Provincial Joint Operations Centre). The battalions and companies also cooperated with local police to provide public security and to improve the quality of policing and the police organisation, for example by joint patrolling, establishing liaison and exchanging information if appropriate. Also after the Transfer of Authority, SFIR still needed to assist the police in their daily policing, largely due to a lack of quality and professionalism. Patrols served to establish community interaction. During these patrols, troops showed an open posture, which contributed to establish public confidence and local networks. Units differed in their efforts to establish local networks. Some commanders assigned their units to designated areas to establish fixed contacts and networks

while others opted for a flexible approach in which units rotated between various areas. SFIR did not deploy platoon houses, for reasons of force protection.

The Dutch forces operated under the British rules of engagement. These rules of engagement underlined the principles of minimum use of force. Troops were trained in the (restricted) use of force for example through scenario training, which served to create awareness that incidents could also be resolved by de-escalating rather than escalating force. However, troops learned how to apply the concept of minimum use of force in theatre and by experience. Nevertheless, consequent application required continued attention by commanders, especially after troops encountered violent incidents.

Organisational concept

The authority for the execution of public security operations and activities was delegated to the company level. As a rule, commanders applied the principles of mission-oriented command, although between commanders there had been differences in terms of leadership styles and interpretations of contextual demands, which influenced the discretion of junior commanders. If tension or insecurity increased, discretion generally decreased. Although a section commander was the "commander-on-scene," at all times he had to report the company's Operations Room on the incidents they encountered on the ground to receive authorisation to solve the incident themselves or to hear whether the incident had to be escalated to a higher level in the chain of command. The SFIR mission showed no individual deployment of troops with the exception of certain specialists, such as liaison or CIMIC officers. Unlike in policing, the section was the smallest deployment, largely for reasons of security, force protection and standard operating procedures.

All Army battalions reduced the level of vertical differentiation, which resulted in a flatter chain of command. The company's Operations Room had been the centre of gravity as it directly commanded and controlled the section during the daily Normal Framework operations. Consequently, the platoon level lost its position as an independent operational level.

The SFIR battalions applied some sort of a deconcentrated organisation model that directly followed from the decentralisation of the company level as independent operational level. The companies were assigned to geographic areas in which they exercised area responsibility. Some company commanders further divided the company sector into smaller areas that they assigned to platoons or sections in order to establish local networks and contacts. The concept, however, showed itself vulnerable after troops in Ar-Rumaythah faced armed violence and resulted in a temporary withdrawal of urban foot patrols.

9 Syntheses and discussion

Today, military operations cover a wide range of activities, varying from offensive and defensive to stabilisation activities. These activities do not necessarily take place in a certain sequence; they rather occur in parallel and overlap. Contemporary operations also lack clear boundaries between military and civilian activity. As a result, the difference between overall security in terms of a safe and secure environment and public security in terms of re-establishing and preserving law and order has faded.

Another characteristic of contemporary military operations is the prevalence of security gaps that occur when there are no sufficient local or international police to keep order and enforce the law. The structural answer to a security gap is police reform. However, this tends to be a long-term endeavour taking months or years. Consequently, there is often a demand for interim policing by the military. Although this may not be the best solution, there is often no alternative to establish a basic level of public order and security. In Dag Hammarskjöld famous words: 'it is no job for a soldier, but only a soldier can do it.'

Following Hammarskjöld's *adagio*, this study is based upon two assumptions. The first assumption is that the armed forces will have to deal with public order and law enforcement situations when deployed in a (post) conflict environment that suffers from crime and disorder and has insufficient police capacity to deal with those problems effectively. Under these circumstances, the armed forces will have to fulfil duties that are comparable to those of the police. The second assumption is that, when confronted with those tasks on a regular basis, the military organisation will need to act and organise accordingly and has to adopt operational and organisational principles comparable to the police in order to deal with these tasks effectively and efficiently.

This chapter first discusses to what extent the NL Army faced a security gap during IFOR/SFOR (Bosnia and Herzegovina), KFOR (Kosovo) and SFIR (Iraq) and analyses the character of the security gaps in order to determine if there had been a structural need for military assistance to bridge those gaps. Then, it analyses and discusses the operational and organisational concepts applied by the NL Army in relationship to relevant aspects of police theory, as discussed in Chapter 4. Next, it answers the central research question of this study, followed by an explanation of the limitations of this study and some suggestions for future research. The chapter ends with concluding remarks. A schematic overview of the cross-case analysis is displayed at the end of the chapter.

9.1 Discussion

9.1.1 Security gap

During all three missions, a security gap was a constant and a long-term phenomenon. In terms of an institutional gap,[1867] in Bosnia and Herzegovina and Iraq the police were in place, while in Kosovo the local police ceased to exist after the departure of Serbian security forces. Although Bosnia and Herzegovina and Iraq had a police force in place, these were not able to provide professional and adequate policing. In general, the police were poorly trained, perceived as biased, corrupt, did not serve all citizens equally and were unable to provide community policing. In the case of Bosnia and Herzegovina, police bias had an ethnic background, while in Iraq police bias was often related to clan relationships.

To overcome the security gap in Bosnia and Herzegovina, the UN deployed the IPFT to monitor, train, advise and assist the local police. However, the IPFT deployed slowly and had no executive powers to intervene in case the local police showed themselves unwilling or incapable to provide public security for all citizens equally. In Kosovo, the UN deployed the UNMiK Police, which received full executive powers to police Kosovo until they had established a local police force that could take on policing independently. However, it took almost a year until the UNMiK Police finally reached the capacity required to take on full responsibility for policing. In Iraq, the local police had been seriously understaffed and suffered from a lack of quality. Initially, the CPA failed to initiate police reforms and it took almost a year until it realised that the Iraqi police required substantial reform in order to improve the quality of the police and policing. Meanwhile and until the Transfer of Authority, coalition troops took on responsibility for public security and started SSR programmes to train and reform the police.

All three missions suffered from an enforcement gap. An enforcement gap occurs when military forces are required to perform public security tasks in support of an international or local police force.[1868] To overcome those gaps in Kosovo and Iraq, the international military provided public security until the international or local police were able to operate independently. The international military were either authorised to provide interim policing by UNSCR mandates or by international law regarding the obligations of an occupying force. In Bosnia and Herzegovina, the international military lacked the mandate to engage in public security while on the ground there had been an explicit need for military assistance. International pressure urged NATO to stretch its mandate and to contribute to bridging the enforcement gap. It therefore established a MSU battalion in order to support IPTF and other international organisations when required and engaged in arresting alleged war criminals.

1867 Dziedzic (1998), p. 14.
1868 Dziedzic (1998), p. 11.

To a large extent, criminality was largely affected by availability of weaponry used during the conflict. Petty crimes occurred on a large scale and varied from corruption and theft to murder. Also organised crime increased significantly during all three missions, notably in terms of smuggling (e.g. weapons, cars, livestock and contraband). However, the most characteristic criminal phenomenon had been the expansion of ethnic or sectarian motivated crimes such as intimidation, harassment, arson, violence, maltreatment and killings. On top of these crimes, the mission in Iraq also suffered from insurgency, which further decreased the level of public security.

In terms of public order, several demonstrations or public protests occurred during all three missions. In Kosovo, these demonstrations passed without serious problems, while in Bosnia and Herzegovina and in Iraq, these occasionally became violent, but none of them escalated into widespread disorder.

It can be concluded that the combination of a dysfunctional security sector and the expansion of crime and public unrest seriously affected the magnitude of the security gap during all three missions. With no or limited numbers of skilled civilian police officers available, it placed the international military, including the NL Army, in an unfamiliar role that was largely debated in military and political circles.

9.1.2 Operational concept

International mandates and planning

In all missions, UN Security Council Resolutions authorised the deployment of international military forces to ensure the establishment of a safe and secure environment in order to enable civilian authorities and organisations to deploy their governance and reconstruction programmes. Whereas the mandates and operational instructions of KFOR and SFIR formally enabled the military to exercise interim policing to provide public security in case international or local police were unable to do so independently, the IFOR/SFOR mandate, as formalised in the Dayton Peace Agreement, underlined that the local authorities and law enforcement agencies were responsible for providing public security. In the early months of the IFOR/SFOR mission, the international military followed a strict interpretation of its mandate.

National political planning

The Dutch national guidelines for IFOR/SFOR were in line with the international mandate as defined in the Dayton Peace Agreement. This agreement considered the provision of public security a prime responsibility of the local police and not that of the IFOR/SFOR. The Dutch government underlined that SFOR was not a police force and therefore did not engage in policing, for example in the arrest of war crimes indictees. Even after NATO and SFOR gradually lifted their initial objections against interim policing, the Dutch government largely continued to adhere to the initial mandate. When NATO deployed a MSU Battalion, the Dutch government underlined that SFOR should

not perform police tasks, as these were the responsibility of the local authorities and police. Also, when NATO, SFOR, and OHR increasingly regarded corruption and organised crime as a significant threat to a successful end state, and agreed to invest in the restoration of the rule of law, the Dutch government responded that Dutch troops were not to challenge the interpretation of the mandate and not support law enforcement efforts of the international community in Bosnia and Herzegovina. The government continued to regard the maintenance of law and order as a responsibility of the local authorities.

With regards to KFOR, the UN mandate and the operational guidelines of NATO and KFOR enabled an active role for KFOR in providing public security as long as UNMiK Police were unable to take on their responsibilities independently. Nevertheless, the Dutch government showed reserve towards the provision of interim policing by Dutch troops, for example in terms of investigating war crimes and the arrest of alleged war criminals. Although UNMiK Police deployed late and required the assistance of KFOR to provide public security in order to bridge the enforcement gap for an extended period of time, the Dutch government still considered policing to be the prime responsibility of the UNMiK Police and wanted their soldiers to refrain from interim policing as soon as UNMiK Police was in place, which resulted in a mismatch between political views in the Hague and operational demands on the ground.

During the mission in Iraq, the Dutch government also restricted military involvement in public security, despite international guidelines authorising such involvement. By issuing caveats on the execution of law enforcement activities, the first Dutch deployment, provided by the Marines, were not supposed to restore law and order independently. The Dutch government considered the provision of law and order to be the prime responsibility of the occupying forces, i.e. the US and British military, and the local police. Since the latter were unable to provide public security effectively, the situation on the ground called for a larger engagement of the Dutch troops to close the enforcement gap. The government eventually lifted the caveats, enabling Dutch troops to provide interim policing under the authority of the CPA until the Transfer of Authority had taken place.

The analysis of the three missions shows a pattern in which the Dutch government followed a conservative policy towards assigning public security tasks to the military, although troops continuously operated in a security gap. Under all circumstances, the government regarded public security as a responsibility of the local or international police even if those were unable to provide public security adequately or independently. In addition, the Dutch government followed a narrow interpretation of international mandates, which formally allowed military assistance to restoring law and order, such as in Kosovo and Iraq.

As a result, the Dutch government did not support a larger military involvement in public security and did not adapt to operational challenges and demands in theatre. With the exception of assigning CRC capabilities to the military during

during all three missions, the Dutch government avoided taking the initiative to close existing or emerging security gaps. It merely focused on establishing a safe and secure environment, rather than allowing commanders to engage in international initiatives to adequately close the security gap.

Following Jakobsen, the Dutch government can be characterised as minimalistic. There are three possible reasons for the government's restraint in relation to engaging on a security gap.
First, the government feared "mission creep". This argument was valid for the IFOR/SFOR mission, which formally did not have a public security mandate, while the mandates of KFOR and SFIR explicitly included public security.
Second, it could have regarded its military as unsuited for public security tasks, as their troops were not specifically trained to perform those tasks, which it possibly perceived as a political and/or operational risk. By a minimalist interpretation of mandates, the government prevented troops entering the relatively unknown territory of policing.
Third, complying with its general international commitment to deploy troops to a multi-national crisis management operation may have been considered of larger importance than effectively closing the security gap on the ground.

Operational planning and preparation
With the exception of the SFIR, planning for public security had not been a specific point of attention.

During IFOR/SFOR, planning followed international guidelines as defined in the Dayton Peace Agreement. Dutch commanders focused on the military aspects of the mandate, rather than on their secondary tasks, for example those related to supporting international organisations, such as IPTF and UNHCR, which had a security component.

During KFOR, initial planning focused on fire-support and a classical peace-keeping role and not on providing public security. After taking on area responsibility, KFOR 1 issued additional operational plans to tackle specific public security issues. Being instructed to show restraint towards the provision of public security, KFOR 2 refrained from formulating additional objectives in that area, however.

SFIR battalion commanders included public security tasks in their operational planning, notably in terms of SSR. Until the Transfer of Authority, SFIR 3 was fully responsible for public security. It underlined the importance of crime reduction and maintenance of public order as one of its objectives. However, it did not prioritise independent interim policing during its actual operations. SFIR 4 and 5, who deployed after the Transfer of Authority, largely focused their public security efforts on SSR and assistance to the local police in maintaining public security.

In terms of training and preparation, battalions followed the regular military curriculum and trained their troops for deployment in a crisis management operation. Troops trained for social patrolling, collecting intelligence, searching

vehicles and individuals, and arresting and processing detainees. Training was generally based on military procedures and instructions, and did not incorporate police techniques or principles to supplement this training.SFOR (from 1997) and SFIR battalions also integrated CRC in their training programmes. However, during SFOR the training of the separate CRC platoons was not always synchronised with that of the battalions, which obstructed the operational integration before deployment in theatre. To some extent, commanders also perceived CRC as an anomaly within their operational concept and because some platoons were deployed without being formally certificated, CRC training seemed of lesser importance.

The deficiency to articulate or prioritise public security during the pre-deployment training may have been influenced by the fact that Dutch Army doctrines do not prioritise the provision of public security as such, despite the fact that restoring the law by assisting civil authorities is a core task of the Dutch Armed Forces,[1869] and that the NL Army has gained substantial experience in providing public security during security gaps.

Although some doctrines mention a number of public security tasks as such, they remain relatively silent on an issue that affected all recent crisis management operations. Notably, the 2013 Army doctrine *Land Operations* does not mention the provision of public security at all. In comparison, in its doctrine *Stability Operations*, the US Army has explicitly included the provision of public security as a military task if local authorities fail to perform these tasks.

According to NL Army officers involved in doctrinal planning, the debate on public security faces various difficulties.[1870] The Army leadership still seems hesitant to include policing in its operational framework and training programmes, despite having acquired substantial experience in this matter.[1871] Resistance possibly exists due to a cultural blockage. Commanders seem to prefer conducting traditional operations against a military opponent rather than leaving their comfort zone and engaging in the relatively unknown field of policing.[1872] It should therefore prefereably adopt a learning culture as presented by Weick and Sutcliffe. Within such culture, organisations learn 'by means of ongoing debate about constantly shifting discrepancies' in order to find new routines to cope with changing demands and environments.[1873] Moreover, following the concepts of Weick and Sutcliffe, the NL Army should institutionalise a mindful culture, in which existing expectations are continuously refined and differentiated according newer experiences, and in which there is a willingness and capability to invent new expectations that make sense of unprecedented events in order to find new ways to deal with them and to identify new dimensions of context to

1869 *Kamerstukken II*, 1999/2000, 26 900, nrs. 1-2, p. 41.
1870 Interview August 12, 2011; Interview October 13, 2011(b); Interview September 30, 2011(a).
1871 Interview August 12, 2011; Interview October 13, 2011(b).
1872 Interview September 30, 2011(a); Interview January 25, 2013.
1873 Weick & Sutcliffe (2001), p. 136.

improve planning and current functioning.[1874]

Public security is such new dimension that characterises contemporary crisis management operations. By not adopting the right learning culture and not explicitly designating public security as one of its main topics in their doctrine, the NL Army risks that military commanders will continue to underrate that dimension and will not be challenged to incorporate the subject into their mission planning and preparation. Consequently, it will further impede organisational internalisation required for an effective and efficient provision of public security when appropriate to contribute to the closure of a security gap.

Managing the security gap

Despite minor doctrinal attention and a lack of political stimulus from the government, this study shows that in all three case studies the NL Army increasingly performed tasks that under normal circumstances would be assigned to the police. Policing largely involves two main functions: law enforcement and maintaining public order, including assistance to the public.[1875]

In terms of public order, during all missions (social) patrols were deployed in villages and towns in order to show presence, provide public security, interact with the local population and to collect information about local problems and circumstances. Patrolling was the Army's main activity during Normal Framework Operations. It could be argued that (social) patrolling shares some of the characteristics of community policing.

Assistance to civilian international organisations and local authorities could also be interpreted as supporting public order, notably the visits and returns of refugees and displaced persons in Bosnia and Herzegovina, and the elections in Bosnia and Herzegovina and Iraq. During these events, Dutch troops provided overall security, guaranteed freedom of movement, separated opposing groups and assisted the police in the planning and preparation of the events. In Kosovo and Iraq, troops supervised demonstrations to prevent escalation. Also, the protection of minorities in Kosovo could be interpreted as maintaining the peace, *in casu* maintaining public order.

To support the maintenance of public order, the Ministry of Defence deployed CRC platoons to the SFOR and SFIR missions. As mentioned earlier, commanders were however cautious about deploying these units. They rather kept them in reserve for other purposes than experimenting with their CRC capabilities. Battalion commanders questioned the effectiveness of the CRC instrument. They regarded it as an anomaly in their regular operational and organisational concept, or questioned the fitness or readiness of the CRC platoons to operate effectively as a riot squad. They also regarded the deployment of a CRC platoon

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1874 Weick & Ratcliffe (2001), p. 42 & pp. 137-139.

1875 See for example: Bittner (1970), Manning (1997), Mawby (2003), Ponsaers, Devroe & Meert (2006), Skolnick (1996).

as too risky, notably in hostile environments where weapons were widely available. Second – and this argument specifically regards SFOR – in 2000 the Ministry refrained from deploying a CRC platoon in theatre in order to keep one in reserve in the Netherlands on a notice-to-move of twenty days. This decision practically deprived commanders from using the instrument effectively and adequately in case of imminent public disturbances.

As a result of a lack of confidence in skills and familiarity with the situation on the ground, and a lack of availability, the CRC instrument was not fully integrated in the Army's operational concept. By keeping the CRC instrument in reserve, commanders missed the opportunity to receive reality checks, which according to Adler and Borys, could be seen as key preconditions for adaptive adjustment to external influences.[1876] As such, the CRC concept was never really challenged in order to mature and develop into an adequate and an effective public security feature. As experts on the use of force, the military should be able to deal with a wide variety of scenarios, including CRC in a dynamic or hostile environment.

In all three missions, NL Army troops were also engaged in various activities and operations involving some sort of law enforcement.

In Bosnia and Herzegovina, Dutch troops organised weapon collections in which citizens could hand in illegal arms voluntarily. Similar activities occurred in Kosovo. During KFOR and SFIR, troops also deployed so-called "knock-talk-search" operations, during which they asked the occupant for permission to search the premises for illegal arms or ammunition.

Troops were also involved in the arrest of criminal suspects. In Bosnia and Herzegovina, Dutch Special Forces executed one targeted operation to detain two war crimes indictees while regular NL Army troops provided perimeter security during a number of MND operations, although the Dayton Peace Agreement did not formally provide IFOR/SFOR troops with a clear mandate to be involved in law enforcement activities. In Kosovo and Iraq, troops were formally authorised to engage in the arrest of criminal suspects.[1877] As a rule, (Dutch) Special Forces or international police intervention teams executed pre-planned arrest operations in which regular troops provided a perimeter security to seal off the area which under normal circumstances, would have been the responsibility of a special police squad and the uniformed police. During KFOR and SFIR, troops also executed arrests, for example when they encountered serious criminal offences during the execution

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1876 Adler & Borys (1996), p. 82.

1877 In Kosovo, UNSCR 1244 authorised KFOR to enforce the law until UNMiK Police had been able to take full responsibility for policing. In Iraq, it had been UNSCR 1483 and Article 43 of the Hague Regulations that authorised international troops to execute law enforcement operations until the Transfer of Authority end of June, 2004. After the Transfer of Authority, it was UNSCR 1511 that authorised the international forces 'to take all necessary measures to contribute to the maintenance of security and stability in Iraq,' which as such enabled them to involve in law enforcement when necessary (see for example: Voetelink (2013), pp. 436-437).

of their Normal Framework Operations. Where appropriate, they stopped, searched and processed the arrested suspects. The tactics applied were in accordance with the military Standard Operating Procedures for the arrest of detainees. In case of planned operations, information flowed from the higher to the lower levels in the chain of command. With the exception of KFOR 1, these operations did not result from independent (criminal) investigations.

In Kosovo, intelligence personnel and law enforcement personnel of the *Marechaussee* systematically collected and analysed information, ultimately resulting in the arrest of eleven alleged war criminals. In other cases, Dutch troops occasionally assisted coalition forces or other (international) partners in their crime investigation activities, for example by providing area security or through observation operations.

Although not specifically trained or prepared, this study shows that throughout all missions troops executed policing activities as normal or special operations based on and in accordance with military procedures and tactics. As such, commanders perceived no reason or incentive to evaluate these activities in the light of law enforcement and police tactics. Consequently, commanders missed the opportunity to add alternative (policing) tactics to their concept of operations. In addition, commanders did not explore how the police would operate in comparable situations, for example in terms of community policing, public order management, crowd management, conducting evidence-based operations which include criminal investigations, securing crime scenes, collecting and preserving forensic evidence, taking witness statements and making arrests.[1878]

This study shows that during a security gap the operations of the military to some extent converge towards the police. Therefore, it can be argued that despite various operational and organisational differences, the military can learn from the police and thereby improve their operational style and repertoires and find out how they best can adapt to different conditions in order to be able to provide public security effectively and efficiently. In general, organisations learn from other organisations, for example through the transfer of experiences in or the use of technologies, procedures and routines.[1879] This is especially true if they operate in the same institutional environment and produce comparable products or services.[1880] If organisations share experiences and learn from each other, they develop some sort of isomorphism which is a 'constraining process that forces one unit in a population to resemble other units of that face the same set of environmental conditions.'[1881] Mimetic isomorphism, for example, encourages institutional change when organisations operate in an operational field relatively unknown to them and which may create some sort of symbolic uncertainty.[1882]

1878 See for example: Voetelink (2013), p. 442.
1879 Levitt & March (1988), p. 329.
1880 DiMaggio & Powell (1983), p. 148.
1881 DiMaggio & Powell (1983), p. 149.
1882 DiMaggio & Powell (1983), p. 151.

Under these circumstances, organisations adapt to proven practices and model themselves on organisations that they perceive as legitimate and successful.[1883]

The question is, however, to what extent the NL Army is willing or capable to reach a certain level of convergence with the police. For many organisations, adapting to new procedures or routines is not an obvious choice.
First of all, it is often difficult for organisations to adopt new tactics, procedures and routines when the current ones are relatively successful. In such cases, success tends to reduce 'the motivation to initiate seemingly unnecessary adaption', as Sitkin notes.[1884] Perceived success may lead to "superstitious learning", in which organisations reinforce routines that are associated with success while other learning processes are declined.[1885]
Second, organisational learning may be hampered by competency traps. These can occur when organisations achieve positive outcomes with inferior procedures. As long as the organisation continues to accumulate experience with inferior procedures, it is not challenged to adapt newer and better ones.[1886]

As this study found no evidence that the NL Army has institutionalised experiences with interim policing in their doctrines and operational routines and procedures, the question remains whether the NL Army is open to learn from the police about tactics and routines, which may be beneficial within the context of a security gap during a crisis management operation. To optimise its performance in the field of public security, it may have to challenge current routines procedures even if those have proven to be relative successful. In the end, isomorphism between the police and military could be beneficial to further improve its performance during security gaps.

Intelligence
Collection of information was a core activity during all three missions. Battalions systematically collected, assembled, analysed, validated and redistributed information for further action and/or to initiate the collection of additional information.

Patrolling was the main instrument to collect information, although other instruments, like CIMIC officers, interpreters, liaison officers, and, in case of Iraq, the Field Liaison Team, also helped to collect information.

To focus the information collection efforts, intelligence officials at company level briefed the patrols in advance and debriefed them afterwards. Patrols received a written questionnaire to meet the battalion's and the company's intelligence requirements. As such, the method used to acquire and operationalise information largely resembled that of Intelligence-Led Policing (ILP) in which information

1883 Braun & Gilardi (2006), p. 310; DiMaggio & Powell (1983), p. 152.
1884 Sitkin (1996), p. 544.
1885 Levitt & March (1988), p. 326.
1886 Levitt & March (1988), p. 322.

acquired from patrols and other sources is systematically collected, assembled, analysed, and re-used to brief and debrief patrols and/or for further action.[1887]

However, there are some differences between the police and NL Army in terms of focus.
First, whereas policing is largely problem-oriented through the identification and analysis of backgrounds and underlying causes of public security issues,[1888] during the three missions, intelligence rather served to acquire situational awareness than to identify root causes of community-related security problems and respond to those.

Second, in policing, information collection largely focuses on identifying and analysis of problems involving criminality and community safety.[1889] With the exception of KFOR 1, which focused its information collection process largely on acquiring intelligence on war crimes, NL Army battalions rather focused their information gathering efforts on civilian and political aspects, for example the social and economic situation, local politics and local key leaders, the status of CIMIC projects, the situation of minorities, and the impact of crime in society,[1890] than on public security and criminal intelligence as such. Those were just perceived as subjects of general interest. As such, information served internal requirements rather than to help solving specific public security problems, which affected all three missions.

Today, the information focus may have changed. Contemporary counter-insurgency doctrines underline that information gathering must be problem-oriented and focus on identifying the root causes of insurgency.[1891] The NATO counter-insurgency doctrine therefore specifically underlines the need to acquire criminal intelligence.[1892] As such, it implies that information gathering needs to widen its focus, to deepen its analyses and responses, which would then further reduce the difference between the police and military concepts. However, considering its formal mission in theatre, the military focus must always be wider than crime and disorder.

Cooperation
During all three missions, the NL Army sought cooperation and coordination with civilian partners to achieve common strategic objectives. Cooperation and coordination was established at battalion and company level and sometimes at platoon level too, and involved interaction with local authorities, international

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1887 See for example: Raad van Hoofdcommissarissen. Projectgroep Visie op de politiefunctie (2005), p. 17; Reiner (2000), p. 76; Tilley (2003), p. 313; Tilley (2008), p. 146; Versteegh (2005), pp. 19-20.

1888 Raad van Hoofdcommissarissen. Projectgroep Visie op de politiefunctie (2005), p. 17; Versteegh (2005), pp. 19-20. See also: Goldstein (2005) regarding the notion of problem-oriented policing.

1889 Versteegh (2005), p. 13.

1890 See also: Koninklijke Landmacht (1999), p. 118 & p. 178.

1891 See for example: North Atlantic Treaty Organisation (2012), p. 3-23 & p. 4-3; US Department of the Army – Headquarters (2006), p. 3-35 & p. 4.1*ff*.

1892 See for example: North Atlantic Treaty Organisation (2012), p. 2-16.

organisations and the police, local and/or international. When possible, interaction was formalised and institutionalised.

In Bosnia and Herzegovina and Kosovo, cooperation largely concentrated on issues such as the establishment of a safe and secure environment, political and socio-economic developments, and the planning and progress of reconstruction projects. The international community did not establish a dedicated platform to discuss public security issues with civilian authorities or internally. Overall, public security had not been an exclusive subject unless an acute security problem required unity of effort, such as during sensitive visits and returns by refugees and displaced persons and elections.

In Bosnia and Herzegovina, Dutch IFOR/SFOR battalions had not established institutionalised cooperation with the local police. Following the formal mandate, this was seen as the main responsibility of IPTF. However, during the course of the operation, cooperation with the local police gradually intensified, notably regarding specific issues like visits and returns, elections, Harvest Operations, and illegal logging. Also, cooperation between IFOR/SFOR and the IPTF was loosely structured. While liaison officers of both organisations liaised at company level on a daily basis, joint patrolling or common operations occurred only in specific cases.

In Kosovo, cooperation between various institutions, mainly international, gradually evolved in the course of the mission, largely because the deployment of international civilian organisations occurred at a different pace in comparison with KFOR. In the early stages of the mission, KFOR 1 initiated makeshift coordination platforms until the international organisations, such as UNMiK Police, had sufficient leverage to take over and to institutionalise various cooperation and coordination mechanisms. When KFOR 2 commenced its mission, it operated in an administrative setting that had been large institutionalised, also regarding public security. Following their national instructions to keep aloof, KFOR 2 had not been a driving force regarding inter-agency cooperation. Formally, it rather took a passive role and assisted international organisations only when requested to do so. Nevertheless, at the tactical level, liaison officers of both KFOR1 and 2 exchanged information with their international partners and coordinated their efforts during regular meetings, while troops and the UNMiK Police patrolled jointly on a daily basis.

In Iraq, inter-agency cooperation had been a major instrument to support public security. To discuss public security-related problems on a regular basis, the Dutch established dedicated Security Councils at the provincial and municipal level involving SFIR commanders, local administrators and the commanders of the security services. Public security was an important subject of discussion at all levels and with all relevant partners. In Iraq, troops also sought cooperation and coordination with the local police. During the full length of the operation, they assisted the police by deploying joint operations and joint patrolling, and by mentoring, monitoring and training police officers at all levels. Companies assigned liaison officers to police stations and police commanders to enhance cooperation and exchange of information when appropriate.

Throughout all three missions, Dutch troops, notably patrols and CIMIC officers, also interacted with the local population. Patrols provided a 24/7 presence in villages and towns and served as a first point of contact for the population. To interact with the public effectively, troops adopted a low-key, open, and friendly posture. Most company commanders assigned the patrols to fixed areas, which enabled troops to build trusted and networks to acquire information, although the length of the deployments (four to six months) did not always contribute to establishing lasting and effective networks.

It can be argued that the NL Army applied an operational concept, which can be compared with the principles of (community) policing, notably regarding inter-agency cooperation, with SFIR exclusively focusing on the improvement of public security. Despite the establishment of networks, the NL Army did not explicitly involve or consult the public in solving local security problems. The exception in this matter was KFOR 1, which effectively consulted the population on the question of war crimes committed during the conflict. Community interaction largely involved the collection of general information to improve situational awareness and to identify opportunities for reconstruction projects rather than to establish community involvement to solve local security problems.

Use of force

The rules of engagement regulated the application of military force in all three missions. The rules of engagement underlined and applied the principles of necessity and proportionality. Troops were bound by comparable regulations to control the use of police force. In advance of their deployments, troops trained to become familiar with the concept of minimum use of force and the principles of necessity and proportionality. They learnt to de-escalate a situation by varying in posture and applying different communication techniques.

The training had been part of the standard curriculum of mission-oriented training. However, in all cases, commanders reported that the understanding and internalisation of the concept first matured in theatre. It required continuous supervision of commanders, notably in situations where troops face excessive violence, requiring a high level of mental flexibility to be able to resolve a situation using as little force as possible. Working in a potentially violent environment is more demanding, in terms of the application of minimum use of force, than during regular policing and requires continuous attention by the military leadership at all levels. The level of contextual ambidexterity, as identified by Soeters,[1893] needs further attention in order to advance individual soldiers' competences in adapting swiftly and effectively to changing situations during various contingencies.

[1893] Soeters (2008), pp. 121-122.

9.1.3 Organisational concept

Autonomy and individuality

The evaluation of all three missions shows that, as a rule, battalions applied the principles of mission-oriented command. Within the framework of their assignments, junior commanders up to the level of section commanders were authorised to take decisions independently during the execution of Normal Framework Operations. Nevertheless, this study identified differences between deployments, for example due to commanders' personal preferences and interpretations and situational circumstances. In case of increased tension, battalion and company commanders tended to centralise decision-making, thus limiting the authority of junior commanders. In terms of public security, the company level was the authorised level to decide independently on public security-related matters. In case a patrol encountered an incident, the Company Operations Room, directed and coordinated all further action.

In comparison, police officers are generally empowered to solve a situation and to enforce the law independently without further instructions from an Operations Room, unless a situation demands additional support or backup. This is another difference between the organisational concepts of the police and the military. While in policing the individual police officer is authorised to take immediate action based upon his personal assessment of the situation,[1895] soldiering involves collective action.[1896] In addition, Weick and Sutcliffe argue that especially in times of crisis, it should be the personnel on the ground that must be empowered to take all necessary decisions regardless of any hierarchical level. They underline that this principle 'often escapes decision makers at critical moments', but that empowerment is an essential condition for solving problems in a flexible and effective manner.[1897]

Throughout all three missions, the section was formally the smallest troop deployment, which was in line with the standard operating procedures and the mission's force protection rules. During KFOR, patrols sometimes consisted of two soldiers, mainly due to a lack of resources and only if the security situation allowed such. During IFOR/SFOR and SFIR, there were no individual deployments, although during SFOR some commanders allowed their sections to split up into two smaller groups for patrolling in close proximity to each other. In the case of SFOR, smaller deployments could have been feasible, for example,

1894 Weick & Sutcliffe (2001), pp. 74-75.
1895 See for example: Bittner (1975), p. 3; Cochran & Broomley (2003), p. 89; Lipski (1980), p. 3; Soeters (2000), p. 471.
1896 Auten (1981), p. 72.
1897 Weick & Sutcliffe (2001), pp. 74-75.

when the security situation permitted it. In comparison, the unarmed IPTF patrolled the streets in duos,[1898] while armed troops continued to patrol in sections. The reason for this could be twofold. Commanders either preferred to stick to the formal organisational concept of the military rather than to experiment with other sizes of troop deployments, or they prioritized force protection and avoided risks.

Vertical differentiation

The implementation of community policing contributed to a reduction of the length of the chain of command and improved the police's ability to respond swiftly to local security problems.[1899] All three missions shortened the formal chain of command. The intention was to increase efficiency and to speed up communication. Unlike in the police, the purpose of the NL Army was not to improve internal consultation or to reduce the level of hierarchy, however, but to increase operational control over the patrols, which as such can be seen as conflicting with the assumptions of mission-oriented command, which focuses on empowering junior commanders in order to increase operational flexibility.[1900]

Deconcentration

In community policing, the police focus on strengthening the physical decentralisation of its police officers to fixed geographical areas for extended periods in order to improve community service and interaction, to facilitate pro-active policing and to build trusted networks.[1901] In the three missions, battalions applied a de-concentrated model by deploying their troops in close proximity to the population. As a rule, deconcentration of troops occurred at company level, although during IFOR/SFOR de-concentration entailed establishing platoon houses in remote areas or hot-spots. During KFOR and SFIR there were no platoon houses, since the companies settled and deployed in close proximity to major urban areas.

As such, NL Army battalions applied some principles of a residential approach in which troops are deployed in or close to populated areas for an extended period in order to provide security, to get to know the population and to build trusted networks and relationships. This approach is compatible with theories of counter-insurgency that emphasise the need for residential deployment of troops.[1902] The approach is also compatible with the principles of community policing although there is one important difference between the two. Whereas the police are able to build lasting networks, the military tends to rotate its troops

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1898 This is based upon the researcher's personal observations in 1997 during his deployment in Bosnia and Herzegovina.

1899 See for example: Easton (2001), pp. 82-83; Peak & Glensor (1999), p. 21; Skogan & Hartnett (2005), p. 429.

1900 Koninklijke Landmacht (1999), p. 110.

1901 Easton (2001), p. 83-84; Skogan (2005), pp. 75-76.

1902 See for example: Dimitriu & De Graaf (2006), p. 626 & pp. 628-629; Fick & Nagl (2009); Kilcullen (2006), p. 134 & p. 136.

with a frequency of four to six months. Such a turnover rate is too high to settle in communities at a more structural level.

In addition, geographical deconcentration involves leaving the secure environment of protected military compounds, as several authors have noted.[1903] It requires a tactic of prioritising the security of citizens and taking risks, above the standard provisions of force protection. However, as the Iraq case showed, the principle of deconcentrated troop deployment is not obvious. For example, the decision of the government to station troops in isolated and gated compounds, in order to secure troops as much as possible,[1904] limited the options for commanders to execute a residential approach towards troop deployment. Second, geographical deconcentration was seriously challenged when troops were confronted with deadly force and retreated into their secure compounds instead of continuing to patrol neighborhoods and gather information as the best safeguard to increase situational awareness, as Kilcullen notes.[1905]

9.2 Answering the central research question

The syntheses and discussion of the findings of the three case studies provides the information necessary to answer the central research question. The question to be answered is:

Did the NL Army operate and organise to promote public security during a security gap in its crisis management operations and how did the operational and organisational concept during these operations compare to those of the police organisation in terms of providing public security?

During IFOR/SFOR, KFOR, and SFIR, the NL Army operated in a security gap. With the exception of CRC, the existence of such a gap did not influence or change the formal planning and preparation at the national political and strategic or the operational level, to enable some kind of interim policing to improve public security, although international mandates or their interpretation would have sustained such an approach.

Throughout all three missions, the Dutch government followed a strict interpretation of the mandates and showed reserve against military involvement in public security, even when the mandate supported such activities or the police were unable to operate independently. The Dutch government either considered policing to be the responsibility of the local or international police, such as in Bosnia and Herzegovina and Kosovo, or did not want to be viewed as occupying forces, such as in Iraq, thereby initially avoiding obligations regarding the provision of law and order. In Kosovo and Iraq, however, the formal position of

1903 Fick & Nagl (2009); Kilcullen (2006), p. 136.

1904 *Kamerstukken II*, 2003/04, 23 432, nr. 143, p. 7; *Kamerstukken II*, 2003/04, 23 432, nr. 154, p. 5; *Kamerstukken II*, 2003/04, 23 432, nr. 168, p. 5.

1905 Kilcullen (2006), p. 136. See also: US Department of the Army – Headquarters (2006), p. 1-27.

the government conflicted with reality on the ground. To deal with this reality effectively, the commander of KFOR 1 attuned his concept of operations to the local requirements for public security, despite the formal objections of the government. In Iraq, the Marines largely ignored the formal Dutch policy and operated in line with the British divisional guidelines to provide public security until the government ultimately lifted its caveats.[1906]

It can be concluded that within the period of the three missions, the Dutch government disregarded political and operational demands on the ground required to overcome security gaps, affecting the overall progress of the mission, persevering in its policy to avoid military involvement in public security. It can also be argued that the formal policy on interim policing in fact contributed to an operational stalemate, which created a grey area in which commanders had to operate. This grey area had two dimensions. The difference between the national and international interpretations of the mandates is the first dimension, while the national caveats and the operational realities on the ground regarding security gaps is the second. These grey areas thus created a dilemma for commanders: either to comply with the formal Dutch policy to focus merely on establishing a safe and secure environment or to step into the grey area in order to help closing the security gap.

Despite the national restrictions on providing public security, during all three missions Dutch troops helped to close the security gap and executed tasks that could be labelled as interim policing. In terms of public order, troops patrolled populated areas in a way comparable to community policing, monitored demonstrations, provided support to local authorities in keeping the peace and protected minorities and, regarding law enforcement, troops arrested criminal suspects independently or in support of the police or coalition troops and were involved in combating smuggling or the possession of illegal arms.

However, battalions did not define these activities as interim policing but merely as military assistance, which were in line with the formal Dutch army doctrine. As a result, battalions executed these public security tasks along military lines and according to military procedures, also when deployed in a civilian environment. By not labelling these tasks as interim policing, commanders disregarded the opportunity to look into the characteristics and requirements of policing in order to learn and adapt and to explore how they could improve their units' performances in this area. With no additional training in policing techniques or tactics, troops had to learn to perform these activities on the job. In addition, this study found no evidence of institutional learning in this area. The provision of public security during a security gap was not incorporated into the doctrines as an independent aspect. With the exception of SSR during SFIR, the option of interim policing was not specifically articulated in the operational concepts of the various deployments of the three missions. It has, rather, been approached as an incidental issue.

1906 Brocades Zaalberg & Ten Cate (2012), pp. 122-124.

The NL Army also engaged in other activities related to public security. As in policing, the NL Army systematically collected, assembled, analysed, validated and re-used (targeted) information collected by patrols and other groups or individuals. Although the information collection process applied by the NL Army was similar to that of the police, the intelligence requirement by the military was different. Whereas the police have a problem-oriented approach to crime and disorder, information gathering during the three military missions largely served to acquire situational awareness rather than to identify root causes of community-related public security problems in order to launch a targeted response.

Furthermore, the NL Army sought cooperation and coordination with various civilian partners and authorities to support the execution of its activities and operations. With the exception of cooperation and coordination with the international police, inter-agency interaction did not explicitly involve public security issues. These issues became a fully integrated part of the operational concept of SFIR where Dutch forces initiated and established administrative and operational structures to discuss, plan and coordinate inter-agency activity in the field of public security. Dutch troops also interacted with the public on a daily basis. Unlike in policing, where cooperation primarily focuses on improving public security, interaction during the three missions largely focused on acquiring general information in order to improve situational awareness and to initiate development projects.

In terms of applying force, the concept of operations showed remarkable similarity to that of the police. Both concepts articulate the principles of necessity and proportionality. Pre-deployment training emphasised de-escalation and the use of force as a last possible option. During all missions, these principles were fully integrated in the operational concepts. In practice, however, troops became acquainted with these principles only once deployed in theatre. When, like in Iraq, violence increased, the issue of minimum use of force required the continuous attention of commanders, showing that internalisation of this principle had not been an obvious phenomenon.

As regards the organisational concept, this study showed that there had been some sort of analogy between the Army and the police, although there are also differences. While in policing individual police officers are largely empowered to solve situations independently, senior commanders did not empower their section commanders, let alone the individual soldier, to deploy public security activities autonomously. As a rule, the company level served as the most junior level on public security issues. Troops were given specific assignments and if unforeseen events occurred, the patrol commander had to consult the Operations Room in order to verify whether there were additional instructions. With the exception of KFOR 1, there was no individual patrolling. The section was the smallest troop deployment, whereas individual patrolling is the rule within the police. During IFOR/SFOR and KFOR, patrolling in smaller deployments could have been feasible but was not considered appropriate in the formal organisational concept or was seen as too risky.

Regarding vertical differentiation, this study found that most battalions shortened the chain of command by excluding the platoon level during the execution of Normal Framework Operations. In both the police and the three military missions, the reduction of the chain of command served to improve operational communication, but in the military missions the aim was primarily to increase command and control over the execution of the Normal Framework Operations.

In terms of geographical differentiation, the NL Army applied a de-concentrated organisation model in all missions. Like in policing, troops deployed and staged in or in close proximity to towns or villages from where they deployed patrols within the communities in order to protect the population and to establish local networks. As a rule, de-concentration occurred at company level, while during IFOR/SFOR battalions deployed platoon houses in order to improve community interaction in remote areas and to improve the protection of population in hot-spots. Although the NL Army applied a model analogous with that of the police, the duration of the deployment and the frequency of rotations hampered the structural establishment of effective and lasting civilian contacts and networks.

9.3 Limitations of this study

Although this study applied various methods to safeguard the quality of the research, the results of this study must be considered in the context of its limitations.

The first limitation concerns the number of respondents. As this study is qualitative in nature, interviews have been the most important source to obtain data for the empirical part of the research. In total forty key-players – such as battalion and company commanders, and senior staff officers – were interviewed extensively. To compensate for the relatively small number of interviewees, additional document review was used to triangulate the data obtained from interviews. Those who were interviewed were commanders and senior staff officers and were directly in charge of the planning and execution of the operations. In other words, the selection of interviewees has been based on those who had exclusive and extensive knowledge and experience and being able to provide a viable and reliable account of operational and organisational aspects regarding the provision of public security.

The second limitation involves the retrospective character of this study. This study involves an historical account of the achievements of the NL Army in past crisis management operations. As a result, the accounts of the interviewees are based upon experiences that date back from six to fifteen years ago. Therefore, it needs to be noted that the use of retrospective accounts may imply the risk of retrospective errors. Golden, for example notes that interviewees may have attempted to create 'a socially desirable image by casting a light of rationality upon their past decisions.' They may also have misinterpreted the past 'as a result of either the "hind sight" bias or of subconscious attempts to maintain their self-

esteem.' In addition, the need for achievement, security, and social acceptance may affect the accuracy of the report of past events.[1907]

A third limitation concerns the span of the study. Initially, this study also intended to describe and analyse the provision of public security during the Dutch involvement in ISAF in Afghanistan. For this purpose, twenty-three senior Dutch ISAF officers were interviewed and a substantial quantity of relevant data was collected. Ultimately, the ISAF mission was not included, mainly for reasons of efficiency, as it would have enlarged the research process beyond the time available to conduct this study. That the ISAF case has not been included implies that no conclusions could be drawn on whether or not the accumulation of experience and the lessons learned in the field of providing public security in a security gap in previous crisis management operations were translated into the NL Army's operational and organisational concept as applied during ISAF. The inclusion of the ISAF case would have extended the number of the observations and thereby provided a more complete and additionally-validated account of the NL Army's attitude and role in public security during its most recent crisis management operations.

9.4 Future research

While this study did not incorporate the ISAF mission in Afghanistan, future research could focus on the provision of public security by the NL Army during its deployment in the province of Uruzgan from 2006 till 2010. Additional study of the operational and organisational concepts applied by the NL Army would complete a longitudinal inventory of the NL Army's activities during security gaps during crisis management operations since 1995. Further study of the Army's role in public security in Uruzgan could also provide additional insight into the learning curve of the NL Army in relation to providing public security during crisis management operations. It could also include the question whether, over the years, the NL Army has increased its awareness of public security and public security gaps.

In the parliamentary debates prior to and during the Dutch troop deployment in IFOR/SFOR, KFOR, and SFIR and in the reporting of the government on these missions, public security played a minor role. During all these missions, the government had shown reserve in terms of authorising Dutch troops to engage in interim policing, although mandates (KFOR and SFIR) allowed such intervention or the international community opted for a wider interpretation of the mandate in order to reinforce the rule of law (SFOR). Additional research on the political decision-making process could explain the objections and reserves regarding a larger Dutch military involvement in public security during international crisis management operations.

1907 Golden (1992), p. 849. See also: Moore (2014), pp. 125-126.

This study is a descriptive and historical account of the NL Army's role in public security during recent crisis management operations. Although this study involved three different cases, it follows a one-nation research approach. Therefore it does not provide an international comparison of military involvement in public security. A cross-national study could further increase the insight and knowledge on the characteristics and effectiveness of the various operational approaches.[1908] In terms of public security, such a study could focus on differences and commonalities in the interpretation of mandates, prioritisation of public security operations, planning and preparation, and operational styles and procedures. It has to be noted, however, that in a cross-national comparison the characteristics of a specific context have to be taken into account. Differences in operational styles are not only determined by national identity, culture, or operational experience, but also by contextual and situational variables,[1909] such as variations in time, geography, demographics and security.

This study focused on the character of public security interventions. It defined what kind of public security activities were deployed by the NL Army, rather than measuring and evaluating the outputs and outcomes of these interventions. This leaves open the question whether these interventions were effective and successful. To answer this question, a different kind of research is required. In this context, Soeters and Heeren-Bogers argue for the introduction of an evidence-based approach focusing on measuring the effects of future military operations. Such an approach could contribute to acquire additional knowledge on patterns and cause and effects of chosen interventions. It would help in developing an understanding of why certain interventions have been successful and others not. As such, evidence based research could support future operational planning and organisational learning.[1910]

Finally, research on institutional learning within the NL Army can be performed to improve the incorporation of lessons learnt. This study noted that experiences in the area of public security during crisis management operations have not been extensively translated into the latest Army doctrines. Future research in this matter could provide additional knowledge on the process of institutional learning, and in particular on the selection criteria to identify why certain identified lessons are institutionalised into lessons learnt and others are not.

9.5 Concluding remarks

Policing involves a wider range of activities than only law enforcement and public order management as it entails patrolling, keeping the peace, problem solving and providing assistance. Largely, this is what NL Army did during their deployments in Bosnia and Herzegovina, Kosovo and Iraq. If one *de facto*

1908 See for example: Soeters (2013), p. 9; Ruffa & Soeters (2014), p. 225.
1909 See for example: Brocades Zaalberg (2013), p. 3; Soeters & Heeren-Bogers (2013), p. 128.
1910 Soeters & Heeren-Bogers (2013), pp. 128-129.

provides interim policing, one may need to adapt operational and organisational concept accordingly.

When operating in a civilian environment, it may be necessary to extend the operational and organisational focus and adjust to the requirements of the situation and context. It is not about the operations one wants to conduct, but rather those one has to conduct given the operational demands which are faced. The success and impact of an international military mission operating in a volatile environment can thus be determined by the ability to challenge and stretch the operational and organisational boundaries. KFOR 1 is a good example of this. The battalion commander challenged his national instructions and changed his operational concept in order to provide interim policing when local public security was at stake and when no alternatives were available. Also during SFIR, the operational concept was aligned to providing SSR, although as mentioned above, institution building requires a long-term investment. Military support for public security will likely remain an interim solution to security gaps of future operations.

The Dutch approach to public security tasks in crisis management operations remains ambiguous. The government takes a distant stance towards interim policing and, so far, the NL Army has not conceptualised an explicit plan on public security. The subject remains at the periphery of its doctrine and training curriculum. But, if the military *de facto* already performs policing tasks, an alternative approach would be to accept this reality and adapt to contemporary requirements and proven practice. This would entail the NL Army reconsidering its operational and organisational concepts in order to explore to what extent policing techniques, tactics and procedures could be beneficial to the existing military doctrines, and to its operational and organisational concepts. It would also require force adaptation in terms of empowerment of junior commanders and self-supporting units. By increasing trust in the professional skills and judgement of its junior operatives, the military may improve its ability to deal with local security problems effectively and to develop dedicated local arrangements. In addition, it could consider incorporating police advice and law enforcement capacity, for example at battalion and company level, to support commanders and regular troops in executing public security tasks.

In order for the NL Army to leave its comfort zone, a paradigm shift is needed. The argument that public security tasks are not military tasks is unsustainable for two reasons. First, policing is *de facto* already part of the operational concept of the military. Second, in today's hybrid crisis management operations, classical military tasks are an anachronism. Consequently, the distinction between policing and soldiering is blurred. Serious public security problems require immediate solutions. If there are only military resources available, the NL Army has to adapt and provide context-specific solutions to serve the population and society until civilian agencies are in place to take over. It needs to go beyond borders.

Cross-case analysis

	IFOR/SFOR	KFOR	SFIR
Security Gap			
Crime and criminality	War-related crime: ethnic and political violence, organised crime and petty crime.	War-related crime: ethnic and political violence, organised crime and petty crime	War-related crime: sectarian and political violence, organised crime, petty crime and insurgency
Public order	Public order disturbances initially related to returns and visits of DPREs. Over time, returns and visits passed relatively peacefully	Demonstrations occurred occasionally and passed without major disturbances	Demonstrations occurred occasionally for various reasons (unemployment, shortage of water and fuel and discontent with CPA and coalition troops)
Local police	Mono-ethnic composition, ethnically biased, poorly trained, ineffective and corrupt. Police contributed to ethnical division of the country	Not present	Police partly dismantled and dissolved. Remaining elements lacked professional quality. Police officers were corrupt, not responsive to public needs, repressive and often affiliated to clans. SSR programs served to reform the police
International police	Mandate limited to monitoring, train, advise, and facilitate local police. Unarmed and no executive powers: Slow initial deployment and lack of qualified personnel MSU deployed to fill the enforcement gap. MSU operated at large distant of population	Mandate with full executive powers to police. Slow deployment. Able to take on full responsibility for policing not until end of October 1999	Not present
Operational concept			
Planning			
- International guidelines	UNSCR 1031 and GFAP served as international guidelines for military and police deployment Public security no military task but a responsibility of local authorities. Strict interpretation of mandate softened after 1997 and enabled military assistance to public security	UNSCR 1244 provided KFOR mandate for interim policing prior to deployment UNMiK Police. COMKFOR and COMMNB provided additional guidelines for troops under their command for maintaining law and order	UNSCR 1483 and 1511 provided mandate for international military. Until Transfer of Authority (ToA) international military responsible for maintaining security, stability and public order. After ToA, military tasked to mentor, train and assist the police
- National guidelines	Strict interpretation of mandate throughout the mission. Public security responsibility of local police. Government and Ministry of Defence showed restraint regarding military involvement in public security	Government and Ministry of Defence showed restraint regarding military involvement in public security	Government and Ministry of Defence initially showed restraint regarding military involvement in public security Caveats were lifted in November 2003 in order to enable a swift ToA
- Operational planning	Focus on military aspects of GFAP. Apart from assistance to international organisations no specific attention to public security. Public security black spot in operational planning	Initial focus on military tasks. Planning for public security developed in theatre and was targeted on specific public security needs. KFOR 2 had no specific attention to public security in line with national guidelines	SFIR 3 was formally assigned to provide public security until the ToA but rather focused on general security and stability. After Transfer of Authority (ToA) prime focus on mentoring, training and assisting the police in providing public security
Preparation	Training and preparation focused on regular curriculum and mission-oriented training. Apart from CRC (after 1997) no special attention to public security or policing activities.	Training and preparation focused on regular curriculum and mission-oriented training. No special attention to public security or policing activities.	Training and preparation focused on regular curriculum and mission-oriented training. Apart from CRC (after 1997) no special attention to public security or policing activities.

	IFOR/SFOR	KFOR	SFIR
Public order management	Public order responsibility of local police Within the limitations of the mandate, NL Army troops provided and supported public order by social patrols, promoting and enabling freedom of movement of all entities, assisting international organisations during DPRE visits and returns and elections by providing overall security and security back-up CRC not used to restore public order. Commanders perceived the instrument as anomalous with the military doctrine and too risky in an hostile and violent environment	NL Army troops provided public order until UNMiK Police were in place e.g. by patrolling communities and operating checkpoints to protect minorities. Demonstrations contained by low-key presence and supervision.	Until the ToA, Dutch troops responsible for maintaining public order and patrolling urban areas. SFIR 3 assumed a limited role in controlling demonstrations by gradually transferring the responsibility to Iraqi police. After the ToA, public order responsibility of local police, assisted, monitored and mentored by SFIR
Law enforcement	Law enforcement responsibility of local police Within the limitations of the mandate, NL Army supported law enforcement e.g. by arresting PIFWCs, searching illegal arms, and combating illegal logging independently or in assistance to international or local authorities	NL Army troops provided law enforcement until UNMiK Police were in place. NL Army supported law enforcement e.g. by systematic investigations and arresting criminal offenders either independently or in support of UNMiK Dutch government showed restraint towards a Dutch military role in law enforcement notably the arrest of PIFWCs	Throughout the mission, SFIR troops conducted law enforcement operations and activities, either independently or in cooperation with local police. After the ToA, SFIR concentrated on assisting, mentoring and monitoring the local police during law enforcement (e.g. search and security operations to disrupt smuggle and/or the possession of illegal arms or contraband) In case the security of coalition troops was at stake, SFIR deployed searched locations and premises, and arrested suspects independently
Intelligence			
- Collection	Systematic and targeted collection, analyses and use of intelligence to acquire situational awareness and identify local problems. Patrols and CIMIC important instruments to acquire local information. Public security part of a wider intelligence requirement.	Systematic and targeted collection, analyses and use of intelligence to acquire situational awareness and identify local problems. Patrols and CIMIC important instruments to acquire local information.	Systematic and targeted collection, analyses and use of intelligence to acquire situational awareness and identify local problems. Patrols, CIMIC and LTT important instruments to acquire local information. Public security part of a wider intelligence request
- Criminal intelligence	Criminal intelligence no specific interest; part of wider intelligence requirement. Occasionally, targeted operations to acquire criminal intelligence	KFOR 1 established a municipal office as main source to acquire intelligence on serious (war) crimes. Criminal Intelligence core information activity. KFOR 2 assisted UNMiK Police to collect some criminal intelligence	Criminal intelligence no specific interest; part of wider intelligence requirement.
- Exchange	Exchange with local authorities only on need to know basis trough lack of trust. Exchange with international organisations regarding operational issues on a regular basis	No exchange with local partners on operational issues. Exchange of information with UNMiK and UNMiK Police on operational issues	Exchange with local authorities only on need to know basis through lack of trust. Apart from MND (SE) and other coalition forces no international organisations on a horizontal level

	IFOR/SFOR	KFOR	SFIR
Cooperation			
- Local authorities	Institutionalised and structured cooperation and coordination at all levels developed during the mission. Public security no regular topic during interaction (responsibility of IPTF)	Interaction with unofficial representatives of both entities separately during KFOR 1. After their deployment, formal consultation of local representatives responsibility of UNMIK officials	Institutionalised and structured cooperation and coordination established at all levels (e.g. Provincial and Municipal Security Committees). Public security no regular topic during interaction
- Local police	Establishing and maintaining cooperation and coordination main responsibility of IPTF. Company commanders deployed liaison to local police stations. No institutionalised interaction at battalion level. Assistance of local police on an occasional basis	No local police operational during deployment of Dutch KFOR troops	Cooperation focused on assistance, mentoring, monitoring and training police. Companies deployed liaison to local police stations. PJOC was established, equipped and monitored in order to support cooperation between ISF
- International authorities	Cooperation, coordination and assistance formalised in GFAP. Liaison at battalion and company level by CIMIC officers. Assistance on request and if possible	After the deployment of UNMiK officials cooperation gradually established and institutionalised at all levels	Apart from MND (SE) and other coalition forces no international structures present
- International police	Cooperation decentralised to company level through establishing liaison and joint patrolling and operations at several occasions (e.g. security back-up, DPRE returns, elections and weapon searches)	After the deployment of UNMiK Police cooperation and coordination gradually established and institutionalised into joint patrols and operations	No international police deployed
- The public	Patrols and CIMIC officers established interaction on a day-to-day basis. Interaction low key: open, friendly in order to acquire information, provide security and to build trusted networks and relationships	Patrols and CIMIC officers established interaction on a day-to-day basis. Interaction low key: open, friendly in order to acquire information, provide security and to build trusted networks and relationships.	Patrols, FLT and CIMIC officers established interaction on a day-to-day basis. Interaction low key: open, friendly to acquire information, provide security and to build trusted networks and relationships.
Use of force	Application of minimum use of force in terms of necessity and proportionality as formalised in RoE. Troops trained in minimum use of force concept in advance of deployment. Understanding and internalisation of concept grounded in theatre	Application of minimum use of force in terms of necessity and proportionality as formalised in RoE. Troops trained in minimum use of force concept in advance of deployment. Understanding and internalisation of concept grounded in theatre	Application of minimum use of force in terms of necessity and proportionality as formalised in RoE. Troops trained in minimum use of force concept in advance of deployment. Understanding and internalisation of concept grounded in theatre. Concept required continuous attention of commanders for correct application
Organisational concept			
Autonomy and individuality	Company lowest level to authorise public security operations. Section smallest unit of operation. No individual deployments in terms of Normal Framework Operations (NFO). Mission-oriented command applied up to level of section commander if possible, centralisation in case of serious situations	KFOR 1 centralised command and control of public security operations and activities. Decentralisation execution within the limits of the assignments. NFOs empowered to battery level. Individual deployment due to lack of resources and security situation KFOR 2 applied principles of mission command during NFO, individual deployment applied if possible	Company lowest level to authorise public security operations. Section smallest unit of operation. No individual deployments in terms of Normal Framework Operations (NFO). Mission-oriented command applied up to level of section commander if possible and applicable, centralisation in case of serious situations
Vertical differentiation	Reduced chain of command. Company Operation Room (OPS) directly controlled sections during NFO. No operational role for platoon level during NFO	Reduced chain of command. Company Operation Room (OPS) directly controlled sections during NFO. No operational role for platoon during NFO	Reduced chain of command. Company Operation Room (OPS) directly controlled sections during NFO. No operational role for platoon level during NFO
Geographic differentiation	Deconcentrated deployment of troops at company level. Platoon houses in remote areas or villages	Deconcentrated deployment of troops at company level	Deconcentrated deployment of troops at company level

Appendix 1 Chronology

IFOR/SFOR

April 2, 1992	Start of the armed conflict in Bosnia and Herzegovina
November 21, 1995	Presidents of Bosnia and Herzegovina, Croatia and Serbia agree on the *General Framework Agreement for Peace in Bosnia and Herzegovina* (Dayton Peace Agreement)
December 9, 1995	Dutch government decides to participate in IFOR mission
December 14, 1995	Presidents of Bosnia and Herzegovina, Croatia and Serbia sign the *General Framework Agreement for Peace in Bosnia and Herzegovina*
December 15, 1995	UN Security Council adopts UNSCR 1031 authorising IFOR to ensure the implementation of the military aspects of the peace agreement and IPFT to monitor, train, advice and facilitate the local police
December 21, 1995	1 (NL) Mechbat IFOR 1 begins its mission in Bosnia and Herzegovina
March 1996	IFOR 1 starts social patrolling in which it adopted a relaxed posture focused to achieve interaction with the local population
March/April 1996	IFOR 1 assists the MND (SE) in the arrest of two high targets suspects by providing secure perimeters in the Vitez Pocket
April 1996	COMIFOR introduces 30-minutes rule focused at the removal of illegal police checkpoints to improve freedom of movement of all citizens
April 23, 1996	Publication NL Army doctrine *Military Doctrine*
April/May 1996	IFOR 1 starts deploying semi-permanent platoon bases and houses in remote areas
June 19, 1996	IFOR 2 replaces IFOR 1
July 10-11, 1996	IFOR 2 provides security assistance to ICTY during the exhumation of a mass grave in Bikosi
September 1996	IPFT reaches its authorised force level of around 1,700 police advisors
September 14, 1996	First national elections after the war. IFOR 2 provided checkpoints and patrols its area of operations to create a safe and secure environment and freedom of movement
December 21, 1996	SFOR replaces IFOR to 'provide continued military presence to deter renewed hostilities and to stabilise and consolidate the peace in Bosnia and Herzegovina' and 'to contribute to a safe and secure environment'
December 21, 1996	1 (NL) Mechbat SFOR 1 begins its mission in Bosnia and Herzegovina
June 11, 1997	SFOR 2 replaces SFOR 1
July 10, 1997	A team of the UK Special Air Service executes *Operation Tango* to arrest two PIFWCs in Prijedor. This operation implies a change of policy of NATO and SFOR regarding the arrest of PIFWCs

August 31, 1997	Deployment of a Marines company trained for CRC purposes to reinforce SFOR 2 during the municipal elections in September The government decides to continue the deployment of CRC capabilities which are then provided by the NL Army
September 13-14, 1997	Municipal elections. SFOR 2 assisted international organisations to ensure safe and secure elections.
December 6, 1997	SFOR 3 replaces SFOR 2
December 18, 1997	Dutch Special Forces deploy *Operation Iron Glance* to arrest two Bosnian Croat PIFWCs
March 1998	SFOR deploys *Operation Oxford* to provide security assistance to ICTY during investigations in Ahmici
March 1998	SFOR 3 starts with *Operation Harvest* focused at collecting illegal arms and ammunition from citizens. Harvest Operations were deployed until the end of the Dutch mandate
March 17, 1998	Publication of NL Army doctrines *Combat Operations, Part A Fundamentals* and *Part B Combat Operations against a Regular Enemy Force* (LDP 2)
May 23, 1998	SFOR 4 replaces SFOR 3
June 1998	Start of various public order incidents in the Dutch area of operations during DPRE visits and returns. These incidents continued until the end of 1998
August 1998	NATO deploys an MSU battalion to bridge the enforcement gap between SFOR and IPTF
September 12-13, 1998	Elections for various representative and legislative bodies. SFOR 4 ensured a safe and secure environment and guaranteed freedom of movement of the voters
September 23, 1998	SFOR 4 provided security assistance to ICTY during the investigation in the city hall of Vitez and around the building of the Bosnian Croat veteran association HVIDRA.
November 15, 1998	SFOR 5 replaces SFOR 4
May 16, 1999	SFOR 6 replaces SFOR 5
June 29, 1999	Publication NL Army doctrine *Peace Operations* (LDP 3)
November 7, 1999	SFOR 7 replaces SFOR 6
December 1999	CRC platoon no longer deployed in theatre but kept in reserve in the Netherlands on a notice-to-move of twenty days
April 8, 2000	Municipal elections. SFOR 9 assists international organisations to ensure safe and secure elections
May 7, 2000	SFOR 8 replaces SFOR 7
November 30, 2000	SFOR 9 replaces SFOR 8
April 6, 2001	SFOR 9 deploys security operation to search the Herzegovačka Banka in Vitez
April 2001	SFIR 9 requests the deployment of a Dutch Crowd and Riot Control (CRC) in relationship to Bosnian Croat initiatives to establish a third independent entity. The government decides to deploy a CRC platoon as of April 23, 2001

May 8, 2001	Deadly incident during a CRC training in Bugojno. The government decides to withdraw the CRC platoon and to keep a platoon of the *Marechaussee* on stand-by in the Netherlands
May 9, 2001	SFOR 10 replaces SFOR 9
November 4, 2001	SFOR 11 replaces SFOR 10
May 5, 2002	SFOR 12 replaces SFOR 11
May 27, 2002	High Representative Paddy Ashdown declares the rule of law his top priority. Also NATO and SFOR make fighting corruption and organised crime a priority. The Dutch government continues to regard public security as a responsibility of the local police.
February 2002	SFOR 13 deploys *Operation Kerrebos* as part of a MND operation. SFOR 13 focuses at combating trafficking of illegal arms while the MND's objective is to search for PIFWCs
November 3 2002	SFOR 13 replaces SFOR 12
January 1, 2003	EUPOL succeeds IPFF to mentor and monitor the local police
May 5, 2003	SFOR 14 replaces SFOR 13
October 2, 2003	SFOR 14 launches *Operation Mooirivier* in cooperation with the local police and EUPOL to fight illegal logging
November 3, 2003	SFOR 15 replaces SFOR 14
November 12, 2003	Publication NL Army doctrine *Combat Operations, Part C Irregular Combat* (LDP 2)
April 28, 2004	End of mission of (1) NL Mechbat SFOR 15 as the last Dutch battalion to serve in the SFOR mission in Bosnia and Herzegovina

KFOR

February 1998	Start of an internal armed conflict in Kosovo
March 31, 1998	UN Security Council adopts UNSCR 1160 to stop the violence in Kosovo and calls for a meaningful dialogue aimed at achieving a political solution to the issue of Kosovo's status
September 23, 1998	UN Security Council adopts UNSCR 1199 to stop violence by security forces against the civilian population and to order the withdrawal of Serbian security forces from Kosovo
October 25, 1998	Deployment of the OCSE Kosovo Verification Mission (KVM)
January 15, 1999	Massacre at Račak in which over forty Kosovo Albanians were killed
February 6, 1999	Start of peace negotiations between Serbia and Kosovo Albanians in Rambouillet, France
April 3, 1999	The Dutch government assigns 11 Artillery Battalion to prepare for deployment to Kosovo as KFOR 1
March 24, 1999	NATO starts air campaign *Allied Force* against Serbian military and infrastructural targets to force Serbia to stop its violence in Kosovo. *Allied Force* lasts for 78-days
June 2, 1999	Serbian president Slobodan Milosevic agrees to withdraw his security forces from Kosovo. He also agrees to the deployment of an international peace operation in Kosovo
June 10, 1999	UN Security Council adopts UNSCR 1244 authorising the UN to establish an interim civilian administration for Kosovo and NATO to deploy a military force to establish a safe environment in Kosovo
June 12, 1999	First KFOR troops enter Kosovo
June 14, 1999	Advance party of KFOR 1 arrives in Orahovac
June 15, 1999	Main body of KFOR1 deploys for Kosovo in three subsequent shifts
June 20, 1999	KFOR 1 opens an investigations desk where citizens could report serious crimes committed during the conflict
June 22, 1999	The German Ministry of Defence issues Directive 8 authorising German soldiers to search, disarm and arrest suspects of serious crimes. The Directive later applies to Dutch troops under the command of the German brigade.
June 25, 1999	COMKFOR issues Operational Order 004 which authorises KFOR troops to perform preliminary police functions
June 28, 1999	Arrival of the first UNMiK police officers in Kosovo; they were deployed on July 3, 1999 to five locations within Kosovo
June 29, 1999	Publication NL Army doctrine *Peace Operations* (LDP 3)
July 20, 1999	COMKFOR issues Directive 1510.7 underlining that KFOR has the mandate and responsibility for law and order until UNMiK Police would assume its responsibilities
July 30, 1999	German MNB assigns platoon *Feldjäger* to KFOR 1 to strengthen its patrolling capacity pending the arrival of UNMiK Police

August 20, 1999	Team of the German *Kommando Spezialkräfte* arrests three alleged PIFWCs in Orahovac based upon investigations conducted by KFOR 1. KFOR 1 provides a perimeter security
August 20, 1999	KFOR 1 organises weapon collection action in Serbian quarter of Orahovac
August 23, 1999	KFOR 1 organises weapon collection action in Velika Hoca
September 1999	Arrival of the first UNMiK police officers in Orahovac
September 20, 1999	KFOR 1 deploys house-to-house search operation to confiscate illegal arms in Danjane in cooperation with UNMiK Police and *Feldjäger*
September 28, 1999	KFOR 1 deploys house-to-house search operation to confiscate illegal arms in Velika Hoca in cooperation with UNMiK Police and *Feldjäger*
September 24, 1999	KFOR 1 troops arrests five alleged PIFWCs prior to the departure of a humanitarian convoy to Serbia
October 7, 1999	KFOR 1 troops arrests one alleged PIFWC in his house in Orahovac
October 22, 1999	KFOR 1 troops arrests two alleged PIFWCs when reporting themselves at the Dutch base.
October 6, 1999	Dutch government issues a guideline for the arrest of alleged war-criminals in Kosovo
October 27, 1999	UNMiK Police assumes full executive responsibility for policing in the Prizren region
December 7, 1999	41 Artillery Battalion KFOR 2 takes over from 11 Artillery Battalion KFOR 1
December 10, 1999	KFOR 2 assists UNMiK Police to search UÇK sites for illegal arms
January 23, 2000	Demonstration of Kosovo Albanians in Orahovac against a visit of the UN High Representative Kouchner and the Orthodox bishop Artemeije
February 2, 2000	Violence erupts in Mitrovica after a it's a UNHCR bus carrying 49 Serbs
February 4-8, 2004	KFOR 2 provides in security assistance in Mitrovica
February 10, 2000	Demonstration of Kosovo Albanians for a release of political prisoners
February 16-24, 2000	KFOR 2 provides in security assistance in Mitrovica
March 9, 2000	Demonstration in Suva Reka
March 11-17, 2000	Alpha Company 17 (NL) Armoured Infantry Battalion KFOR 2 provides security assistance in Mitrovica
March 14, 2000	KFOR 2 assists UNMiK Police during search operation in Orahovac for illegal arms
November 26, 1999	Dutch government decides to focus its involvement in crisis management operations on the SFOR mission. It therefore decides to end its contribution to the KFOR mission
December 28, 1999	KFOR 2 assists the UNMiK Police in the arrest of a alleged PIFWC
December 7, 1999	41 Artillery Battalion KFOR 2 replaces KFOR 1

January 31, 2000	KFOR 2 arrests two alleged PIFWCs during a routine check in Suva Reka
May 1, 2000	End of mission of 41 Artillery Battalion KFOR 2; Dutch troops leave Orahovac
May 2000	UNMiK Police reaches 77 percent of its authorised strength (3,625 police officers)
June 2000	UNMiK assumes full executive responsibility for policing in all of Kosovo
August 8, 2000	End of Dutch participation in KFOR

SFIR

November 8, 2002	UN Security Council adopts UNSCR 1441 demanding full cooperation of Iraq with the inspectors of IAEA and UN-MOVIC
December 7, 2002	The Government of Iraq provides a report on its weapon programmes. US and UK regard the report providing insufficient proof of absence of WMD
March 19, 2002	US-led coalition launches *Operation Iraqi Freedom*
May 1, 2003	President G.W. Bush announces the end of 'major combat operations'
May 16, 2003	CPA Administrator Bremer decides to the De-Ba'athification of the Iraqi society including the removal of the three top layers of the Iraqi National Police
May 22, 2003	UN Security Council adopts UNSCR 1483 to invite states to deploy troops and resources under the command and control of the US and the UK
May 23, 2003	CPA Administrator Bremer decides to dissolve the Iraqi Armed Forces
May 2003	CPA concludes that the Iraqi Police are unable to maintain law and order independently and need the assistance of Coalition Forces
June 6, 2003	Dutch government decides to participate in the Multinational Force in Iraq
June 28, 2003	Transfer of Authority to the Iraqi authorities including the responsibility for public security
Augustus 1, 2003	First (NL) Marines Battalion deploys in Al-Muthanna as SFIR 1
October 16, 2003	UN Security Council adopts UNSCR 1511 enabling the establishment of a Multinational Force
November 12, 2003	Publication NL Army doctrine Combat Operations, Part C Irregular Combat (LDP 2)
November 13, 2004	Second (NL) Marines Battalion SFIR 2 replaces SFIR 1
November 28, 2003	Dutch government decides to extend the mission in Iraq for another six months
March 15, 2004	42 (NL) Mechanised Battalion of the NL Army (SFIR 3) replaces SFIR 2
April 5, 2004	Armed Sadrists take control over police station in As-Samawah
June 2004	Police in Al-Muthanna reach their intended capacity of 1,400 police officers
March, 2004	MND (SE) makes SSR its priority and launches a programme to reform the Iraqi Security Forces including the police
April 1, 2004	SFIR 3 executes Operation Swatter to arrest suspects of weapon smuggle, human trafficking and drugs trade
April-May 2004	Increasing violence in Al-Mutthana; various hostile acts against Dutch troops
May 11, 2004	Armed attack on a Dutch patrol in Ar-Rumaythah killing a sergeant and injuring a soldier

May 15, 2004	Armed Sadrists try to attack the Government Building in As-Samawah
May 2004	CPA launches a programme to reform, train and equip the Iraqi Police
June 11, 2004	Dutch government decides to extend the mission in Iraq until mid-May 2005
July 14, 2004	13 Air Mobile Infantry Battalion SFIR 4 replaces SFIR 3
August 14-15, 2004	Iraqi insurgents ambush a MP convoy and kill one sergeant and injuring three others
August 26, 2004	Crisis in Najaf comes to an end; security situation in Al-Muthanna stabilises
September 5, 2004	SFIR 4 executes *Operation Kyodo* to arrest the suspects of the Ar-Rumaytah ambush
October 8-9, 2004	SFIR 4 executes *Operation Knock Out* in order to search locations related to infiltration/smuggling of alleged suicide bombers and/or terrorists
October 11-16, 2004	SFIR 4 executes *Operation Buzzard* stop and search suspicious individuals and vehicles on contraband and weapons
November 15, 2004	11 Air Mobile Infantry Battalion SFIR 5 replaces SFIR 5
December 13, 2004	SFIR 5 organises emergency exercise *Operation Koala* to prepare and train the authorities and security forces to handle emergencies during the elections
January 18, 2005	SFIR 5 organises a second emergency exercise.
January 25, 2005	SFIR 5 organises a final exercise to prepare the security forces for the Elections Day
January 30, 2005	National Elections. SFIR 5 provides assistance to the Iraqi police in order to enable free and secure elections
March 7, 2005	End of mission of SFIR 5; Dutch battalion leaves Al-Muthanna and transfers its responsibilities to the UK *Task Force Eagle*

Appendix 2 Interview protocol

Information on referent

Name:
Function:
Date:
Time:
Location:

1 Introduction

- Subject of the research
- Central research question
- Relevance and purpose of the research
- Structure and length of the interview
- Use of voice recorder and transcription of the interview
- Confidentiality of information provided

2 Interview

a Security gap

- What has been the level of public security in terms of criminality, public order disturbances, violence, and/or insurgency?
- Have the local and/or international police been able to establish a safe and secure civil environment in terms of professionalism, reliability, availability, and training?
- Have the local or international police been able to cover the full spectrum of police force or did they need military backup to support or assist them?

b Operational concept

Planning
- Has restoration of public security been a priority when planning and preparing to crisis management operations?
- Has the public security been part of the mission's initial operational planning?
- Have the Dutch troops had a clear view of the local public security situation in advance of their deployment?
- Have the Dutch troops been trained and equipped to provide public security?

Execution
Managing the security gap
- What kind of interventions did the NL Army deploy in terms of public order management in order to bridge the security gap?
- What kind of interventions did the NL Army deploy in terms of law enforcement in order to bridge the security gap?
- Were these interventions based upon the mandate and/or initial mission of the operation or did they follow from an operational and/or situational necessity?

- Could these activities be labelled as interim policing or as regular military operations?

Intelligence
- What instruments did the Dutch military use to collect information and intelligence to support public security?
- Were public security problems (systematically) inventoried, analysed and prioritised and used for proactive interventions?
- Was intelligence shared with civilian partners and stakeholders?

Cooperation
- Has the NL Army cooperated with local authorities and stakeholders, international partners, and citizens to improve public security; and if so, what form did this cooperation take?
- Has this cooperation been formalised or had it been on an ad hoc basis?
- At which level of the organisation was the interaction with local partners and stakeholders initiated and executed?

Use of force and flexibility
- Have the Dutch troops been trained in and adopted a "minimum use of force" strategy in relationship to crisis management operations?
- Have troops adapted to changing contextual conditions or operational modalities (e.g. to escalate and de-escalate during social patrolling)?

c Organisational concept

Autonomy and individuality
- Which level within the chain of command has been responsible for the management of public security operations?
- What has been the lowest level within the chain of command authorised to solve practical public security issues independently?
- Has there been any kind of organisational or individual specialisation to provide public security
- Did the organisational concept enable individual action or did it require collectivistic action?
- What has been the smallest troop deployment to provide public security?

Vertical differentiation
- What has been the length of the military chain of command contribute and how did this contribute to the provision of public security?

Geographic differentiation (deconcentration)
- Have Dutch troops been stationed in the proximity of the population?
- Have Dutch soldiers established local networks to obtain and share information?
- Has the population had point of contact for public security issues on a 24/7 basis?

3 Closure

- Suggestions for further research or improving the study?

- Suggestions to obtain additional information on the subject of the research
- Suggestions to contact other persons relevant to be interviewed
- Procedure regarding sending transcript for verification and authorisation
- Information on proceedings, next steps in the research, and final reporting

Appendix 3 Overview of Interviewees

J.P. Askamp
M.J.H.M. Bastin
H. de Boer
H.J. Bos
C.J.P. Brouns
J.M.A. Brouns
J.T.M. Damen
F.B. van Dooren
M. Duvekot
A.A.G. Goedhart
P.J. Hageman
R.H. van Harskamp
P.G.F. Hoefsloot
H.A.J.M. Jacobs
H.J. Keij
H.J.D.M. Konings
R.T. Kootstra
A. de Kruis
M.A. van der Laan
O.J.A. Lagas
A.J.H. van Loon
J.A. van der Louw
H.J. Maijers
C.J. Matthijssen
A. Nijkamp
A.C. Oostendorp
K.H. de Richemont
M.W.A.M. Roelen
P.J. Schaberg
A.J. Schouwenaars
W. Sleurink
G.A. Strick
J.H.M. Stumpers
R.J.F.M. Veltman
A.T. Vermeij
T.W.B. Vleugels
M. van Weerd
J. van der Werf
F.M. de Wit
A.A.J.M. Witkamp

Appendix 4 List of Abbreviations

AIF	Anti Iraqi Forces
ANP	Afghan National Police
AO	Area of Operations
CENTCOM	Central Command
CF	Coalition Forces
CIMIC	Civil-Military Cooperation
COMIFOR	Commander of IFOR
COMKFOR	Commander of KFOR
COMSFOR	Commander of SFOR
CPA	Coalition Provisional Authority
CRC	Crowd and Riot Control
DDR	Disarmament, Demobilisation and Reintegration
DPRE	Displaced persons and refugees
ECCM	European Community Monitoring Mission
EU	European Union
EUFOR	European Force
EULEX	European Union Rule of Law Mission in Kosovo
EUPM	European Union Police Mission
EUROGENDFOR	European Gendarmerie Force
FLT	Field Liaison Team
FM	Field Manual
FPU	Formed Police Units
GE	Germany
GFAP	General Framework Agreement for Peace
HUMINT	Human Intelligence
HV	*Hrvatska Vojska* (Croat Army)
HVO	*Hrvatsko Vijeće Obrane* (Bosnian Croat Army)
IAEA	International Atomic Energy Agency
ICTY	International Criminal Tribunal for the former Yugoslavia
IDEA	Integrated Development of Entrepreneurial Advisors
IEBL	Inter-Entity Boundary Line
IFOR	Implementation Force
ILP	Intelligence Led Policing
ING	Iraqi National Guard
ILP	Intelligence Led Policing
INTERFET	International Force for East Timor
IPTF	International Police Task Force
IPU	Integrated Police Unit
ISAF	International Security Assistance Force
ISF	Iraqi Security Forces
JNA	(former) Yugoslav National Army
KFOR	Kosovo Force

KLA	Kosovo Liberation Army
KPS	Kosovo Police Service
KPSS	Kosovo Police Service School
KVM	Kosovo Verification Mission
LDK	Lidhja Demokratike e Kosovës (Democratic League of Kosovo)
LtCol	Lieutenant-Colonel
MFI	Multinational Force in Iraq
MINUSTAH	United Nations Stabilization Mission in Haiti
MNB	Multinational Brigade
MND SE	Multinational Division South East
MND SW	Multinational Division South West
MP	Military Police
MRPG	Monthly Regional Planning Group
MSR	Main Supply Route
MSU	Multinational Specialised Unit
MTA	Military Technical Agreement
NATO	North Atlantic Treaty Organisation
NL	Netherlands
NPM	New Public Management
OECD	Organisation for Economic Cooperation and Development
OHR	Office of the High Representative
OPORDER	Operational Order
OSCE	Organisation for Security and Cooperation in Europe
PIFWC	Persons indicted for war crimes
PIR	Primary Intelligence Requirement
PJOC	Provincial Joint Operations Centre
RoE	Rules of engagement
RRTF	Reconstruction and Return Task Force
SACEUR	Supreme Allied Commander Central Europe
SAS	Special Air Service
SFIR	Stability Force in Iraq
SFOR	Stabilisation Force
SSR	Security Sector Reform
SWAPOL	South West African Police
TSU	Tactical Support Unit
UAV	Unmanned Aerial Vehicle
UÇK	Ushtria Çlirimtare e Kosovës (Kosovo Liberation Army)
UK	United Kingdom
UN	United Nations
UNC	United Nations Command
UNDOF	United Nations Disengagement Force
UNEF	United Nations Emergency Force
UNFICYP	United Nations Peacekeeping Force in Cyprus
UNHCR	United Nations High Commissioner for Refugees
UNIFIL	United Nations Interim Force in Lebanon
UNMIBH	UN Mission in Bosnia and Herzegovina
UNMiK	United Nations Mission in Kosovo

UNMOVIC	United Nations Monitoring Verification and Inspection Commission
UNOSOM	United Nations Operation in Somalia
UNPREDEP	United Nations Preventive Deployment Force in Macedonia
UNPROFOR	United Nations Protection Force
UNSCOM	United Nations Special Commission (Iraq)
UNSCR	United Nations Security Council Resolution
UNSF	United Nations Security Force in West New Guinea
UNSPC	United Nations Standing Police Capacity
UNTAC	United Nations Transitional Authority in Cambodia
UNTAG	United Nations Transition Assistance Group
US	United States
VIP	Very Important Person
WEU	Western Eurpopean Union

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Samenvatting in Nederlands

Een gewapend regionaal of binnenlands conflict zet vaak de effectiviteit en legitimiteit van bestaande politiek-bestuurlijke structuren en instituties onder druk of laat deze zelfs ineenstorten. Dit leidt niet alleen tot een machtsvacuüm maar veroorzaakt ook een veiligheidsdeficit, zeker wanneer de lokale politie desintegreert en niet meer bij machte is om effectief op te treden tegen verstoringen van de openbare orde en veiligheid.

Indien de internationale gemeenschap besluit te interveniëren, bijvoorbeeld door de uitvoering van een crisisbeheersingsoperatie, dan staat zij ook voor de keuze op welke wijze zij het probleem van het veiligheidsdeficit wil oplossen. De hervorming van de gehele veiligheidssector, inclusief de politie, is dan de meest voor de hand liggende optie. Echter, een dergelijk herstructureringstraject vergt maanden zo niet jaren. De opleiding van capabele politiemensen kost nu eenmaal tijd waardoor de structurele effecten van de hervorming pas op termijn merkbaar zijn.

Om op korte termijn het veiligheidsdeficit succesvol te bestrijden, kan de internationale gemeenschap besluiten een internationale politiemacht te ontplooien die dan als opdracht krijgt de restanten van de lokale politie te begeleiden en te monitoren of om tijdelijk de gehele politiezorg voor haar rekening te nemen tot het moment dat de nieuw opgeleide politieagenten binnen een geherstructureerde politie daartoe zelfstandig in staat zijn.

Een snelle ontplooiing van een internationale politiemacht is echter geen vanzelfsprekendheid. Vaak is het veiligheidsniveau in een conflictgebied zo laag en turbulent dat donorlanden het niet verantwoord vinden om civiele politiemensen uit te zenden. Ook de onmiddellijke beschikbaarheid van geschikte politiemensen kan een probleem vormen. Deze moeten veelal worden onttrokken aan het nationale politiebestel dat op zich onder druk staat door een schaarste aan middelen en een hoge maatschappelijke vraag naar veiligheid. Indien de ontplooiing van een internationale politiemacht vertraagt raakt, dreigt er een ontplooiingstekort met het risico dat tijdens het gouden uur van een operatie er onvoldoende menskracht aanwezig is om de meest acute openbare orde en veiligheidsproblemen effectief aan te pakken.

Maar een ontplooiingstekort dit is niet het enige probleem dat de effectiviteit van de internationale crisisbeheersingsoperatie kan treffen. Ook een handhavingstekort kan een snel herstel van de lokale openbare orde en veiligheid in de weg staan. Zo'n tekort doet zich voor indien de civiele politie de capaciteit, middelen en/of competenties ontbeert om over het gehele continuüm van politietaken effectief te kunnen optreden en daarvoor de assistentie van de internationale troepenmacht nodig heeft.

Een veiligheidsvacuüm kan tot gevolg hebben dat een internationale troepenmacht, die vaak wel snel kan worden ingezet, wordt geconfronteerd met acute openbare orde- en veiligheidsproblemen. De troepenmacht staat dan voor de keuze zich afzijdig te houden en zich te concentreren op haar formele missie of buiten het opgedragen takenpakket te treden en tijdelijk politietaken uit te voeren die kunnen bijdragen tot een snel herstel van de openbare orde en veiligheid. De premisse is wel dat een eenheid zich hierop voorbereidt en haar operatie- en organisatieconcept erop aanpast.

De Koninklijke Landmacht opereerde tijdens de missies van IFOR/SFOR, KFOR en SFIR in een veiligheidsvacuüm. In al deze operaties had de Landmacht te maken met een falend of afwezig politieapparaat en ernstige verstoringen van de openbare orde en veiligheid. Echter, met uitzondering van de zogenaamde *crowd and riot control* (CRC) heeft dit niet geleid tot een formele aanpassing van het operatie- en organisatieconcept voor de uitvoering van interim politietaken. Ook de doctrine van de Koninklijke Landmacht is hier niet expliciet op aangepast en besteedt maar beperkt aandacht aan de tijdelijke uitvoering van deze taken. Daar komt bij dat de Nederlandse regering zich tijdens deze drie missies op dit terrein zeer terughoudend heeft opgesteld, ook al boden de internationale mandaten daartoe ruimte (KFOR en SFIR) of bestond er naar verloop van tijd internationale consensus over de bredere interpretatie van het mandaat (SFOR).

Toch heeft de Landmacht tijdens al deze drie missies taken uitgevoerd die onder normale omstandigheden tot de verantwoordelijkheid de politie behoren. Hierbij valt bijvoorbeeld te denken aan sociale patrouilles (vergelijkbaar met politiesurveillance), het handhaven van de openbare orde, het beschermen van bedreigde personen of groepen, het aanhouden van verdachten en het doorzoeken van gebouwen en woningen op verdachte personen en goederen. Dit betekent dat militairen van de Landmacht *de facto* politietaken hebben uitgevoerd hoewel deze taken niet als zodanig werden geduid.

Ook op andere gebieden vertoonde het operatieconcept van de uitgezonden landmachteenheden impliciete overeenkomsten met dat van de politie, bijvoorbeeld in termen van institutionele samenwerking met civiele partners en organisaties, informatiegestuurdwerken en het beheerst en terughoudend omgaan met toepassing van geweld. Het verschil met de politie was echter dat bijvoorbeeld op het gebied van informatiegestuurdwerken en institutionele samenwerking de politie zich primair richt op de preventie en oplossing van openbare orde en criminalistvraagstukken terwijl de Landmacht hierbij een bredere focus had en deze activiteiten plaatste in het kader van het verwerven en versterken van inzicht en kennis de een breder terrein variërend van algemene politieke militaire en maatschappelijke stabiliteit, sociaaleconomische ontwikkelingen en bestuurlijke en institutionele hervormingen (bijvoorbeeld de hervorming van de veiligheidssector).

Ook het organisatieconcept van de uitgezonden landmachteenheden vertoonde op conceptueel niveau overeenkomsten met dat van de politie en in het bijzonder dat van *community policing*. De Landmacht en de politie leggen beide de beslissingsbevoegdheid over operationele aangelegenheden laag in de organisatie met een belangrijk verschil dat de politie de individuele agent een relatief grote discretionaire bevoegdheid geeft terwijl de landmacht deze in de praktijk voor groeps- en pelotonscommandanten clausuleert. Tijdens de drie missies was het compagniesniveau de belangrijkste hiërarchische laag met beslissingsbevoegdheid op het gebied van openbare orde en veiligheidsvraagstukken en incidenten. Waar de politie individueel optreedt, was daar in het organisatieconcept van de landmacht vrijwel geen ruimte voor terwijl de veiligheidssituatie dit in bepaalde gevallen wel toeliet.

Analoog aan het politieconcept, verkleinden meeste uitgezonden eenheden de verticale differentiatie binnen hun organisatie door in de praktijk tijdens de uitvoering van de reguliere activiteiten het pelotonsniveau als executieve schakel uit de formele commandostructuur te halen. Anders dan bij de politie beoogden zij hier niet mee de professionele consultatie van het decentrale niveau te bevorderen maar om de grip van het compagniesniveau op de operaties van de groepen te versterken. Ook ten aanzien van de geografische decentralisatie was er een zekere analogie met het politieconcept. Ook de Landmacht ontplooide haar eenheden zo dicht mogelijk in de buurt van bevolkingscentra met het doel zichtbaar te zijn, contacten op te bouwen, informatie te vergaren en veiligheids-vraagstukken op te lossen. Echter, waar de politie erin slaagt structurele en duurzame netwerken en relaties op te bouwen, vormde de hoge rotatiesnelheid van de landmachteenheden hierin een beperkende factor.

Hoewel de Landmacht gedurende de crisisbeheersingsoperaties in Bosnië en Herzegovina, Kosovo en Irak in de praktijk politietaken heeft uitgevoerd, heeft zij zich hier niet doelbewust op voorbereid en ingericht. Dat het fenomeen 'veiligheidsvacuüm' als een rode draad door de drie missies heen liep, maakte hierin geen verschil. In die zin was er maar beperkt sprake van een institutioneel leerproces, mede doordat het thema openbare orde en veiligheid in de landmacht doctrine marginale aandacht krijgt. Maar als een veiligheidsvacuüm in een crisisbeheersingsoperatie een vanzelfsprekendheid is en eenheden in de praktijk *de facto* politietaken uitvoeren, is het raadzaam eenheden daarop voor te bereiden en te trainen. Met andere woorden, de Landmacht moet over de grenzen van haar organisatie heen gaan kijken en haar professionele oriëntatie verbreden naar de politieorganisatie om zich procedures, technieken en tactieken eigen te maken die haar kan helpen een (nog) grotere toegevoegde waarde te hebben.

About the Author

Peter Neuteboom was born in Rotterdam in 1960. After graduating from the Royal Military Academy in 1983, he started his military career as a platoon commander in the Royal Netherlands Army. In 1986 he joined the Royal Marechaussee. He was deployed to Bosnia and Herzegovina to serve in the Western European Union Mission in Mostar in 1994 and SFOR in 1997. During his military career he graduated from the Higher Military Education (*Hogere Militaire Vorming*) at the Netherlands Defence Academy in 1994 and received a Master of Arts in Public Administration from the University of Leiden in 1998. In 2003 he graduated from the Netherlands School of Public Administration (*Nederlandse School voor Openbaar Bestuur*) from which he was granted a Master of Public Administration. With the rank of Lieutenant Colonel he left the Royal Marechaussee in 2002 and subsequently worked in the private sector as management consultant and in the local and national government as senior manager and director. Currently, he holds the position of Director of Rail and Road Transport at the Inspectorate of Human Environment and Transport (*Inspectie Leefomgeving en Transport*).

Beyond borders

The role of the Netherlands Army in public security during crisis management operations

Peter Neuteboom

At the beginning of a crisis management operation, the international community is often confronted with a poorly functioning or absent local police force. Within the chaos that reigns over the crisis area, an inadequate police force is a prelude to an explosive growth of crime and public order problems. The question then arises who could deal with these problems. In the absence of a local police force the only alternative at hand is that the military temporarily intervene as interim police, an activity that is not only beyond the primary tasks of the military but that is also likely to meet resistance of the troops. On the basis of relevant police literature, this thesis has investigated and analysed how the Royal Army of the Netherlands has contributed to improving public order and security during crisis management operations in Bosnia and Herzegovina, Kosovo and Iraq. The thesis draws the conclusion that, although the army did do interim policing during these missions, these tasks were only to a limited extent institutionalised in the organisational and operational concepts of the army. This means that the army to some extent ignored a reality typifying contemporary crisis management operations, namely that public order and security need to be restored quickly to ensure that the civilian reconstruction process can begin and be completed successfully.

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