

The Expanding Security Gap: Australian Gendarmes and Policing

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ABSTRACT

Military and police cooperation assumes a different dimension in law enforcement operations that occur offshore, particularly transnational criminal environments. For police, military cooperation offers access to technology, resources, personnel and often operational strategies that are beyond law enforcement capabilities. However, there are challenges, as police seek to resolve investigations and ultimately prosecute offenders, while military objectives may include retrieval of an asset or individual, obtaining intelligence and planning for future operations. These two strategies are not always compatible, particularly where military responses may involve some transgression of law, while law enforcement objectives of identification, detention and prosecution of offenders are unlikely due to insurgency and war. This paper considers an Australian perspective on police responses to a range of transnational crimes, including drug importations and counter-narcotic strategies, kidnapping and terrorism. This historical trajectory illustrates a blurring of military and police roles in highly complex, operation-specific policy responses and development of a gendarmerie capability in the offshore environment, a trend being replicated across the globe.

Keywords: gendarmerie; military-police cooperation; security gap; Australian Federal Police.

INTRODUCTION

During the 1990s, the ‘security gap’ was regarded as a key factor for the (in)effectiveness of international military and police responses to a surge in intrastate conflict (Dziedzic, 1998). Since then, researchers, policy-makers and practitioners have considered ways that international collaboration and cooperation between the military and police might address these various gaps in peace-enforcement and peace-keeping

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operations, by timely deployment, enforcement of public order, and security sector reform (Harris and Jackson, 2011; Hills, 2007; Janssens, 2010, pp. 90-91; Neuteboom, 2010, p. 129). While Bronson (2002) considered the security gap as times “when soldiers become cops,” Andreas and Price (2001) observed that police were adopting military techniques and technologies, indicating a transition that could be framed as “when cops become soldiers.” Since 2001, military-police roles in the peace-enforcement, peace-keeping environment, indicate a widening of the security gap, reflecting a state transition “from war-fighting to crime-fighting” in the international domain (Andreas & Price, 2001, p. 35).

The security gap and focus upon intra-state conflict has been compounded by other factors, including terrorism, refugee and migration flows, and transnational criminal activity, often involving “actors outside international control regimes” (Berenskoetter, 2005, p. 80; Liotta 2005; Rollins, Wyler & Rosen, 2010). The links between criminal networks and corrupt political institutions in failed states, sites of peace-keeping missions, are noted as particularly problematic for police and the military with responses, such as in the case of Bosnia, being described as “militarised law enforcement” (Schroeder and Friesendorf, 2009, p. 146). A concurrent feature of global security governance has been the expansion of international policing investigations and crime control, with law enforcement agents operating in areas where the rule of law is not always recognised or easily enforced (see Andreas and Nadelmann, 2006; Cockayne 2013; Hills, 2009; Sheptycki, 2002). The linking of national security to crime prevention programs and investigations may also facilitate policing responses in an extra-territorial dimension (Andreas & Nadelmann, 2006; Andreas & Price, 2001; Hallsworth & Lea, 2011; Lutterbeck, 2004).

For police, conducting offshore investigations and crime prevention programs in hostile or high risk environments may have been, paradoxically, facilitated by the security gap identified in peace keeping operations, which presented opportunities for law enforcement to acquire military strategies and techniques. In turn, promoting law enforcement issues into national security priorities “changes not only policy discourse, but (the) exercise of state power” (Andreas & Price, 2001, p. 37). This paper traces the changed environment for offshore policing and the possibilities of militarised law enforcement through Australian responses, initially in the area of peace-keeping, and then expansion into other arenas

of countering criminal activity. The selected case studies illustrate the potential for an Australian gendarmerie and reflect the security dilemma faced by liberal democratic states where policing investigations occur in active conflict zones.

The Centre for the Democratic Control of Armed Forces (n.d) refers to the wide range of policing models described as “gendarmeries,” including “constabulary forces, civil guards, national guards, carabinieri, maréchaussées, republican guards, intermediary forces, armed police, frontier forces, internal troops, civil defence units, special forces, hybrid forces, paramilitaries or militias” (p. 2). Lutterbeck (2013) similarly notes the wide definitional scope of “gendarmerie,” where the narrower term in Europe is often applied to “police with military skillsets, with the legal status of soldiers’ and in “certain respects, controlled by ministries of defence” (p. 7). In this paper, the definition of “gendarmerie” is conceptualised as a law enforcement agency with “skills and training in specialist weapons and tactics capacity” and, more particularly, “stronger suppression capabilities than typical civilian police” including access to armoured vehicles and “light infantry weapons” (Centre for the Democratic Control of Armed Forces, n.d., pp. 2-4).

Scholarly and public reviews on gendarmeries or militarised police units in the global law enforcement environment have focused primarily on the maintenance of public order in international peace-keeping and post-conflict operations (den Heyer, 2011; Freisendorf & Penksa, 2008). However, Australian police now conduct overseas investigations in unique environments, where offender groups include state and non-state military personnel, criminals with use of military-grade weaponry, or criminals operating in conflict zones. A poignant example is the deployment of unarmed Australian police into the Ukraine, an active war zone, to investigate the deliberate downing of the MH17 aircraft and deaths of 298 passengers and crew (Ierino, Reid & Sheehan, 2015).

This paper proceeds with an overview of Australian police agencies and paramilitary units, with particular focus on the national law enforcement body, the Australian Federal Police (AFP). Case studies illustrating Australian transnational policing challenges are then considered, from peace-keeping/stability operations in the South Pacific, to counter-narcotic operations, and the kidnapping of Australian citizens. These cases illustrate not only a changed approach, with the introduction

of paramilitary units into offshore policing, but also law enforcement operations in hostile environments.

AUSTRALIAN POLICING AND PARAMILITARY UNITS

A federation of states and territories, Australian law enforcement comprises a national agency, the Australian Federal Police (AFP) in addition to police agencies at the state and territory level, the latter being responsible for public order, community policing, and investigation and prevention of crimes committed within the relevant state or territory.¹ The Australian Federal Police (AFP) is responsible for national criminal investigations, crime prevention, and the conduct of international liaison and operations. Following the 1978 terrorist bombing of a Sydney hotel, the AFP was established in 1979 through the integration of three law enforcement agencies: the Commonwealth Police (principally responsible for protective services to diplomatic missions and airports, and federal investigation of fraud and illegal drug importations), the Federal Bureau of Narcotics (a unit in the Australian Customs Service, whose remit was investigation of narcotic importations) and the Australian Capital Territory (ACT) Police Force (Baker, 2004, p. 148). The AFP is the principal policing agency responsible for national investigations of criminal activity in Australia, and international operations that impact upon Australia (AFP, 2019).

McCulloch (2004, p 313; 2001) traces the development of specialised paramilitary units within Australian state and territory police from the 1970s and creation of a specialist operations group in one state policing agency (Victoria Police) to address perceived threats from civil unrest in minority communities, anti-establishment movements and militant trade unions. Para-militarisation of the police was reflected and effected through joint police-military training, similarities in uniform, use of military weapons and equipment, application of “extremely high levels of force,” and the movement of personnel from military to policing roles (McCulloch 2001, p 1). Hogg (1982) also noted Australian developments in paramilitary policing through the establishment of ‘tactical response groups’ in New South Wales during the 1980s. Contemporary specialised paramilitary units in state and territory police forces now include counter-terrorist and hostage rescue capabilities.

Role convergence between military and police agencies in liberal democracies has been noted elsewhere, in particular, the use of military strategies and weapons to address civil protests and riots (see Campbell & Campbell, 2009; Kraska, 2007; Phillips, 2016; Weiss, 2011). In Australia, role convergence is similarly controversial, with commentators arguing there is a “well-established tradition that military responsibility is confined to dealing with external enemies under the control of civil authorities in wartime” and that the Australian Constitution “implies” a division between the military and police (Wooten, cited in McCulloch, 2001, p. 3). The paramilitary units within the police therefore represent the liminal spaces or threshold for the use of force, military equipment and techniques, in a law enforcement context (Harris & Jackson 2011, p. 106). McCulloch (2004) argues that the paramilitary units are indicative of an “increasing tendency towards convergence in philosophy and operations” for police and military, especially within a post 9/11 environment where the global war on terror offered a pretext for (further) militarisation of law enforcement (p. 313).

In contrast to the paramilitary policing developments in state and territory forces, the AFP experienced a short-term reversal of this trend. During the 1990s, the AFP internal structure underwent transition, away from a “military-style rank structure,” towards a more “team-based, professionally-oriented organisation” that reflected a ‘central intelligence organisation’ (Baker, 2004, pp. 150-151). According to former AFP Commissioner Keelty, such a transition “distinguished the AFP from state police bureaucracies with the traditionally-ranked military structure” (cited in Baker, 2004, p. 150). It is proposed that, while this transition away from paramilitary policing may be evident in Australian-based operations, it is the AFP’s involvement in peace-keeping and stability operations, and offshore criminal investigations, which has generated an opportunity to develop a gendarmerie, for both domestic and international deployment. In 2006, then AFP Commissioner, Mick Keelty noted that the Australian government was reluctant to endorse a gendarmerie, although the organisation faced challenges in overseas deployments requiring a “pseudo-gendarmerie” approach which involved “quasi peace-making” in addition to “peace-keeping” (p. 8).

In addition to its role in the investigation and prevention of transnational crimes - illicit drug trafficking, fraud and money laundering, people smuggling and cyber-crime - the AFP has also selected, trained and deployed civilian police officers for United Nations (UN) missions, including contingents involved in oversight of the 1999 East Timorese referendum (AFP 2000, 2001). In the following decade the AFP became more intensely involved in stability operations and police training programs, notably in the Solomon Islands (2003) and, later, the South Pacific (2004), South Sudan (2006) and Afghanistan (2007) (AFP 2013a). The expansion of Australian police contributions to peace keeping operations led to the creation in 2004 of the International Deployment Group (IDG) as a “standing (body with the) capacity to deploy Australian police domestically and internationally to contribute to stability and security operations, United Nations (UN) Missions and Capacity Development Missions” (AFP, 2013a). In 2013, the AFP reported there were “approximately 440 members deployed to UN Missions in South Sudan and Cyprus, international missions in Timor-Leste, Papua New Guinea, Nauru, Solomon Islands, Vanuatu, Samoa, Tonga, and Afghanistan,” and, of this number, 239 personnel were listed as being specifically affiliated with the IDG (AFP, 2013a, 2013c).

The IDG consisted of three components: an Australian-based unit, providing selection, training and support to mission personnel and “strategic advice to AFP executive;” a mission component, of sworn and unsworn personnel deployed to operations (or ready for deployment); and a Specialist Response Group, “providing ready response, highly-skilled tactical and specialist policing capability for rapid deployment to domestic and international operational situations” (AFP, 2013b). It is the development of a Specialist Response Group (SRG) that, it is contended, presages an Australian gendarmerie. Identifying a need for improved police-military interoperability, derived from analyses of the Solomon Islands mission, led to the merging of two Operations Response Groups into one unit in 2012, the SRG, which advertised its capabilities as “marksman, reconnaissance, negotiation, bomb response, and maritime, aviation and medical support”(AFP, 2013b).

Researchers have focused upon the increased need for interoperability and communication between the AFP and Australian military in stability and peace-keeping operations (Goldsmith and Dinnen, 2007; Harris and Jackson, 2011). Increased collaboration with the

Australian military was predicated on past experience in peace keeping, particularly East Timor and the Solomon Islands. However, an examination of other events during the past decade – counter-narcotic operations, the overseas kidnapping of Australian citizens, and increased involvement in international police training programs – highlight the challenges and opportunities for the AFP in an offshore policing environment that are catalysts for a militarised approach. In contrast to peace keeping operations, these selected events (summarised in case studies below) are indicative of “policing in a foreign policy space” where “police are the new deployable arm of government” (Keelty, 2006). The selected case studies indicate not only an expansion of the security gap noted during peace keeping operations, but also illustrate the challenges of traditional policing responses in transnational criminal investigations and crime prevention programs.

THE ‘PONG SU’ HEROIN IMPORTATION (2003)

In April 2003 the AFP initiated an investigation into a 125 kilogram heroin importation involving a North Korean freighter, the Pong Su. As the freighter was in Australian waters, assistance was sought from state and federal government agencies, including the Australian navy and military special forces unit (Logue, 2003). Two men were previously observed landing on a beach in the southern Victorian town of Lorne, being detained the next day in possession of 50 kilograms of heroin, hidden in waterproof bags. Also located on the beach was the body of another male, believed to be an accomplice who had drowned during the landing, and a further 75 kilograms of heroin (Negus, 2003). A fourth male was later arrested, having remained in the vicinity of the beach. The men had previously been on board the Pong Su, which was then headed out to sea, sailing north along the Australian coastline. Ignoring directions by Australian authorities to head into the nearest harbor, the freighter’s captain continued to sail north. Following police communication to the Australian Prime Minister, Defence Minister and senior Defence officers, the military and navy were “told to prepare plans to arrest” the ship (Cornford & Malkin, 2003). After a four day pursuit in heavy seas, the ship was eventually boarded and the captain and crew detained “at gunpoint” by special forces personnel (Lewis, 2003).

The Pong Su, owned by a North Korean entity, was registered in the South Pacific island of Tuvalu (Cornford & Malkin, 2003). Police alleged that the ship's officers had arranged to stop the ship near the Australian coastline for the purposes of offloading heroin (Gregory, 2005). The AFP further alleged that the heroin had been loaded onto the freighter at the North Korean port of Nampo, although the drug smuggling network was based in South East Asia (Sydney Morning Herald, 2003). The Pong Su's political officer (also described as a "political vice-president") was stated to have a "powerful position on the ship" (Champion, cited in Gregory, 2005). The inference was that the importation was organised, or facilitated by, the North Korean government, while the seized narcotic was reported to be of 'unknown origin' (Casale et al., 2006; Collins et al., n.d; Perl, 2004). The three men previously detained and 27 crew members were charged with aiding and abetting the importation of heroin. At a preliminary court hearing in April 2004, 23 crew members were discharged due to insufficient evidence and later deported. Of the remaining seven crew members who stood trial, four detained on board the freighter (including the captain, first mate, ship's political officer and chief engineer) pleaded not guilty. The four crew members were found not guilty in a 2006 trial and later returned to North Korea (Carbonell, 2004).

The Pong Su's interception and detention of its crew is illustrative of "policing in a foreign policy space," a North Korean vessel in Australian waters (Keelty, 2006). The Pong Su was intercepted and ultimately detained by the use of military assets and personnel, with AFP officers reportedly not participating in the initial boarding and seizure of the vessel until it was secured (Cornford & Malkin, 2003). Jennings (2004) notes that the Pong Su incident highlights the "cross-jurisdictional complexity of many security issues" with a "blurring of security roles at the border," particularly coastal surveillance, and a heightened reliance and interoperability between police and the military. The incident highlighted "a policy shift in national security" where "the range of possible threats goes well beyond the capacities of individual government departments to counter" such challenges, requiring the Australian government to "strengthen its ability to use all the instruments at its disposal" (Jennings, 2004, p. 38).

In contrast to the deployment of military assets in a counter-narcotics importation, the following two case studies illustrate a reliance

by police on paramilitary tactics to enforce public order in peace-keeping environments.

TIMOR-LESTE AND SOLOMON ISLANDS (2006)

Unarmed AFP personnel were first deployed to Timor Leste in 1999 under the auspices of the United Nations Assistance Mission to East Timor (UNAMET) for the special autonomy referendum, a ballot that would determine whether the East Timorese would seek independence from Indonesia (Aglionby, 1999). Following the pro-independence referendum outcome and subsequent civil unrest and violence, an Australian-led peace keeping operation was established (INTERFET) in late 1999 that included armed police officers. The peace-keeping operation, including deployment of AFP officers, to Timor-Leste continued through the different mission phases until 2012 (AFP, 2013d). In April and May 2006, a surge in civil unrest – involving youth gangs, armed with weapons that included “machetes, knives, dart guns” – and violent confrontations with police patrols of five or less officers, prompted urgent calls for support from “more heavily armed military and paramilitary units” (Goldsmith, 2009).

The situation was exacerbated by the murder of nine unarmed Timorese police officers and injuries to another 25 personnel on 25 May 2006, perpetrated by members of the Timorese military, and subsequent “political in-fighting” that resulted in “the government (losing) control over its security forces” (Goldsmith, 2009; Goldsmith & Dinnen, 2007). At the time, Timor-Leste was being hailed as a “UN nation-building success story” although indicators of violence were evident, with increased urbanisation and mass migration from poorer rural areas, high unemployment, the presence of a “significant number of disaffected, martially-trained young men,” and former Timorese police who had joined militias and gangs in the civil unrest, fights and incidents of arson (Goldsmith, 2009, p. 123). The target for these groups were the “new international police” in Dili, the capital, that eventually required joint patrols of Australian military and police personnel to enforce order (Goldsmith, 2009). Without access to “weaponry capable of projecting non-lethal force over a few metres,” Australian police sought “military and operational responses” (Goldsmith, 2009, p 125). Goldsmith (2009) notes, in this instance, that understanding “local political complexities” was important in policing such an environment, in addition to the “need for

greater AFP and Australian military interoperability” particularly in relation to intelligence exchange (p. 131).

Peace-keeping was also a mandate of the Regional Assistance Mission to the Solomon Islands (RAMSI), established in 2003 following five years of “ethnic tensions” and an urgent request from then Prime Minister, Sir Allan Kemakeza, to the Australian government (RAMSI, n.d.). The initial mission comprised police from the Pacific Island Forum member states, being led and funded by Australia and New Zealand.² The AFP contribution to the mission was prompted by the Australian government’s concern that the Solomon Islands was violent and corrupt, a potentially “failing state” (Wainwright, 2004; Glenn, 2007). RAMSI’s objectives were to restore law and order, the detention of “militant leaders and criminals,” reform of the indigenous police force (the Solomon Islands had no military) and government institutions (Glenn, 2007). Although RAMSI military personnel were “granted full powers of arrest,” the principal security providers were international police officers, who conducted patrols with Solomon Islander police (Glenn, 2007, p. xii).

The mission was considered highly successful in the subsequent three years, with the restoration of law and order, weapons confiscation, and detention of militia leaders and former police personnel who had engaged in violence (Goldsmith & Dinnen, 2007, p. 1102; Fullilove, 2006). However, following a change in government in 2006, rioting and looting occurred, with local and RAMSI police “caught off-guard,” and urgent Australian reinforcements being arranged (Goldsmith & Dinnen, 2007, p. 1102). Australian police were “accused of over-reacting” with the use of tear-gas to control the crowd (Goldsmith & Dinnen, 2007, p. 1102). Allegations by newly elected Solomon Islander politicians, of bias and dominance of the Australian government through RAMSI, were then followed by expulsion of the Australian High Commissioner, appointment of parliamentary members who had just been charged with involvement in the rioting (one as Police Minister) and an Australian lawyer as Attorney-General, a person wanted by the AFP for questioning in regard to child sexual offences (Goldsmith & Dinnen, 2007, pp. 1104-1105).

An AFP operational response team, originally created in 2005 and previously deployed to the Solomon Islands following a prison riot, was called upon to assist in restoring public order. The unit’s presence was considered significant, as “the first time that Australian police have

deployed a complete tactical response team into an overseas mission” (Nautilus Institute, 2013). These incidents – including an earlier shooting murder of an AFP officer in 2004 - were noted by an AFP spokesman as indicative of “the inherent dangers involved in peacekeeping operations and capacity building” (cited in Stewart, 2007). An AFP proposal included:

(Having) its own fleet of armoured vehicles to send to hotspots around the globe by late next year (although) the AFP denies the move will transform it into a paramilitary force, saying the new so-called “protected armoured response vehicles” will not be mounted with guns or other weapons. Instead, the armoured fleet will be used to protect AFP officers from attacks while deployed on peacekeeping missions in areas of civil unrest, such as the Solomon Islands and East Timor... (The vehicles are expected) to be used by the AFP’s new overseas anti-riot squad (Stewart 2007).

The Australian policing responses in Timor-Leste and the Solomon Islands indicate not only a perception by its personnel on the “futility of ‘normal’ models of police patrol... (where) violence suppression became a major objective,” but also that their only defence was “deadly force” (Goldsmith, 2009, p. 126). The limits of policing and public order enforcement in a weak state indicate an increased reliance upon police-military and paramilitary responses.

The following two case studies highlight similar challenges in offshore policing, but instead an almost complete reliance by law enforcement upon military and private security resources and expertise, for the location, negotiation and retrieval of kidnapped Australian citizens in conflict zones.

KIDNAPPED: IRAQ (2005) AND SOMALIA (2008)

Challenges in the location, negotiation, and retrieval of kidnapped Australian citizens kidnapped in Somalia and Iraq illustrate the limitations upon traditional policing techniques. An Australian Senate Inquiry, conducted in 2011, followed complaints regarding government and police

responses by the family of Nigel Brennan, an Australian photojournalist kidnapped in Somalia in 2008 (Senate Foreign Affairs, Defence and Trade References Committee, 2011). Brennan was kidnapped, with a female Canadian colleague, soon after arriving in Somalia. They were held for 462 days by a group of Somali males, believed to have criminal rather than ideological or religious motivations. Brennan and Canadian colleague, Amanda Lindhout, were released after his family sought intervention from a UK private security company, AKE, who initiated contact with the kidnappers, negotiated a large ransom and successful retrieval of both Brennan and Lindhout (Brennan, Bonney & Brennan, 2011).

Brennan's family raised concerns with the Australian government responses, particularly by the AFP and Department of Foreign Affairs and Trade (DFAT). These concerns included confusion over ransom demands (the family being told that no ransoms were payable, and then asked to calculate their assets and financial resources), lack of country knowledge, refusal to engage a Somali interpreter for negotiations, no responses by AFP to "proof of life" telephone calls from the kidnappers and Brennan, and later refusal (by AFP and DFAT) to disseminate information to the private security company, citing national security clearance issues, despite AKE employees being former British Special Air Service personnel (Brennan, Bonney & Brennan, 2011; Senate Committee 2011). In response to a question at the Senate hearing, the Brennan family affirmed that "there was a total lack of information and intelligence on the ground of the situation" (Senate Foreign Affairs, Defence and Trade References Committee, 2011, p. 7). The initial negotiations, and later meetings by AFP officers with AKE representatives and a family member, were conducted from Nairobi, Kenya, the closest location to Somalia.

By comparison, the 2005 kidnapping of another Australian, Douglas Wood, in Iraq resulted in the deployment to Baghdad of a "six-member 'hostage response team' picked from the highest ranks of the military and Australian Federal Police counter-terrorist unit," led by a senior DFAT executive (Lorrimer, 2005; Wood, 2005, p. 2). Wood was reportedly kidnapped by the Shura (Consultative) Council of the Mujahideen of Iraq, an "umbrella organisation of Iraqi resistance fighters" (Lorrimer, 2005). Wood's family noted that AFP responses appeared to be "basic" with "antiquated" voice recording devices attached to home landlines, and that the "officers' expertise in negotiation strategies was limited" (Wood, 2011, p. 3). Wood was held captive for six weeks,

ultimately being released following a military operation conducted by US and Iraqi forces, with minimal law enforcement intervention (Sydney Morning Herald, 2005).

The two cases highlight operational difficulties for police, seeking to employ traditional hostage negotiation techniques in a conflict environment, where military support is often required. While the police may represent the first agency that families approach for assistance, with an expectation that overseas kidnapping cases be managed appropriately, the Australian Senate Inquiry indicated significant challenges, including cross-agency responsibility, information dissemination, particularly with private security actors, and communication with families (Senate Foreign Affairs, Defence and Trade References Committee, 2011). The Senate Inquiry (2011) recommended that regular meetings occur to facilitate “inter-agency coordination and cooperation” and that “a pool of specially trained personnel across all relevant agencies (should be established) ready to respond to an incident such as a kidnapping abroad” (p. xii). In 2013 the newly created AFP Specialist Response Group included a “police negotiation team” to assist “the Australian Government in responding to international incidents where negotiator skills are required” (2013b).

AFGHANISTAN (2007-2010)

In October 2007, four AFP officers deployed to Afghanistan, advising senior Afghan police and assisting in counter-narcotic training programs. In October 2008, the deployment also included the “embedding” of three AFP officers into the Australian military to increase “opportunities for interoperability” and to “strengthen liaison and engagement” opportunities. The AFP’s role, apart from police training and development programs, was linked by then Home Affairs Minister, Bob Debus (AFP, 2008) to opium production which was “fueling a Taliban-led insurgency that threatened regional and international security” (p. 23). In 2010, the Australian government funded AFP to conduct a \$32.1 million, two-year program, for Afghan police training and development. Between 2007 and 2010, more than 650 Afghan police officers were trained by AFP officers, who were also involved in “reinforcing the rule of law through placements in Kabul and Kandahar” (AFP, 2010). By 2011, an AFP

statement noted police personnel were engaged in a range of programs, being the provision of training, and secondment with international and national agencies, including the NATO “training mission,” Regional Afghan National Police Centre, a Counter-Narcotics Interagency Task Force and International Operations Coordination Centre. The statement further mentioned that the organisation adhered “to strict protocols prohibiting it from sharing data for military purposes or for the placement of identified persons on military targeting lists” (AFP, 2011).

A United States (US) Embassy, Canberra, cable, released by WikiLeaks, mentioned the deployment of AFP officers to Afghanistan being described by a senior Australian Defence Department official as “putting good money into a bad situation” and questioning whether the AFP could meet its objectives, given the “train wreck” that they were being tasked to work with, in the Afghan National Police (cited on Special Broadcasting Service, 2015). In another cable, US concerns regarding the deployment of police, rather than military personnel, to Afghanistan were mentioned (Benson, 2010). A further 2008 missive referred to then AFP Commissioner Keelty discounting a police role in counter-terrorism, and instead a focus on counter-narcotics. However, such operations were constrained by security concerns, where a UK private security company (Armor) provided protection for AFP personnel, the “high security cost” being perceived to “not justify the return of benefit” – a security gap that was being addressed through the private sector (McCallum, 2008). By the end of 2008, AFP personnel were instead embedded into the Australian military, for interoperability and liaison purposes, while later reporting again makes reference to limitations on the dissemination of data for “military purposes” (AFP, 2011).

AUSTRALIAN GENDARMES

Neuteboom (2010) refers to gendarmerie forces as a “hybrid” model, being police “tasked with regular policing duties’ in their domestic arena, although also capable of operating in situations that ‘are characterised by a higher degree or hostility or danger” (pp. 136-137). Interoperability with the military as well as police, and an understanding of “military command and control, logistics and culture” are necessary, such that paramilitary policing units may also operate in environments requiring military-type

responses (Neuteboom, 2010, p. 137). The AFP has been increasingly assigned a role by successive Australian governments in the ‘foreign policy’ or security space, more traditionally associated with the military than police. In doing so, police are being deployed into hostile environments for the purposes of training and capacity building programs, counter-narcotic operations, investigations and hostage negotiation. The security gap noted previously in peace keeping operations is expanding, correlated to the changing tasks and roles that the Australian government is setting for its Federal Police. This liminal space or threshold is such that police personnel must acquire dual skill sets; those applicable for more traditional policing arrangements in liberal democratic states, and military techniques suitable for hostile, high risk arenas.

The catalyst for greater military interoperability and later development of this gendarmerie stems not only from AFP experience in Timor-Leste and the Solomon Islands, but also reviews of policing performance and response in those stability operations (see Goldsmith, 2009; Harris & Jackson, 2011). Harris and Jackson (2011) refer to collaborative doctrinal development by the police and military, and enhanced “structural and policy-level cooperation and interoperability” to guide integrated agency approaches. Initiated in 2007, AFP personnel were seconded into Defence Joint Operations Command, with police enrolled into courses at the Australian Defence College (Harris & Jackson, 2011, p. 110). Further indications of interoperability and police involvement in military training occurred in 2011, with the involvement of AFP units (including Forensics and the International Deployment Group) in Operation Talisman Sabre, a major biennial exercise involving both the Australian and US military forces (AFP, 2011). The AFP (2011) described its involvement in the exercise as strengthening “understanding of each organisation’s capabilities and methods of operations.”

Gendarmeries involved in international security operations are assessed to be more flexible and capable, meeting both military and policing requirements, with speedier deployments (Centre for the Democratic Control of Armed Forces, p. 5). Lutterbeck (2013) highlights additional positive features of gendarmes as representing the “bridge between domestic and international security,” particularly in the context of “contemporary security challenges” (p. 11). A comparative analysis of gendarmeries in Turkey, the Maghreb and European states reflect similar security challenges, leading to increased expansion of these specialized

agencies since the 1990s, particularly in West European states. These challenges include “border control, counter-terrorism and riot control, to international peace operations” (Lutterbeck, 2013, p. 14). Although varying in origin – either as an arm of the military or separate policing institution – gendarmeries in Algeria, Austria, Belgium, France, Italy, Morocco, Spain, Tunisia and Turkey, have gradually been integrated into the centralised, internal security system of their respective state, with increased personnel numbers (Lutterbeck 2013, pp. 16, 54). For gendarmes in border control, there is also access to ‘heavier equipment, including helicopters and ocean-going patrol ships’ (Lutterbeck 2013, p. 28). The focus on internal security, particularly public order and counter-terrorism, has resulted in gendarmeries with specialised units.

In Australia, a similar trajectory towards centralisation of internal state security at the national level has occurred, with creation of the Department of Home Affairs in December 2017, whose remit includes border control, counter-terrorism, and responding to organised crime threats (Department of Home Affairs, 2018). Agencies integrated into the Home Affairs Department include the AFP, Customs, Immigration, security and financial intelligence, emergency management, and transport security. By contrast to gendarmeries of other states, however, the integration of these agencies into one department has led to a slightly different trajectory. While the AFP continues with overseas deployments focused upon crisis response and criminal investigations, its role in international peace operations has reduced considerably, with no civilian police deployments recorded in 2018 and 2019 by the United Nations (2019). The ‘quasi-gendarmerie’ role it assumed in the early 2000s through ‘peace-making’ operations is now slightly muted. Transformation of the AFP into a gendarmerie appears to have slowed, particularly the offshore environment of peace-keeping. However, its focus upon counter-terrorism may still renew the concept of a gendarmerie, both within and external to Australian borders. It is another agency, the Australian Border Force (ABF) - formed in 2015 by the integration of Customs and Immigration, then being subsumed within the Home Affairs portfolio - that more clearly reflects a similar profile to the gendarmeries of other liberal democratic states. The ABF is responsible for land and sea border control functions, comprising armed officers, access to marine patrol boats and aircraft, and a military-style command structure (ABF, 2020). Future changes within the Home Affairs portfolio may facilitate ABF support for overseas

operations, a militarised agency whose personnel include sworn officers and skills that reflect a gendarmerie (Smith & Burton-Bradley, 2018).

Since 2001, the path towards militarisation of Australian law enforcement in offshore operations indicates a response not just to a ‘security gap’ but also mirrors a wider international propensity towards “an innovation of police power in the international sphere” with the “incorporation of military strategies” (Ryan, 2013, p. 435). The expansion of gendarmerie forces is occurring more particularly in liberal democratic states, with centralised internal security systems and military capabilities. While there is an increased focus upon police militarisation within states, it is also significant that a similar capability is being developed in the offshore environment.

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¹ The six states are: Victoria, New South Wales, Queensland, Western Australia, South Australia and Tasmania; the territories are the Northern Territory and Australian Capital Territory (ACT). The ACT is an anomaly compared to other police agencies, encompassing the capital city, Canberra, and an integral element of the AFP.

² The Pacific Islands Forum comprises 16 member states, being [Australia](#), [Cook Islands](#), [Federated States of Micronesia](#), [Fiji](#), [Kiribati](#), [Nauru](#), [New Zealand](#), [Niue](#), [Palau](#), [Papua New Guinea](#), [Republic of Marshall Islands](#), [Samoa](#), [Solomon Islands](#), [Tonga](#), [Tuvalu](#), [Vanuatu](#) (Pacific Islands Forum, 2013).