



Statewatch Analysis

EU: “The law will bring peace”: View on the European Gendarmerie Force (EGF)

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The emergence of para-military police units for use abroad (and potentially at home) is exemplified by the EGF which is being organised by six EU member states outside of the Justice and Home Affairs structures

The increasing deployment of para-military gendarmerie forces abroad is due to a changing threat analysis resulting in new requirements for operational forces. The control of the population through permanent gendarmerie deployment is a central component of this threat analysis, leading to a para-militarisation of forces, as is illustrated by the multinational European Gendarmerie Force (EGF / EUROGENDFOR). Due to this unit's dual nature (the EGF can operate under military as well as civil command, inland as well as abroad) and through common training, the paramilitarisation of police forces in Germany, the EU and worldwide is inevitable. The logo of the EGF is LEX PACIFERAT (“The law will bring peace”) - it is a law enforced to ensure uninterrupted economic activity.

Population control

What is deemed to be a threat depends on which group is able to enforce its views; the group which possesses a discursive hegemony. Since the 1990s, hegemonic threat analysis and its resulting security strategies have undergone fundamental changes. With the disappearance of the clear frontlines drawn up during the Cold War, there is no definitive enemy such as the Soviet Union. According to the German government's coalition agreement, the new global threats are "international terrorism, organised crime and piracy, climate change, (lack of) food and resource security as well as epidemics and diseases": diffuse, ambiguous and asymmetrical threats.[2] These new enemies seemingly can attack everywhere and at any time; they are also difficult to differentiate from the civil population or are in fact identical to it. The population therefore poses a continuous threat and its "political and social control" has become central to the planning of military and police operations.[3]

A study conducted by the German government's advisory institute, *Stiftung Wissenschaft und Politik* (Science and Politics Foundation), found that:

post-conflict societies are violence-prone and militarised. This is why early civil reconstruction and reform measures are often overshadowed by looting, revenge killings or civil unrest within a population. The emerging network of organised crime and its nexus to politically motivated violence often overburden civil police forces. [4]

This newly defined enemy necessitates new requirements for operational forces. As the control of the population during and after a military intervention has to be guaranteed, a hybrid police and military, so-called gendarmerie forces, gain increasing importance.

In the report *Shoulder to Shoulder*, written by eight important US and EU thinktanks, the use of gendarmerie forces plays a central role. Due to concerns that Western domination might be contested in the near future, the report urges close cooperation between the USA, the EU and NATO:

With the Cold War over and new powers rising, some say the transatlantic partnership has had its day. We disagree...The world that created the transatlantic partnership is fading fast. The United States and Europe must urgently reposition and recast their relationship as a more effective and strategic partnership. It is a moment of opportunity - to use or to lose. [5]

The luxury of internal squabbles, the report argues, can no longer be afforded. In order to maintain Western domination, the USA, EU and NATO should work together very closely and cooperation should be extended and intensified. NATO, being a military partnership, has no "civil" crisis management tools at its disposal. The authors suggest that the EU supply the latter, thereby bringing cooperation to a higher and more institutionalised level. The EGF appears to be a convenient link as it is equipped for multinational operations and can fill the gap between purely military operations and population control remits, applying non-lethal methods. Because neither the USA nor NATO have forces similar to the EGF at their disposal, strengthening the gendarmerie can allow Europe to gain significant influence within NATO through intensified cooperation. The *Shoulder to Shoulder* report suggests integrating the EGF into the USA's and NATO's military planning.

Hybrid units

Gendarmerie units usually have the same status as police forces, but they can also be deployed abroad for police missions. They are organised in military units, have the same arsenal as light infantry soldiers and can be placed under military command. Gendarmerie forces are therefore a para-military hybrid form [6] between the police and the military. They answer to the Ministry of Defence and/or the Interior Ministry. The advantage of using gendarmerie forces is that in the early phase of a military intervention they can be deployed alongside regular soldiers under military command. They can almost immediately begin to create a new police force, combatting resistance by controlling the population and eliminating threats.

Most gendarmerie forces are modelled on the French Gendarmerie National, which emerged during the French revolution and mainly consisted of military personnel. Its main function was to maintain "law and order" inland, especially in remote areas where state control was largely absent. Gendarmerie forces were particularly useful for containing unrest in former colonies and maintaining the control of the central state.

The increasing interest in the creation of hybrid units became apparent during the military intervention in Bosnia Herzegovina. In 1998, a unit was set up under the framework of the NATO-led Stabilisation Force (SFOR) to fill the gap between military and police

capabilities. These "multinational specialised units" (MSUs) were police forces with military status, organised in relatively small, flexible units. MSUs could carry out executive functions such as active intervention in conflicts because they had powers to arrest and use firearms, usually given only to local police forces. Their function was to support military units as well as local police forces, specifically in the management and control of civil unrest.[7] An MSU led by the Italian Carabinieri began operating in mid-1998 with 600 gendarmerie officers. The focus of the operation was to "control angry civilians" and prevent protests.[8]

The deployment of the MSU in Bosnia was evaluated a success, and a similar unit was sent under KFOR commando to Kosovo in August 1999. To enable the unit to control the population, as had happened in Bosnia, the Kosovo MSU was also given "preventative and repressive resources" for the suppression of unrest.[9] The Italian Carabinieri took a lead role, this time supported by the French Gendarmerie Nationale.

The creation of hybrid units was an important theme at the European Council meeting at Santa Maria da Feira, Portugal, in 2000. EU Member States extended their "non-military crisis management" to include up to 5,800 officers in a Police Rapid Reaction Force consisting of police and gendarmerie units. This force, modelled on the MSU, was set up in 2004 by 27 EU States. However, deficits in operational planning and timing, together with a lukewarm response by some states such as Germany, where national constitutional issues created barriers to taking part in cross-border operations, [10] meant that further action was needed.

Paramilitary "European Gendarmerie Force"

The creation of a trans-national police unit, the so-called "European Gendarmerie Force", was first suggested by the French defence minister, Michelle Alliot-Marie, in September 2003. This led to the creation of a headquarters with 30 personnel in the Chinotto Carabinieri barracks in Vicenza, northern Italy. The EGF was thereby equipped with a permanent base which would significantly increase the effectiveness of its planning and dispatching of forces when compared to the earlier ad hoc missions. The headquarters could plan and lead a mission within 30 days. Initially, the EGF had around 800 officers, but this force could be supplemented to reach 2,300. In mid-2006, the EGF was declared fully operational, although it was not until 18 October 2007 that its powers were regulated in a Treaty signed by the French, Italian, Spanish, Portuguese and Dutch governments. This process is symptomatic of the creation of the European Gendarmerie Force: first it is created and then it is established by law.

From 1 January 2010, Italy held the presidency of the High Level Inter-Ministerial Committee (CIMIN) responsible for the political-military coordination of the EGF. CIMIN consists of representatives from the Member States' foreign and defence ministries and decides on the inclusion of other countries and possible EGF missions. [11] Romania was recently accepted as a full member while Poland and Lithuania became partner countries in 2007 and 2009 respectively. Only EU Member States that have police units that can be placed under military command can become members or partners. This is why Turkey, although it is interested in joining the EGF, only has observer status.

According to Article 5 of the Treaty establishing the EGF, the forces may also be placed "at the disposal of...the United Nations (UN), the Organisation for Security and Co-operation in Europe (OSCE), the North Atlantic Treaty Organisation (NATO) and other international organisations or ad hoc coalitions", either with military forces or as part of a police mission. The European Gendarmeries can fulfil executive functions themselves or train state forces. With the seemingly innocent reference in Article 4 to "public order missions"

[12], the EGF's extensive population control capabilities are confirmed. In addition to police and military capabilities, Article 4 also alludes to the EGF's intelligence activities, although the precise meaning of "general intelligence work" is not specified. Furthermore, the EGF was created outside the EU legal framework as a Member States' self-financed initiative. The European Parliament therefore has no authority over the force, and any legal or ethical objections by other Members States are circumvented.

The EGF in action: from the Balkans to Afghanistan and the Caribbean

The first EGF operation took place in Bosnia in November 2007. It was deployed as part of the EU's Operation ALTHEA and took charge of the pre-existing Integrated Police Units (IPUs), the successor to the MSUs operating under SFOR mandate. IPUs are comprised of trained police officers who are deployed to fight any popular dissatisfaction or civil unrest [13] and impose Western-style state and law enforcements organs. On 20 October 2010, the operation was declared completed and the gendarmerie forces received high military honours at a ceremony at which ALTHEA commander Bernhard Bair announced they had helped to bring "peace, stability and security" to Bosnia.[14]

The second EGF task force indicates what future close cooperation between the USA, NATO and the EU might look like. In April 2009, the NATO summit created a "NATO Trainings Mission - Afghanistan" (NTM-A) within the NATO-led ISAG mission. In close, but by no means frictionless, cooperation with the "civil" EU police mission EUPOL, the EDF was entrusted with the creation of the Afghan police apparatus. The chief police advisor in Kabul, Detlef Karioth, envisaged a police force:

that is able to defend itself from armed forces in the country. After all, we don't only train street police here.[15]

It is, therefore, a police force with a paramilitary capacity, and the paramilitary EGF is best prepared to conduct its training. Since 8 December 2009, the EGF has been setting up a large law enforcement body in Afghanistan. Initially, around 62,000 police officers were to be trained but this number has increased to 160,000. The military is also being extended and Afghan forces are expected to support and relieve foreign troops.[16]

The most recent EGF operation was in Haiti. In January 2010, the country suffered one of the most devastating earthquakes in its history. Although 80% of the Haitian population is unemployed and three quarters live on less than 2 US Dollars a day, media reports focused on the issue of security. The EU 'aid package' to Haiti largely consisted of security political measures. Three hundred gendarmes, all part of the EGF, were posted to enforce "peace and order". In addition to 100 million Euros of financial support from the European Commission and individual Member States, another 300 million Euros was promised, although a large part of this money was earmarked for the extension of the Haitian security sector.[17]

In response to questions from the German Left party (Die Linke), the German government said:

The deployment to Haiti of EU Member State police officers, who also take part in the European Gendarmerie Force (EGF) in support of MINUSTAH, is not an EGF operation as such. In its request, the UN had specifically asked for the deployment of gendarmerie forces.[18]

Here another EGF hybrid function is apparent. It can either act as a transnational force or as a force deployed in the name of the European Union. As the government's reply insinuates, the EGF does not operate in Haiti in direct support of the UN. It is part of a European unit, the so-called EUCO Haiti, which was created and supplied with information in large part by the EU's quasi-intelligence service [19], the EU Situation Centre (SITCEN).[20]

This new aspect of European foreign policy, engaging in the targeted deployment of intelligence institutions in crisis management situations to circumvent a parliamentary decision, fits neatly with the concept of the EGF, which operates outside of parliamentary control. It can be expected to determine the nature of future European interventions.

In Haiti, the call for security will first and foremost lead to a further militarisation of society, and possibly even to the reorganisation of the Haitian military that was dissolved in 1994. This will not improve the situation of the country's impoverished population. On the contrary, perfectly legitimate protests in the "poor house of Latin America" will be prevented more efficiently in the future.

Paramilitary forces for all

The EGF is still being set up and is a relatively small force. Under current criteria only Bulgaria has a military unit with the relevant police-military functions. Given further EU accessions, Serbia, Albania, Georgia, Ukraine and Turkey could also be accepted as full members.

A report by the Netherlands Institute of International Relations (Clingendael), co-funded by the Dutch ministry of defence, suggests that it could be beneficial for the force to relax the criteria for the inclusion of other, non-gendarmerie type units.

It would bring more resources for common goals, it would result in more capacities when using this unique organisation, thereby professionalising more gendarmerie forces and policing in Europe, and would further intensify European security integration.[21]

By relaxing the criteria, the EGF could grow and exert more influence on the European security landscape. The force already determines the common training standards of national gendarmerie forces, [22] and by developing multinational training it could contribute to closer EU cooperation in cross-border law enforcement.

The Clingendael report gives another option for the EGF which has frightening potential: the training of gendarmerie or gendarmerie-type forces across the globe.

An enormous pool of over 430,000 relevant paramilitary troops currently operates in EU (neighbour) countries.[23] Worldwide, there are almost 2.5 million personnel in gendarmerie-type forces that could be trained by the EDF (in practice the relevant governments would not have to be accepted as EDF members). Co-operation is not planned with all countries. Some conflicts are so deep-seated or interest in cooperation so low, that their police-soldiers will not benefit from EGF training in the near future. However, through the training of, and cooperation with, gendarmerie-type Special Forces around the globe, the influence of the EGF will increase, securing the interests of participating states - be it with regard to open market opportunities or access to natural resources without trade barriers.

A multi-purpose weapon

Theoretically, EGF operations are not restricted by European borders. Until 1 December 2009, military operations on EU territory were forbidden, but when the Lisbon Treaty came into force it contained a "Solidarity Clause" (Article 222) that introduced substantial changes. The Treaty states that:

"The Union shall mobilise all the instruments at its disposal, including the military resources made available by the Member States, to...assist a Member State in its territory, at the request of its political authorities, in the event of a natural or man-made disaster." [24]

It will be possible, even if only in the distant future, to deploy units such as the EGF within the EU - for example, to support an unstable state shaken by popular protest and civil unrest.

This makes clear another "dual-use" EGF role. The force will not only be able to control a population as a police, military and intelligence unit, but it will also be able to be deployed within the EU or outside. Its operations will be subject to very little democratic control by parliaments. The EU parliament has no say at all, given that the EGF is not an official EU agency. The influence of national parliaments is annulled by the fact that operations by police units that are part of the EGF do not have to be rubber-stamped by the government.

No end in sight

At a ceremony marking the EGFs training of Afghan special units, the French interior minister, Brice Hortefeux, described their deployment in Afghanistan as follows: "the fight against terrorism is a permanent fight". [25] He said that the training had been very successful and enabled the trainees to take up a leadership role in conflicts. At the heart of the training are the management of a population at risk that need to be controlled, and the capabilities of gendarmerie forces. Hybrid units appear to be an "adequate" answer to the changing security strategy towards crisis management. The threshold for troop deployment, as well as the level of force, [26] is lower, and occurs on a permanent basis. As relatively small and flexible rapid deployment forces, they could significantly influence war scenarios in the future. As the urban theorist, Mike Davis, has predicted, such scenarios could increasingly take place in the impoverished regions of the world, which are steadily increasing under capitalism. [27]

The most recent EU strategy paper, *Freedom, Security and Privacy - the area of European Home Affairs* suggests transforming the EGF into an official EU institution. [28] According to the report it is possible that the EGF could be incorporated into the EU's Common Security and Defence Policy (CSDP) as an Integrated Police Unit (IPU). This would probably result in greater financial resources being given to the EGF. Countries such as Germany could welcome this initiative because it would likely increase their influence on the force. From the viewpoint of the founding countries, the disadvantages, namely the formalisation and minimal influence of the European Parliament, would probably suffice for them not to devolve power and to retain command over the EGF.

The next step for EUROGENDFOR will be its transformation into a barracked unit. The relevant legislative proposal already exists and its implementation awaits only the ratification of the EGF Treaty by France. [29] One thing is certain: if the development of

the EGF continues on its current path, Germany will most likely continue its efforts to participate in this prestigious project.

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Footnotes

[1] *This a shortened version of the article 'Lex paciferat - Das Gesetz wird Frieden bringen. Ein Blick auf die europäischen Gendarmeriekräfte', first published in German by the Informationsstelle Militarisierung (IMI) e.V. (IMI Study 2010/012 - August 2010). This is a Statewatch translation with the permission of the author and IMI. The extended version contains a chronology of gendarmerie operations ('Crowd and Riot Control') in Kosovo in 2009 and 2010 repressing popular protests against, amongst others, social cuts in the health sector. The original text also includes graphics on the structure and geographical spread of the EGF. The online version is published at www.imi-online.de/2002.php?id=2161.*

[2] *Coalition agreement between CDU, CSU and FDP, 26.10.09, lines 5250-5252.*

[3] *Zelik, Raul: Aufstandsbekämpfung und Besatzungskrieg [Riot control and wars of occupation], in: Peripherie, No. 116/2009, pp. 425-447, p. 428.*

[4] *ibid.*

[5] *Hamilton, Daniel; Burwell, S.; Frances, G. (lead authors): Shoulder to Shoulder: Forging a Strategic U.S.-EU Partnership (Atlantic Council of the United States/ Center for European Policy Studies/ Center for Strategic and International Studies/ Center for Transatlantic Relations/ Fundacion Alternativas/ Prague Security Studies Institute/Real Instituto Elcano/ Swedish Institute of International Affairs), December 2009.*

[6] *The term paramilitary (Greek [para] "beside" and Latin "fighter" or "soldier")...serves to define different types of groups or units that are usually not part of the regular military apparatus. Examples are quasi-military associations that exist in many countries and usually operate under the remit of the interior ministry, and which exist parallel to the classic military and are usually deployed within the country. Furthermore, the term is used to describe groups that possess military force that are part of a criminal or mafia-like organisation, of a self-protection organisation or party or that stand under their command. Often, such paramilitary groups operate in grey areas or outside of the law, whilst in practice often contracted by or acting in the interests of an official institution or the government..." (Wikipedia Germany, <http://de.wikipedia.org/wiki/Paramilit%C3%A4r>). Here, the term is used according to the first meaning in the above definition.*

[7] *Factsheet: Multinational Specialized Unit, www.nato.int/sfor, August 2004.*

[8] *Kempin, Ronja; Kreuder-Sonnen, Christian, March 2010, Gendarmerieeinheiten in internationalen Stabilisierungsmissionen. Eine Option für Deutschland? [Gendarmerie Forces in international stabilisation missions. An option for Germany?] www.swp-berlin.org/common/get_document.php?asset_id=6882, p 13.*

[9] *Multinational Specialized Unit, www.nato.int/kfor*

[10] *Hazda, Peter: Die Europäischen Gendarmerie Force, in: Europäische Sicherheit 07/2008.*

[11] *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, www.eurogendfor.eu*

[12] *ibid.*

[13] *Integrated Police Unit, www.euforbih.org*

- [14] Mullins, Andy: *End of European Gendarmerie Force Mission in BiH*, www.euforbih.org, 20.10.10
- [15] Bickel, Markus: *Wir bilden aus fürs Überleben [We train for survival]*, *Frankfurter Allgemeine Zeitung (FAZ)*, 13.03.09.
- [16] *It remains entirely unclear where the money for the extended police and military apparatus is supposed to come from. According to Rory Steward, director of the Carr Center on Human Right Policy, the costs amount to between two and three million US Dollars annually and therefore to a multiple of the total revenue of the Afghan state. Steward further notes: "We criticise developing countries for spending 30 per cent of their budget on defence; we are encouraging Afghanistan to spend 500 per cent of its budget...We should not encourage the creation of an authoritarian military state. The security that resulted might suit our short-term security interests, but it will not serve the longer interests of Afghans."* Steward, Rory: *The Irresistible Illusion*, *London Review of Books*, 07.07.09
- [17] Dagdelen, Sevim: *Europas "Schutztruppe" [Europe's "Protection Force"]*, *Junge Welt*, 06.02.10.
- [18] *Bundestagsdrucksache No. 17/746*, 17.02.10.
- [19] *EU Common Security and Defense Policy Newsletter*, www.consilium.europa.eu/csdp
- [20] *SitCen - EU Situation Centre*, frontex.antira.info/glossar
- [21] De Weger, Michiel: *The Potential of the European Gendarmerie Force*, *Netherlands Institute of International Relations Clingendael*, March 2009, pp 46f
- [22] Kempin, Ronja et al., *ibid.*
- [23] De Weger, Michiel, *ibid.*, Annex C.
- [24] *Solidarity Clause, Lisbon Treaty*, europa.eu/lisbon_treaty/
- [25] H.E. Brice Hortefeux, *French Minister of Interior, Congratulates Afghan Elite police officers*, www.ntm-a.com, 06.05.10.
- [26] See Schürkes, Jonna; Marischka, Christoph: *Weniger tödliche Soldaten? [Less deadly soldiers?]* *Ausgabe W&F Dossier 62*, 04.2009
- [27] Davis, Mike (2007): *Planet der Slums [Planet of slums]*. Assoziation A.
- [28] See Bunyan, Tony: *The shape of things to come*, www.statewatch.org
- [29] *Projet de Loi N° 2278*, www.assemblee-nationale.fr/13/projets/pl2278.asp; see de St. Leu, J.; Monroy, Matthias: *Europäische Gendarmerietruppe wird zur kasernierten Einheit [European Gendarmerie Force becomes barracked unit]*, www.heise.de/, 12.03.10.

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