

BRIEF GENEALOGY OF THE GNR ARGUMENTS *IN JUS POST BELLUM*

BREVE GENEALOGIA DOS FUNDAMENTOS DA GNR NO *JUS POST BELLUM*

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Abstract

The present work focuses on the participation by the Security Forces, in particular the National Republican Guard (GNR) in *jus post bellum* operations.

Aware that international intervention by the Portuguese State in post-conflict situations falls within the scope of foreign policy and that security is a multidimensional activity, we emphasize the operational involvement of the GNR in international missions as both a necessity and a strategic course of action.

We present as main findings the fact that, between 1995 and 2015, the GNR has already integrated twenty-six international missions.

In our times, *jus post bellum* emerges as an *obligation* of the international community. At this operational stage, the need to perform an increasing number of policing tasks¹ is indisputable and recognized by International Organizations, leading to the development of the doctrine under the joint or combined engagement of police forces with military status (Gendarmerie-Type Forces), with the Armed Forces (FFAA). It is in this context that arise the concepts of the *Multinational Specialized Unit* (MSU) within the *North Atlantic Treaty Organization* (NATO), the *Integrated Police Unit* (IPU) within the European Union (EU),

¹ Policing and security affect any society (Bruggeman, 2011, p. 52).

through the *European Gendarmerie Force* (EGF) and the *Formed Police Unit* (FPU) within the United Nations (UN).

Key Words: international missions, police, security, *jus post bellum*.

Resumo

O trabalho centra-se no domínio da participação das Forças de Segurança, em concreto a Guarda Nacional Republicana (GNR) nas operações *jus post bellum*.

Cientes que a intervenção internacional do Estado português em situações de pós conflito se insere no âmbito da política externa e que a segurança é uma atividade multidimensional, relevamos o empenhamento operacional da GNR, em missões internacionais como uma necessidade e uma linha de ação estratégia.

Recitamos como resultados principais que no período de 1995 a 2015, a GNR já integrou vinte e seis missões internacionais.

Hodiernamente, o *jus post bellum* surge como um deverda comunidade internacional. Nesta fase das operações o cumprimento emergente de tarefas de polícia² é irrefutável e reconhecido pelas Organizações Internacionais, levando ao desenvolvimento da doutrina sob o empenhamento conjunto ou combinado de Forças de polícia de natureza militar, com as Forças Armadas. É neste contexto que surgem as *Multinational Specialized Unit* no seio da North Atlantic Treaty Organization, as *Integrated Police Unit* no seio da União Europeia, através da *European Gendarmerie Force* e das *Formed Police Unit* no seio das Nações Unidas.

Palavras Chave: missões internacionais, polícia, segurança, *jus post bellum*.

² O policiamento e a segurança afetam qualquer sociedade (Bruggeman, 2011, p. 52).

Introduction

This present essay aims to conduct a reflective exercise on the operational commitment of the National Republican Guard (GNR) in Theatres of Operations, particularly in the *jus post bellum* phase. Our argument is that police forces in general, and in particular those with military status, are useful in the prevention of conflicts and essential in providing assistance after purely military interventions.

Our intent is to answer the *vexata quaestio*: **What motivated the reflection on the proficiency of UN missions in the late 90's? What were the documents presented at the United Nations that called for a debate of the *jus post bellum*? What are the efforts of the GNR?**

The subject may be debated through multiple approaches and in many fields of knowledge in the social sciences, such as Peace and Conflict Studies, Legal Anthropology, Sociology and Law. We limited our analysis to the efforts conducted by the GNR in Theatres of Operations (TO) in crisis situations, which contributed to promote social progress and the improvement of the living conditions of the populations concerned, in strict adherence to the provisions in the San Francisco Charter.

We present two reasons that justify the relevance of this theme: first, the need to generate awareness of the difficulty in applying the rules of international law (DI) in the TO, due to the diversity of ethnographic realities, which requires professionalism and expresses the meaning of the Portuguese effort *res, non verba*³, in its contributions; second, because we believe that *the jus post bellum* implies the reconstruction of the countries where the interventions are carried out and integrates the normative emerging from International Law (DI), which should be the object of study and analysis in the academic debate.

Our aim is not to highlight the GNR against the system of national forces, or to detail its missions. We are aware that the Portuguese commitment to peace through military means or others, is worthy of highlighting and that is how it is internationally known. We simply aim to demonstrate that the political decision for the commitment of the GNR was in line with international guidelines.

In the second point, we note the reasons for the reflection on the United Nations (UN), and in the third we present the documents that identify the causes for the lack of credibility of the organization and respective recommendations. In the fourth point, we present systematized information on the efforts of the GNR during *the jus post bellum* in various TO and, finally, we present our conclusions.

With regard to methodology, we follow the approach proposed by Quivy & Campenhout (2008). In this context, we conducted a deductive research, to mirror the modalities of participation of the GNR with established forces in international missions and thus determine the Institutional effort with national foreign policy. The contents will be presented after the collection, treatment and analysis of data, especially of papers on the theme and GNR reports.

³ Latin, meaning facts and not just words.

What motivated the reflection on the proficiency of the United Nations in the post-Cold War period

The Cold War period was characterized by an ideological appeasement and functioning governance between the blocks, where the major disputes were rendered irrelevant. The international status quo changed with the fall of the Berlin Wall⁴ in 1989. The international order was no longer bipolar and there was an internationalization of the problems in international relations⁵(Moreira, 2008, p. 68). In the post-September 11 of 2001, the debate on safety intensified and the almost exclusively public, national and military dimension was lost. Thus, the public and private sectors share responsibility (Guedes & Elias, 2012, p. 36).

Within the scope of the theme under review, special attention is given to the conflicts of the 90s⁶. The inaction or late action of the UN awakened the world to the fulfillment of the objectives of the UN Charter⁷. Some conflicts of that decade (Iraq-Kuwait (1991), Somalia (1992), Bosnia⁸ (1992), Liberia (1993), Rwanda (1994), Haiti (1993), Kosovo (1999) and East Timor (1999) highlighted the lack of efficiency⁹ and effectiveness¹⁰ of the organization (Duroselle & Kaspi, 2009, p. 547).

The irreversibility of time prevents first-hand experience of the facts, but enables the most recent analysis of the human rights violations in the Democratic Republic of Congo, the Ivory Coast, Myanmar¹¹ or Syria (Goldsmith, 2006, p. 24). Alone, they serve as a reason for any academic study, at the very least to sensitize the individual conscience of those who read the texts, and to quiet our personal eagerness to do anything to contribute to a better world, for the sake of future generations¹². In these cases, the Security Council did not deign to state that the violations were a threat to international peace and security (cfr. with Article 39 of the UN Charter), while in the case of Syria, the President of the Security Council demanded respect for human rights through a non-binding Declaration¹³ (2011). However, violations remain until the present day.

⁴ On the Cold War, see (Ribeiro, 2008, p. 160).

⁵ For Quincy Wright, international relations contribute to the understanding, prediction, evaluation and monitoring of relations between States and of the conditions of the global community (Moreira, 2008, p. 54). On International Relations, see (Guedes, 2005).

⁶ On the study of conflicts before and after the Cold War, see (Bierrenback 2011, pp. 65-84). Combine with the list of United Nations peacekeeping operations from 1948 to 2013, available at <http://www.un.org/en/peacekeeping/documents/operationslist.pdf> [accessed on 21 February 2014] (United Nations, 2013).

⁷ On the objectives, structure and features of the UN Organization, see (AJ Fernandes, 2011, p. 97).

⁸ To understand the conflict in the Balkans, see (Pereira, 1995); (Alves, 2005); (Vasconcelos, Teixeira, & Meneses, 1999); (Bukinac, Alojz Jehart, Ljubica Jelusic & 1997); (Dimas, 2006).

⁹ Efficiency - means doing things well. Efficient work is work that is well executed (Chiavenato, 2004, p. 17).

¹⁰ Efficacy - means achieving goals and results. Effective work is one that is successful and profitable (Chiavenato, 2004, p. 17).

¹¹ On the human rights violations in Burma, see (International Human Rights Clinic. Harvard Law School, 2009). Available at <http://hrp.law.harvard.edu/wp-content/uploads/2013/02/Crimes-in-Burma.pdf> [accessed on February 7, 2014].

¹² On the commitments made to future generations, regarding the evolution of the concept of democracy, see (Guedes, 2010).

¹³ The Declaration is available at: <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Syria%20%20SPRST%202011%2016.pdf> [accessed on 14 April 2014] (United Nations, 2011).

In fact, the UN failed to achieve the purposes established in the Charter and failed to prevent: close to one hundred conflicts; the death of 20 million people, the forced displacement of another 20 million; and the escape of 17 million refugees (Duroselle & Kaspi, 2009, p. 547).

The circumstances somewhat discredited¹⁴the UN in the global village¹⁵. The world clamoredfor a competent organization, capable of maintaining international peace and security and the conflicts of the 90s weakened the reputation of the UN. Its ineffectiveness regarding the permanent members, which sometimes violate International Law in defense of their strategic or ideological interests, sensitized the UN for the need to review concepts and introduce other mechanisms (Annan, 2000), such as the creation of the Human RightsCouncil¹⁶, aimedatmaking the organizationproficient, as will be shown below.

In the wake of these events, there was increasing concern regarding the reconstruction of the countries where interventions¹⁷were performed. Within the UN, as we will see below, the debate on the *jus post bellum*¹⁸was encouraged with the development, from 2000 onwards, of the concept of responsibility to protect¹⁹, with the conflicts of the 90s as a reference (Costa, 2013, p. 240). This issue did not arise in the present, as Liddell Hart had already considered that grand strategy should be concerned with the effects of war and therefore plan for post-conflict reconstruction. Thus, it would be a contribution forlasting peace (Hart, 1991, p. 357).

What were the documents presented at the United Nations that called for a debate of the jus post bellum

As Secretary-General of the UN, Boutros Boutros-Ghali²⁰ (Egyptian) - 1992-1996, stated in the Agenda for Peace²¹: preventive diplomacy, peacebuilding and peacekeeping, advocating for a new model of peace operations. In the early 90s, he identified that armed conflicts required a new form of management and resolution that, in addition to diplomatic

¹⁴ The extension of the timeframe of operations raises costs and often leads to their abandonment, without the desired end state having been reached. In these circumstances, the organizations involved lose their credibility (Martin, 2012, p. 14).

¹⁵ The term "Global Village" was created by writer Herbert Marshall McLuhan to express the conviction that the world has become a village through the large-scale interconnection of media (Ribeiro, 2008, p. 5).

¹⁶ On the creation of the Council, see (Meza, 2010, p. 265).

¹⁷ On successful strategies in peacebuilding operations, see (Caplan, 2012).

¹⁸ The term emerged alongside the Just War Theory. In the present work, we consider the *jus post bellum* as the third phase of a military conflict. It is the end of "Force to Force" hostilities and the transition from war to peace, without representing a total peace, which the international community has the duty of rebuilding through its intervention. The *jus post bellum* must obey the following principles: proportionality, proclamation of basic rights; discrimination; punishment of criminal agents; compensation; and rehabilitation (Orend, 2005). For studies on reconstruction processes, see (Cerami & W.Boggs, 2007) or on the reconstruction itself, see (Olson, 2010). On other actors aside from the State, see (Spanish Institute for Strategic Studies, 2011). On the distinction between confrontation and conflict, see (Smith, 2008, p. 224). To consult the theory of *jus post bellum*, see (Costa M. d., 2005, p. 25). On armed conflicts in the current world, see (Fernández & Lopez, 2011). On the responsibility of post-conflict crimes, see (Henchaerts & Beck, 2007). The *jus post bellum* is linked to the notion of peacebuilding, which was advanced by Galtung. However, it was Boutros Boutros-Ghali who announced it. On the theories of peace missions, see (David, 2001, p. 319).

¹⁹ The responsibility to protect is one of the dimensions of *jus post bellum*. It is difficult to achieve in practical terms, in view of the failure of the duty of rebuilding after conflicts.

²⁰ On the Secretaries-General of the UN, see <http://www.un.org/es/sg/formersgs.shtml> [accessed on 14 April 2014].

²¹ To complement the information, see the document entitled "Supplement to An Agenda for Peace", available at <http://www.un.org/es/comun/docs/?symbol=A/50/60> [accessed on 14 April 2014] (Boutros-Ghali, UN Supplement to An Agenda for Peace. A / 50 / 60-S / 1995/1 1995).

and preventive measures, required a commitment by the UN to the recovery and social and economic transformation of the places where the interventions were carried out (Boutros-Ghali, 1992).

The consequences of the conflicts of the 90s and the less than effective UN action gave rise to two documents relevant to the matter at hand. We refer to the documents presented in 1999, on the fall of Srebrenica and on Rwanda.

The UN found serious shortcomings at the institutional and doctrine levels concerning the use of force. In this context, Kofi Annan, as Secretary-General in adherence to Resolution 53/35, presented a report entitled "The Fall of Srebrenica" to the General Assembly (1999). In this long and detailed document, he appealed to a reflection and analysis by Member States on the organization's failures to intervene in Bosnia and Herzegovina, with the aim of improving the capacities of the UN and enhancing its capacity for conflicts of that kind (United Nations, 1999, p. paragraph 505).

A Report was made on the Rwandan genocide by an independent commission, also known as the Carlsson Report²², regarding the intervention of the UN (United Nations, 1999), showing that mistakes had been made by the General Assembly and Security Council (Durrall 2011, p. 10).

Additionally, and also at the request of Kofi Annan, the Brahimi Report²³ was presented in 2000, which aimed to evaluate the causes for the failure of peace operations. In that document, it was recommended that the operations must be aimed at peacebuilding, of which development assistance should be an integral part (United Nations, 2000) (Gray, 2008, p. 307).

Francis Deng (former Minister of Foreign Affairs of Sudan), as a Representative of the Secretary-General on internally displaced persons (1994-2002) and later as Special Advisor on the Prevention of Genocide, introduced the concept of responsibility to protect²⁴ in the work: *Sovereignty as responsibility: conflict management in Africa* (1996). In his view, the UN interventions in countries in crisis should be planned in an integrated manner: to prevent; intervene; and rebuild (United Nations, 2012). The debate on the *jus post bellum* was, then, rekindled.

The concept of responsibility to protect changed the classical concept of absolute sovereignty. Sovereignty came to be understood as the assumption of responsibility by States to protect populations from genocide, war, ethnic cleansing and crimes against humanity, and in cases of inefficacy or unwillingness, the international community has a

²² "The responsibility for the failings of the United Nations to prevent and stop the genocide in Rwanda lies with a number of different actors, in particular the Secretary-General, the Secretariat, the Security Council, UNAMIR and the broader membership of the United Nations" (UN 1999, p. 31).

²³ Available at <http://www.un.org/es/comun/docs/?symbol=A/55/305> [accessed on April 4 2014]. This report triggered the gradual development of the doctrine of the United Nations peacekeeping operations, for example, in the documents describing the principles and guidelines. Available at http://pbpu.unlb.org/pbps/Library/Capstone_Doctrine_ENG.pdf [accessed on 24 May 2014] (United Nations, 2008. Revised in 2010) or the *New Horizon for UN Peacekeeping*, available at <http://www.un.org/en/peacekeeping/documents/newhorizon.pdf> [accessed on 24 May 2014] (United Nations, 2009).

²⁴ As an initial turning point for the development of the concept of responsibility to protect, we highlight the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction - 1994-1996 - (the Ottawa process).

duty to intervene in a subsidiary manner. On humanitarian interventions, see (Weiss, 2012). The concept was formally accepted in the global meeting of Heads of State or Government in 2005, and it rests on three pillars: it is primarily the responsibility of the States to protect populations against these crimes; the international community has a responsibility to help States exercise this responsibility; the international community has an obligation to collectively commit the resources to prevent, intervene and rebuild the countries in crisis, in adherence to the UN Charter (United Nations, 2012). In the 2005 meeting, an attempt was made to establish guidelines for the authorization of the use of force and action proposals were presented for situations of veto abstentions by the permanent members in case of humanitarian emergencies. In fact, there was an attempt to clarify the legal framework and the foundations of international interventions by the UN, which should be seen as fit and proper for the defense of certain *erga omnes* obligations, such as the protection of human rights (Durall 2011, p. 17) and (Nye, 2002, p. 202).

Judging by the kind of crises experienced in the previous decade, the consequences for the affected populations and the need to “revitalize” the UN, Kofi Annan challenged the Millennium General Assembly (2000) to create the necessary conditions for the consolidation of the concept of responsibility to protect²⁵, as the international community had additional obligations to collectively commit to uniting the necessary forces (including police forces) to preserving the peace and international security, in adherence to the text of the UN Charter (United Nations, 2012). In response to the appeal, Canada, through Jean Chrétien (Prime Minister), announced its intent to create the **International Commission on Intervention and State Sovereignty** (ICISS)²⁶, to promote a broad political debate on the duty of protection, to politically reconcile the notions of sovereignty and international intervention (Bierrenback 2011, p. 127).

As new results of the work developed by ICISS, we highlight the change in the concept of sovereignty, along the lines already mentioned, the notion of the need for international intervention as an integrated model which included reconstruction (*post bellum*) and also the fact that the focus of interventions must be placed on the responsibility to protect²⁷ populations and not on the right to intervene of one or certain States (Bierrenback 2011, p. 137).

The ICISS approached relevant points for the proficient commitment of the UN, focusing on conflict prevention, interventions for the protection of human rights in the work conducted

²⁵ On the purposes of the States and the crisis of sovereignty (Lara, 2012, p. 260)

²⁶ The ICISS had as chief executive (President) Gareth Evans, and was funded by the Canadian government with support from the UK and Switzerland (Bierrenback 2011, p. 127). The report aimed to be a conduct guide for States operating in the territory of other States, for the protection of people at risk, which also includes the *post bellum* reconstruction actions (Coelho, 2009, p. 107).

²⁷ The ICISS Report opted for the term responsibility to protect, which remains until the present day. The Commission considered that the terms “right to humanitarian intervention” or “right to intervene” were directly related to the intervening entities, and therefore maladjusted. The referred term was chosen because it was thought that the expressions focused on the claims, rights and prerogatives of States participating in the interventions and not on the needs of the recipients of the action; second, the right to intervene and the legitimacy to do so were traditional concepts related to the concept of absolute sovereignty, because they were restricted to the intervention action and did not include prevention or assistance after interventions, and finally, because the notions associated with absolute sovereignty blocked, in a way, the intervention of the UN (2001, p. vii).

in the *post bellum* phase, and on whom and how interventions under the UN auspices should be conducted (Díaz, 2013, p. 52).

The concept of responsibility to protect, or other interventions in *post bellum* to rebuild the states where one operates is currently a *lex ferenda*²⁸ reality, and as such, the expression is assumed as a component of *jus post bellum*. Future actions developed should be further detailed and therefore more regulated. However, there is a lack of objective criteria of application and of a certain international consensus. If *jus ad bellum* and *jus in bellum* are of consequence to the global opinion, due to the Just War Theory²⁹, *jus post bellum* does not receive the same acquiescence (Oliveira, 1996, p. 54).

It was in this complex environment, increasingly more heterogeneous and multi-dimensional, and simultaneously of reflection on the interventions of the UN, that the notion of joining and combined military and civilian resources in a profitable manner (doctrinally including the police forces with military status), in the organization's responses according to an expanded concept of security (Guedes & Elias, 2010, p. 31).

The need for the presence and the proficiency of police forces with military status, particularly in the *post bellum* phase of TO in crisis have long been understood by International Organizations (IO), in a perspective of security governance, where the key words are the dispossession of forces and threats and the interdependence of actors. Hence the development of the Multinational Specialized Unit doctrine (MSU) within NATO and the emergence of the European Gendarmerie Force³⁰ (EGF), within the European Union (EU) - the Common Security and Defence Policy (CSDP), which proposed a new security architecture, and the Formed Police Units (FPU) in the UN³¹.

As a rule, the initial responsibility of stabilizing the TO has fallen primarily on the military, even for police matters and often against their will. This was justified by the absence of international police forces (Jayamaha, et al., 2010, p. 152). However, the involvement of the military in matters related to the fight against crime³² was revealed as problematic from a point of view of practicality (the military have not been trained or are equipped for policing duties), policy (the policing performed by the military can provide an image more associated with military occupations and non-democratic regimes than with crime prevention) and legislation (such commitments mitigate the necessary distinction between military duties and police duties) (Keller, 2010, p. 21).

²⁸ Expression used to refer to a Bill that is expected to be approved in the future.

²⁹ The Just War theory has origins in the thought of Cicero, St. Augustine, St. Thomas Aquinas and Hugo Grotius, and is an argument about the moral status of war as a human activity. The term "just" means justifiable, defensible and morally necessary (Walzer, 2004, p. 12). On the moral reality of war, see (Walzer, 1977, p. 3) and (Dipert, 2006, p. 35). On the phenomenon of War, see (Vicente, 2010). On the theory of active peace, see *Peace is part of a triad with justice and welfare* (Galtung, 1996, p. 32).

³⁰ On the creation of the EGF, see (Weger, 2009).

³¹ On the MSU and FPU, see (Silvério, 2014). The US is considering, within their genetic strategy, the creation of a gendarmerie-type force (RAND, 2009).

³² On dangerous liaisons, connectivity, coordination and learning in terrorist networks, see (Guedes, 2007). On criminal investigation in armed conflicts, see (Leandro, 2012).

The specifics of policing and law enforcement actions are not in the capacity of the Armed Forces. Those structural incompetences might culminate in serious distortions of the assigned duties, as in the involvement of the British Armed Forces in the death of numerous civilians in Belfast, Northern Ireland, in what became internationally known as Bloody Sunday (1972). This incident can be considered a case where the armed forces demonstrated lack of preparation to distinguish and deal with the (large) differences between terrorism, insurgency, crime and street protests (Jayamaha, et al., 2010, p. 1).

General Wesley Clark³³, in 2001, having the experience of the duties performed as Supreme Allied Commander Europe (SACEUR³⁴) as reference, mentioned the importance of the police forces, especially those with military status, as follows: “*there are different operating requirements for law enforcement activities, ranging from criminal investigation to the reaction to civil unrest and urban violence, and the fact is that most of the military is simply not able to effectively carry out such duties and should not be the element primary responsible for doing so*” (Fernandes, 2005).

In the TO of today, the propensity for criminal activity, along with public disorder and the need to carry out humanitarian tasks, justifies, in itself, the presence of police forces with military status, for their operational capabilities and the guarantee of interoperability with the Armed Forces (Bingöl, 2011, p. 192).

The MSU³⁵ emerge in the context of international forces such as those ensuring the ubiquity of justice and the principle of international responsibility (*jus cogens*³⁶), on the legality of International Law.

It is in this environment that the MSU forces fill the so-called “Security Gap³⁷”, which is the period between the maximum level of proficiency of typical military forces and the later start of the efficacy of the civilian police forces (NATO, 2001, pp. 4 -10).

The MSU³⁸ forces are “muscular” police forces of proven proficiency, which reinforcing their international credibility.

Military operations, now with multidimensional concerns, endowed the purely military commands with police valences regarding public order, protection and relief, criminal investigation³⁹, security sensitivities, analysis and treatment of information, counter

³³ General Wesley K. Clark - USA, was Supreme Allied Commander Europe and Commander in Chief, U.S. European Command and Commander in Chief, U.S. Southern Command (Clark, 1999, p. 41).

³⁴ The *Supreme Allied Commander Europe*.

³⁵ The MSU doctrine was developed by the Carabinieri arms. The first MSU was used in Bosnia (SFOR) in 1998-2004 (Silverio, 2012).

³⁶ The main feature of *jus cogens* is its non-derogability. These are accepted regulations recognized by the international community. *Jus cogens* regulations are the prohibition of the use of force, rules on genocide, the principle of racial non-discrimination, crimes against humanity and the rules prohibiting slave trade and piracy (Brownlie, 1997, p. 537).

³⁷ Space where the minimum overlap is not ensured (JP1-02, 2010, p. 137). Term introduced by the American doctrine (Esteves, 2012). On the concept itself, see (Hovens 2011, p. 142), (Oakley, et al., 1998, p. 9) and (Hoogenboom, 2011, pp. 97-117).

³⁸ MSU in the Stabilization Force in Bosnia and Herzegovina - SFOR (Bosnia 1998-2004); MSU in Albania Force - AFOR (Albania 1999); MSU in the Kosovo Force - KFOR (Kosovo 1999); MSU in Iraq (2003-2006) (Silverio, 2014).

³⁹ For the present work, the concept of criminal investigation is that established in Article 1 of Law N. 49/2008 of 27 August - Lei da Organização da Investigação Criminal (Law of the Organization for Criminal Investigation) (LOIC) (AR 2008).

terrorism, personal safety, Improvised Explosive Device Disposal (IEED), training, among others, contributing decisively to guarantee local security (NATO, 2009, pp. 2-a-1).

The police forces with military status, due to the missions that they conduct daily in their home countries, foster the Comprehensive Approach⁴⁰ on missions in the TO (Jayamaha, et al., 2010, p. 148).

The characteristics of these forces can be summarized as follows: robustness, flexibility, high level of readiness (30 days), interoperability, multinationality, effective command and control (C2) and protection of the force. These are identical to typical military operations, but meant for the performance of ordinary police duties, including the training of the police force, in the *jeus post bellum* period, as recommended in the Brahimi Report (Brahimi, 2000, p. 64).

Much like the recognized and meritorious commitment of the Portuguese Armed Forces⁴¹ in international missions, the national police forces have also made significant efforts. The need for the involvement of police forces in the TO was understood by international organizations and by the Armed Forces in general, therefore police involvement is in line with international demands.

In the following point, we will emphasize the efforts of the GNR⁴², without meaning to denigrate the commitment of the remaining Portuguese representing in our nation.

The contribution of the GNR for *jeus post bellum*

In the history of the GNR, from 1995 to the present day, the Institution has participated in 26 missions under the auspices of the UN, NATO, the Former Western European Union (WEU), the Organization for Co-operation in Europe (OSCE) and under *ad-hoc* coalitions or bilateral agreements.

The effort of the GNR, under the foreign policy⁴³ of the Portuguese State⁴⁴, is carried out in a similar manner to the armed forces, in three modes: deployment of individual military personnel for monitoring duties and training of the Security Forces or to support the administrative or legal authorities; forces composed by police personnel; and, finally, technical-police⁴⁵ cooperation, in a manner conducive to the stabilization and reconstruction of certain countries, in particular in the reforms of the security sector (Amaral, 2005) and (IPAD, 2010).

⁴⁰ The new NATO Strategic Concept adopted at the Lisbon Summit in November 2010, underlines that the lessons learned in NATO missions prove that, in crisis management operations, the efficacy of the military response requires a comprehensive approach involving the political, civil and military instruments. Typically military resources, while essential, are not sufficient in themselves to meet the complex challenges of international security. The leaders of the Member States agreed. In the EU, this is known as comprehensive approach.

⁴¹ On the Portuguese "*apport*" through the armed forces in Afghanistan, see the article (Guedes, 2011). On the participation of our military instrument as a security provider outside the country, see (Bernardino, 2010), (Menezes, 2010), (Barroso, 2010) and (Roque, 2013). On the challenges of the reconstruction in Afghanistan, see (Irwin, 2012).

⁴² On the specificity of the GNR, see (Hermenegildo, 2012, p. 205).

⁴³ In the present work, we took on as a concept of foreign policy the organized activity by which States act, react and interact. This political activity crosses two environments - internal and external, the political power having the responsibility of managing the interests and opportunities of both (Sousa, 2005, p. 144).

⁴⁴ With regard to support operations on the Portuguese foreign policy by the GNR, see (Guedelha MJ, 2010).

⁴⁵ Resulting from bilateral agreements

For the timeframe under analysis, we found that, from 2000 to 2015, the GNR participated in eleven missions under the auspices of the UN, one under the auspices of NATO, ten under the auspices of the EU, as a result of a bilateral agreement (Timor-Leste), one under the auspices of the OSCE, one at the behest of the WEU and the other as a result of an *ad-hoc* coalition (Iraq) (Internationals, 2014).

The commitment of Guard military personnel in modalities of individual involvement and with forces constituted geographically was conducted in fifteen⁴⁶ countries, four in Asia, four in Europe, six in Africa⁴⁷ and one in the American continent, resulting in the allocation of thousands of military personnel.

We will describe below, in summarized form, the missions integrated by the GNR with forces established between 2000 and 2015, without providing the organic structure or command channels, due to these falling outside the scope of this analysis.

We will stress the importance of the participation of the GNR in international missions with forces, as this is the mode where the Institution most optimizes its capabilities in support of *jus post bellum*. In face of the needs of each TO, the required capacities will be listed and, from the conclusions, we will structure the organization of the future force. Thus, the probability of success for the missions is increased.

The research conducted and empirical knowledge indicate that, in all missions with police forces, the policing tasks usually consist in: Maintaining Public Order (MOP); Patrol; Special Operations; Improvised Explosive Devices Disposal (IEED); Health Support; Search and Rescue; Criminal Investigation; Reinforcement or replacement of PL; Security of sensitive points; Escorts; Collection and treatment of information; Personal Security to High Entities (VIP⁴⁸); Protection and Relief, and Training and support of local authorities, which includes whatever humanitarian aid is possible and civil/military support - CIMIC (COSPU, 2005, p. 4). Overall, these were the tasks performed, with the exception of the NATO Training Mission in Afghanistan (NTM-A), in which the military GNR only fulfilled training tasks.

Participation of GNR generated forces

United Nations Transitional Administration in East Timor – UNTAET

The participation of the GNR in the mission deserved the international recognition of the UN and various national entities, from which we selected the words of Prof. Dr. Severiano Teixeira “The performance of the Guard contingent was highly recognized by international organizations, local authorities and, most important of all, the people of Timor” (Teixeira, 2002, p. 30).

⁴⁶ To these fifteen countries, if we take into account the commitment to humanitarian aid and technical-police cooperation, are added fifteen more. As for humanitarian aid: Turkey (1999), Algeria (2003), Iran (dec04-jan05) and Morocco (fev04).

⁴⁷ On the geostrategic importance with the CPLP, see (Bernardino, 2007) and (Barroso L., 2010). In Africa, the difficulties of peacekeeping operations are: on the one hand, harmonizing conflict resolution mechanisms through diplomatic means; and replacing the local forces unable to cope with spoilers (Barroso L., 2012). On peace operations in Africa, see (Boutellis & Williams, 2013) and the report on the strategy for peace operations between the African Union and the United Nations, available at [http://ethiopianmission-ny.org/documents/23 .pdf](http://ethiopianmission-ny.org/documents/23.pdf) [accessed on 24 May 2014] (African Union, 2012).

⁴⁸ In international doctrine known as *Very Important People* (VIP).

Operation Iraqi Freedom

The operational involvement was conducted, with great effort, in the province of Dhi Qar, in the city of An Nasyriah⁴⁹.

The subunit presented at the MSU as a well-prepared and well-equipped force⁵⁰. At the operational performance level, in addition to the missions identified, the forces contributed to the reform of the An Nasyriah PL and gave support to the distribution of uniforms and equipment and improvement of infrastructures in three police stations in the province. In terms of CIMIC activities, protection of cultural goods and humanitarian aid, the national contingent operated integrated in the MSU plan, which had special criminal investigation teams.

The proficiency in carrying out different tasks within the mission as a whole was the motive for public praise by various international and national bodies⁵¹, dignifying the country, and being an object of rejoicing within the institution.

From the LAFAEK mission to the United Nations Integrated Mission in Timor-Leste – UNMIT

The political and social instability⁵² experienced in Timor-Leste in April-May 2006 led to the highest Timorese personalities to seek the intervention of the International Community, given the destruction of the formal control bodies and the high number of refugees. That request was answered by Australia, New Zealand, Malaysia and Portugal (UN, 2011).

In the Portuguese case, the request for the operational commitment of the GNR was performed by the President of the Republic (PR), the Prime Minister (PM) and by the President of the National Parliament of Timor-Leste on 24 May 2006. The operational proficiency demonstrated by the RRU of the GNR, on the occasion of the UNTAET mission (2000) and the acceptance of the Force by the Timorese population were the reasons invoked (Cruz, 2010, p. 351)⁵³.

On May 26, 2006 a GNR evaluation team was planned for Timor-Leste. On June 4, 2006, *Subagrupamento BRAVO* landed in East Timor, with 127 military personnel and a team of three elements of the National Institute of Medical Emergency⁵⁴ (INEM). On the 10th of

⁴⁹ The provincial capital. The city is located north of the Euphrates river, 375 km south-east of Baghdad, and is adjacent to a highway between Basra (Al-Basrah) and Al Kute.

⁵⁰ The subunit was dubbed *Subagrupamento ALFA*. On weaponry and equipment, see (GNR, 2010, p. 17).

⁵¹ The first Portuguese unit awarded with the Medalha de Ouro de Serviços Distintos com Palma (Medal of Distinguished Service in Gold with Palm device), for their action in Peace Support Missions. It was published in *Diário da República* of December 16, 2005, in Notice N. 11 435 (2nd series). The GNR's *Subagrupamento ALPHA* was awarded by the President of the Republic (PR) with the Medal of Distinguished Service in Gold with Palm device. For the first time since the beginning of the national commitment to peacekeeping missions, a unit was decorated and assigned a "palm" (Machado, 2006).

⁵² Confront with the UNSC report of 2007 (UN, 2007).

⁵³ At the national level and through RCM N. 68 - A/2006 of 25 May 2006, it was decided to send a contingent of 127 GNR military personnel to Timor (PCM, 2006). On this mission, see (Hermenegildo, 2012), (Nogueira, 2012) (Guedes, 2005a) and (Ferro, 2005, p. 120).

⁵⁴ The contingent was supported by INEM teams, the rules for the joint intervention having been defined in Decree N. 1041/2006 (2nd Series) (Saúde, 2006).

that same month, operational vehicles and other equipment arrived at the TO and, after two days, operational service began.

The operation can be said to have been conducted in two phases. Initially, the contingent was operationally committed from 12 June 2006 to 25 August of the same year, based on a bilateral agreement between the Portuguese State and East Timor, to fulfill the mission designated as LAFAEK⁵⁵.

From August 26, 2006, the Subunit joined the United Nations Integrated Mission in East Timor (UNMIT) until 2012 (Hermenegildo, 2008, p. 783).

The paucity of the National Police of East Timor (PNTL) led to the GNR forces to perform executive police functions, replacing local authorities⁵⁶ (Cruz, 2010, p. 355).

On July 16, 2006, in order to reduce the military presence in the TO, the International Police (PI) was created. The entire Portuguese contingent integrated this police force, plus 200 police personnel from Australia, 250 from Malaysia and 30 from New Zealand.

From July 31, 2006, the area of responsibility of the GNR was extended to the entire city of Dili and the PI began ensuring the entire service.

Operation ALTHEA

The reduction of the military presence in Bosnia and Herzegovina led the EU to consult the EUROGENDFOR⁵⁷ (EGF) with regard to joining the military mission dubbed “Operation ALTHEA” with an Integrated Police Unit (IPU)⁵⁸.

It was agreed within the EGF that Portugal would contribute to the creation of forces with a squad for Maintenance of Public Order and a criminal investigation team, and would occupy five of the thirty-three positions of EUFOR IPU HQ. The command of the MOP Company and the leadership of the criminal investigation unit (Specialized Element) were carried out in a rotation system (Barradas, 2012).

The operational commitment of the EGF in the ALTHEA operation began on November 5, 2007, with the commitment of a small number of police personnel for duties in the HQ EUFOR IPU (Cruz, 2010, p. 356).

NATO Training Mission in Afghanistan (NTM-A) - 2011

At the national level, on the day of the NATO Summit in Lisbon (19 NOV 10), the Secretary-General requested a Portuguese contribution, through the GNR, to reinforce the teams of

⁵⁵ The word means Alligator in Tetum (Cruz, 2010, p. 351).

⁵⁶ With regard to the *Guidelines for Development of ROE in United Nations Peacekeeping Operations* and other legal provisions of the host State (Cruz, 2010, p. 355).

⁵⁷ On the organization and missions, see <http://www.eurogendfor.org/> [accessed on 22 April 2014].

⁵⁸ The High Level Inter-Ministerial Committee (CIMIN), as the body responsible for decision making within the EGF, has agreed, on July 19, 2007 in the city of Noordwijk (Netherlands), to the participation in Operation ALTHEA. On the International Police Task Force, see (J.Dziedzic & Bair, 1998, p. 253).

police trainers⁵⁹.

The GNR planned, prepared, designed and maintained a contingent consisting in a team of 15 military personnel, to join the international structure of the National Police Training Centre - NPTC Wardak, in Afghanistan, for an initial six-month period, to monitor and advise the operation of the Training Center and the training actions aimed at the Afghan National Civil Order Police (ANCOP), under the NTM-A, as part of the national contingent in ISAF and under the operational coordination of the EGF.

Table I - Table Summary of the international missions in which the GNR participated with established forces

Designation of the Mission	Mission
<p style="text-align: center;">UNTAET (4 contingents) (mar00-jun02) East-Timor (21 Officers; 52 Sergeants; 404 Guards)</p>	<p>The UNTAET was designed to ensure an effective transitional administration with an autonomous government, guarantee security, law and order, support the development of essential services (social services, civil administration, humanitarian aid) and create the essential conditions for the sustainable development in the TO. A GNR integrated the CIVPOL structure with a Rapid Response Unit.</p>
<p style="text-align: center;">UNMIT (13 contingents) (26ago06-dec12) East-Timor (85 Officers; 205 Sergeants; 1464 Guards)</p>	<p>Assisting the political power in restoring and maintaining the public order, with executive functions, and providing training to the PL.</p>
<p style="text-align: center;">EUFOR ALTHEA (fev08-out10) (5 contingents) Bosnia and Herzegovina (25 Officers; 50 Sergeants; 125 Guards)</p>	<p>Ensuring the implementation of the Peace Agreements, contributing to the maintenance of a safe environment in the territory.</p>

⁵⁹ The Supreme Council for National Defense (CSDN), by Determination of 15 December 2010, on the reinforcement of teams of trainers of the Armed Forces and the GNR for the ISAF, gave its assent to the proposal presented by the Government. On the effort of Portuguese Armed Forces in Afghanistan, see (Guedes, 2011).

<p>Operação Lafaek (1 contingent) (12jun06-25ago06) East-Timor (7 Officers; 12 Sergeants; 108 Guards)</p>	<p>Assisting the political power in restoring and maintaining the public order. Bilateral agreement.</p>
<p>Iraq Freedom (4 contingents) (nov03-fev05) (Rodrigues, 2007, p. 181). Iraq (21 Officers; 52 Sergeants; 428 Guards)</p>	<p>Of security and stability, to provide the required humanitarian aid and to contribute for the reconstruction of the country. Cooperating in the measures for rebuilding and maintaining the public order, of developing the civil administration and of promoting stability in the region. <i>Ad-hoc</i> mission.</p>
<p>NTM- A (4 contingents) (mar11-mar13) Afghanistan (8 Officers; 48 Sergeants; 4 Guards)</p>	<p>Provide training actions to the Afghan National Civil Order Police (ANCOP) at the Wardak National Police Training Centre.</p>

Source: DPERI/GNR

Conclusions

The GNR effort in *jus post bellum* for nearly two decades is synonymous with international visibility and recognition in a security governance environment and mirrors the commitment of the Portuguese State towards international peace. Portugal, as a provider of security, and due to its operational space (UN, EU, NATO, CPLP, Initiative 5 + 5) has proven to be a global actor.

The conflicts of the 90s and the consequent inaction or late action by the UN called for reflection on the organization and its proficiency in achieving the objectives of the Charter of San Francisco.

The circumstances experienced in TO in crisis has discredited the UN in the International Community and led to the reformulation of concepts and to a meritorious effort to make the organization efficient, *for the sake of peace*.

Boutros Boutros-Ghali, in the early 90s, noted that conflicts demanded new forms of management and resolution and a wider commitment by the UN to the reconstruction of post-conflict countries.

In 1999, Kofi Annan, in the document entitled “The Fall of Srebrenica”, identified serious gaps in the UN operation. That same year, the Carlsson Report also identified the errors committed in Rwanda.

In 2000, the Brahimi Report was presented to Kofi Annan, focusing on the causes of the failures in peacekeeping operations and making a wide range of recommendations, including measures for the *jus post bellum*. The following year, the ICISS Report was presented in an attempt to consolidate the concept of responsibility to protect, which implies the need for post-conflict reconstruction.

These documents compile a set of arguments for the need for a joint and combined commitment by the Armed Forces and police forces in the TO, in a spirit of comprehensive approach (NATO and EU), in order to render proficient the action taken before, during and after conflicts. In this context, the IO began requesting the involvement, in adherence to the referred procedures, especially in the *jus post bellum* phase, and the doctrine of international forces formed by police forces with military status was developed, such as the MSU (NATO), IPU (EU) or FPU (NU). It was determined that this type of forces with self-sustainability and protection capabilities guaranteed the security gap (safety zone not guaranteed by the armed forces due to a lack of capacity to perform policing duties, nor by the PL, due to lack of resources and preparation) and constituted an assurance of ubiquity of justice in TO.

In alignment with international best practices and consent to the appeals of international organizations, Portugal has decided to commit the GNR to peacekeeping missions since 1995, and, for the first time in 2000, it did so with an established unit. Of the 26 missions with the participation of the GNR, 6 were in the form of established forces, with the largest effort occurring in East Timor, both in terms of committed personnel and in duration and number of missions. In a gradual way, the form of commitment of the GNR in international missions has contributed to the efforts of the system of national forces, under the national foreign policy, and has merited international recognition.

As a rule, the explicit policing tasks in the *jus post bellum* stage play a crucial role in international stabilization and ensure the ubiquity of justice. These activities concern the reform of the security sector and are directly connected with public safety, reform actions, training and monitoring of PL and support to legal authorities, humanitarian or otherwise, depending on the needs of the TO.

Concerns about the *jus post bellum* “beautify” the Just War Theory, for reasons of morality, and were revived by Liddell Hart as a requirement for a lasting peace. Thus, they represent a postulate and, in our opinion, the duty of the International Community.

In our final summation, we highlight the respect for different cultures, neutrality and impartiality, and the undeniable ability to interact with other Peoples as a distinctive feature

of the national forces. These are, also, the distinctive arguments of the Guardforces in their actions *in jus post bellum*.

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