

GENDARMERIES AND CONSTABULARY- TYPE POLICE

Roles and responsibilities of police with mixed
military and civilian characteristics

ABOUT THIS SSR BACKGROUNDER

Gendarmeries and constabulary-type police go by many names, but all combine characteristics of both the military and civilian police. Because of their unique skill sets, demand for such forces to face new threats to domestic and international security has increased everywhere. However, the mixed military–civilian characteristics of gendarmeries and constabulary-type police pose special challenges for democratic civilian control and the appropriate use of force, especially in domestic law enforcement. This SSR Backgrounder describes the roles and functions of gendarmeries and similar forces and explains how applying the principles of good SSG enables them to fulfil their legitimate mission of protecting both state and human security with respect for human rights and the rule of law.

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ABOUT THIS SERIES

The SSR Backgrounders provide concise introductions to topics and concepts in good security sector governance (SSG) and security sector reform (SSR). The series summarizes current debates, explains key terms and exposes central tensions based on a broad range of international experiences. The SSR Backgrounders do not promote specific models, policies or proposals for good governance or reform but do provide further resources that will allow readers to extend their knowledge on each topic.

The SSR Backgrounders are a resource for security governance and reform stakeholders seeking to understand and also to critically assess current approaches to good SSG and SSR.

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WHAT ARE GENDARMERIES AND CONSTABULARY-TYPE POLICE?

There is no universally accepted definition for gendarmeries and constabulary-type police. Because their functions are so diverse around the world, they are known under a variety of names, depending on region, context and military status. **This SSR Backrounder uses the term “gendarmeries” to refer to all types of police with mixed military–civilian characteristics.**

Gendarmeries and similar constabulary-type police are security forces that have both military and civilian characteristics.

Typically, this means that they:

- Hold law enforcement powers similar to those of civilian police; and
- Have skills and training in specialist military tactics.

Their missions and capacities can range from military tasks (including combat) to the full range of civilian law enforcement tasks, and their functions may be attributed by geographical unit (e.g. policing rural areas) or thematic specialization (e.g. certain categories of crime).

Gendarmeries and constabulary-type police vary widely in composition around the world. Some more closely resemble military forces with civilian policing capacities; they have military status and their missions fall under the responsibility of a ministry or department of defence. In other contexts, gendarmeries and constabulary-type police more closely resemble civilian police with some specialist military skills and capabilities; they are answerable to interior or justice ministries as either an autonomous law enforcement organization or a branch of civilian police. Sometimes responsibility for their command switches between the military and civilian policing authorities depending on the mission. Figure 1 describes variations among gendarmeries and constabulary-type police and the differences between the military and civilian police.

Gendarmeries vary depending on the domestic political and social situation of their country of origin, but most share the following characteristics:

- **Military status:** under defence department or ministry authority, gendarmeries typically have a national defence mission, even if only subsidiary or residual, under which they are responsible to the executive authority for national defence;
- **Structured like a military organization:** gendarmeries tend to be more centralized and hierarchical than civilian police;
- **Use of military-style weapons and tactics:** gendarmeries can use stronger suppression capabilities than is common for purely civilian police; equipment might include armoured vehicles, small airplanes, helicopters and light infantry weapons;
- **Civilian police authority:** gendarmeries also typically have domestic law enforcement functions, and may be answerable to other ministries, such as the interior or justice ministry, for other parts of their missions.

Due to their military status, gendarmerie personnel have different rights and obligations from civilian police officers. Although national contexts vary, often gendarmerie personnel:

- Do not have the right to go on strike or join a union;
- May be limited in the right to participate publicly in politics;
- Are obliged to be “permanently available”, i. e. they do not have fixed working hours and have no claim to compensation for overtime;
- Are housed in accommodation provided by the State – usually military barracks – and thus do not live among the civilian population, as would regular police personnel;
- Must obey orders according to military discipline, including at risk of life and person (the only exception being illegal orders).

WHAT ROLES CAN GENDARMERIES PLAY IN DOMESTIC SECURITY?

In principle, gendarmeries could cover any aspect of policing and law enforcement, but, typically, they are primarily concerned with internal security and policing tasks that:

- Require a mixture of law enforcement and military skills; and
- Sit at the intersection of domestic and international security.

Gendarmeries often deal with specific **thematic security functions**, often merging domestic and international security concerns, for example, serious forms of organized crime, sensitive or high-profile investigations, terrorism, transnational crime, border control or international peace operations. They often also have a **subsidiary or residual national defence function**, which they would assume in times of war or in response to specific threats.

Because police and military institutions are designed to face different kinds of security threats, gendarmeries are particularly useful in responding to the kinds of security threats that blur these differences. This means that **gendarmeries are especially well placed to respond when security challenges surpass civilian police capabilities but a military response would be excessive and endanger the lives of the civilian population.** Some such challenges are:

- Public order tasks that require superior organizational tactics that civilian police alone are not usually capable of;
- Domestic threats to national or public security that require a more robust use of force, because of the threat of violence they pose;
- Security threats that require more sophisticated use of law enforcement skills than the military can deliver;

NAMES FOR FORCES WITH MIXED MILITARY-POLICE CHARACTERISTICS

The title “gendarmerie” is derived from the old French term *gens d’armes*, meaning men at arms. “Gendarmerie” was the name given to the security forces established at the time of the French Revolution, and the name, together with the idea for similar forces, subsequently spread to other countries. Many other countries also developed their own models of forces with mixed military-civilian police characteristics, but gendarmerie has become the term most closely associated with this type of force. In other times and places, gendarmeries have been called 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, among other terms. The term “constabulary force” is commonly used in Anglophone contexts to refer to forces with both military and police features. Many of these terms have also been used to name police or military forces that do not have mixed military-civilian characteristics. For this reason it is important to pay attention to the nature of the institution before labelling it as a gendarmerie or similar constabulary-type police.

- Situations that require international deployment of security personnel with law enforcement skills, often at short notice;
- Operations requiring optimal cooperation with either or both military and civilian authorities.

Besides their thematic security functions, gendarmeries often have specific **territorial security functions**. In countries with a dual police system at the national level, for example, a gendarmerie may be responsible for policing rural areas, where they perform practically the entire spectrum of law enforcement functions, while municipal police provide security in urban areas. Alternatively, in some federal systems, gendarmeries may have a federal mandate for certain types of crime or threat while other types of offence are handled by authorities at a different administrative level, such as state, region, territory or town.

FIGURE 1 GENDARMERIES ALWAYS MIX SOME CHARACTERISTICS OF BOTH THE MILITARY AND CIVILIAN POLICE

Characteristics	Military forces	Gendarmeries resembling military, with police characteristics	Gendarmeries resembling police, with military characteristics	Civilian police
Status and democratic control	Military: subject to democratic civilian control through ministry or department of defence	Military: partly or fully answerable to ministry or department of defence, depending on context and mission	Civilian: subordinate to either military in political control or regular military; in democracies, includes civilian police units with special weapons and tactics capacity; in non-democracies, civilian police subordinate to military command	Civilian public servant status, subject to democratic control through interior, justice or police ministry or department
Organization and culture	Hierarchical military organization: personnel are soldiers who can be deployed on command and are subject to military justice	Share operational capacities, appearance and culture of regular military; personnel have military status with commensurate duties and limitations on rights	Centralized internal structure at unit or organization level with more hierarchical chains of command than civilian democratic police	Often more decentralized organizational structure with greater discretionary use of power; sworn personnel not subject to military discipline
Capabilities and use of force	Specialists in appropriate use of maximal force; strict rules of engagement	Regular military capacity as well as specialist training in use of force for law enforcement	Heavier weaponry and stronger suppression capabilities than typical civilian police	Specialists in minimal appropriate use of force; light suppression capabilities

HOW CAN GENDARMERIES CONTRIBUTE TO INTERNATIONAL SECURITY?

Gendarmeries are increasingly deployed in international peace operations because of their ability to address both internal security and public order challenges common in post-war reconstruction efforts. Gendarmeries are typically:

- More flexible, addressing a wider array of security challenges than either the police or military alone;
- Deployable under both civilian and military command;
- Easier and faster to deploy in an international operation than civilian police forces.

As a reflection of this trend, Multinational Specialized Units (MSUs) composed exclusively of police forces with military status have been tasked with helping to bring law enforcement and public order under civilian control. This type of force focuses on the civilian population, employs minimum force and often works in small units to accomplish the mission. There are also rapid response forces composed of gendarmerie-type personnel for international peace operations. However, the use of gendarmerie-type forces in international peace operations is contested. The use of military tactics for policing in sensitive

post-war environments may have negative effects on public perceptions of peace and safety. At the same time, the availability of more coercive policing measures may encourage and normalize unnecessarily coercive responses.

ARE GENDARMERIES COMPATIBLE WITH DEMOCRATIC SECURITY GOVERNANCE?

Over recent decades, the number of gendarmeries across and within states has increased because their services meet a real and specific need for security provision. However, the status of forces with mixed military-police characteristics is also controversial. Gendarmeries are sometimes criticized because:

- Militarized policing may be associated with past military governments;
- Police with military capabilities are believed to apply excessive force;
- Placing public police functions under military authorities is believed to threaten democratic principles of civilian control and oversight.

For these reasons, many gendarmeries have been brought under civilian command authority and their mandates have been adapted to more closely resemble civilian-style policing. In some countries, management and oversight have been transferred from the executive authority responsible for defence to the authority responsible for domestic and internal security and law enforcement, even while maintaining formal military status for the gendarmerie. In other countries, a demand for demilitarization has led to the dissolution of the gendarmerie and its integration into the civilian police. It is not necessary to dissolve a gendarmerie or change its military status to ensure it is both accountable and effective within a framework of respect for human rights and the rule of law. The use of force by gendarmeries should be subject to the same standards of adequacy and proportionality expected in civilian policing. By applying the principles of good governance to gendarmeries, concerns about accountability, oversight and use of force can be addressed.

WHAT DOES SSR MEAN FOR GENDARMERIES?

Gendarmeries should be subject to the same principles of good SSG as other parts of the security and justice sector and all public services. SSR aims to achieve this by ensuring that the management and oversight of gendarmerie-type forces allows them to maintain the highest legal and ethical standards in fulfilling their mission and serving the public (see figure 2).

Because of their mixed military–police roles, four aspects of SSR are particularly relevant in ensuring good governance of gendarmeries:

Clear rules of engagement. There is no evidence that gendarmeries are more likely to commit human rights abuses than civilian police, but, like all security services, gendarmeries should be guided by strict rules of engagement and robust oversight in order to prevent abuses. The centralized approach of the military hinders close interaction with the population. Clear rules of engagement and codes of conduct will enhance transparency and civic trust, without which effective policing is difficult.

Clear delineation of function. Given that gendarmeries are polyvalent forces with a wide range of internal and external security functions, clear delineation of their tasks is crucial in providing accountability and preventing duplication with other services. Clear orders, procedures and doctrine outlining core tasks, composition, and command and control make for clear expectations, which in turn helps ensure that gendarmeries carry out their mandates in full compliance with national and international law.

GOOD SECURITY SECTOR GOVERNANCE (SSG) AND SECURITY SECTOR REFORM (SSR)

Good SSG describes how the principles of good governance apply to public security provision, management and oversight. The principles of good SSG are accountability, transparency, the rule of law, participation, responsiveness, effectiveness and efficiency.

The **security sector** is not just security providers: it includes all the institutions and personnel responsible for security management and oversight at both national and local levels.

Establishing good SSG is the goal of security sector reform. SSR is the political and technical process of improving state and human security by making security provision, management and oversight more effective and more accountable, within a framework of democratic civilian control, the rule of law and respect for human rights. SSR may focus on only one part of public security provision or the way the entire system functions, as long as the goal is always to improve both effectiveness and accountability.

→ For more information on these core definitions, please refer to the SSR Backgrounders on “Security Sector Governance”, “Security Sector Reform” and “The Security Sector”.

Transparency in oversight and accountability. Oversight of gendarmeries is often more complex than of other security forces because they typically answer to more than one executive authority and are mandated to carry out a wide range of functions. For example, military status leads to the applicability of military law and justice to gendarmeries, which may clash with the need for oversight by a civil prosecutor acting in a judicial police capacity. Clear and transparent rules are necessary to determine which aspect of a gendarmerie’s operations is monitored by which oversight body.

Inclusivity and gender equality. Gendarmeries – like all parts of the security sector – must be inclusive of all members of society regardless of gender identity, and responsive to their diverse security needs. This is not only fundamental to the rule of law and respect for human rights but also ensures that gendarmeries are effective and accountable by considering the needs of all members of society. Specific legislation promoting gender equality and ending discrimination, combined with appropriate complaint mechanisms and independent oversight institutions, contributes to good governance of gendarmeries. Appropriate recruiting standards, transparent and objective promotion rules and internal policy that ensures a respectful environment for all members of the force are necessary components to be considered in reforming

gendarmeries. Promoting gender equality within and through gendarmerie services can help address internal cultures based on stereotypes about masculinity and in turn enhance trust among the civilian population. For more information on gender equality in the security sector, please refer to the SSR Backgrounder on “Gender Equality and Good Security Sector Governance”.

GENDARMERIES AND INTERNATIONAL LEGAL STANDARDS ON POLICING

The mixed military-civilian characteristics of gendarmeries are subject to regular criticism, and, at least from some quarters, there have been calls for the demilitarization or even dissolution of such forces. Nevertheless, there is currently no generally accepted or legally binding norm at the regional or international level that would require police forces to be civilian rather than military in nature. Some codes of ethics stipulate that police forces shall be under the responsibility of civilian authorities, but generally they remain silent on whether the status of a country’s police force should be civilian or military. Whether civilian or military, the use of force for law enforcement should be subject to international standards of adequacy and proportionality within a framework for democratic oversight and accountability.

FIGURE 2 GOOD GOVERNANCE PRINCIPLES APPLICABLE TO MILITARY AND CIVILIAN GENDARMERIES

Military status	Principle	Civilian status
Appropriate doctrine, codes of conduct, training, resources and organizational support to carry out operations with respect for human rights and the rule of law	Respect for human rights	Internal control, supervision and external oversight; accountability within a framework of democratic civilian control
Effective chain of command, individual and command responsibility, ensuring orders conform with national and international law	Accountability	Institutionalized respect for human rights, including civil and political rights and gender equality
Military justice system balancing accountability and justice with needs of military discipline	Transparency	Public, independent oversight over policies, strategies and decision-making over appointments, resources and performance, while protecting operational confidentiality
Internal oversight and complaint system recognizing right to refuse illegal orders and fostering a safe and non-discriminatory work environment	Clear legal roles, professional management	Civil justice system with independent courts upholding the rule of law, reinforcing civic norms and values
Recruitment, training, and promotion using merit-based performance assessment without discrimination	Non-violent methods, minimum appropriate use of force	Missions, roles and responsibilities are defined in law and policy, open to public scrutiny and include separation between political and operational control
Clear duties, responsibilities and obligations in the protection of human rights at all personnel levels	Responsiveness	
Clear obligations under civil authority and respect for democracy and the rule of law	Efficiency	Non-violent approaches to law enforcement and public assistance – legitimate use of force is determined by law; professional standards emphasize restrained, proportional and adequate use of force
	Effectiveness	
	Inclusivity	

WHAT TO READ NEXT

For a conceptual overview and the categorization of gendarmeries:

- Derek Lutterbeck
The Paradox of Gendarmeries: Between Expansion, Demilitarization and Dissolution
SSR Paper 8. London: Ubiquity Press, 2013.
- Andrew Scobell and Brad Hammitt
Goons, Gunmen, and Gendarmerie: Toward A Reconceptualization of Paramilitary Formations
Journal of Political and Military Sociology, 26(2), 1998: 213-227.

For specific case studies on national gendarmeries:

- J.L. Hovens and G.A.G. van Elk (eds.)
Gendarmeries and the Security Challenges of the 21st Century
FIEP Seminar Publication. The Hague: Koninklijke Marechaussee, 2011.
- Élisabeth Guigou, Alain Richard, et al.
La Gendarmerie Nationale: Une Institution Républicaine au Service du Citoyen
Paris: Editions Odile Jacob, 2000.

For further information on international deployment of gendarmeries:

- Cornelius Friesendorf
International Intervention and the Use of Force: Military and Police Roles
SSR Paper 4. London: Ubiquity Press, 2012.
- Annika S. Hansen
Policing the Peace: The Rise of United Nations Formed Police Units
Policy Briefing. Berlin: Center for International Peace Operations, 2011.

- UN Department of Peacekeeping Operations
Policy (Revised): Formed Police Units in United Nations Peacekeeping Operations
Ref. 2016.10. New York: United Nations, 2016.
- Ryan T. Marks and Tara Denham
A Roundtable on Police and Gendarmerie Women in Peace Operations: West African Solutions to Gender Mainstreaming Challenges
Abuja: Pearson Peacekeeping Centre and ECOWAS, 2006.
- Michiel de Weger
The Potential of the European Gendarmerie Force
The Hague: Netherlands Institute of International Relations Clingendael, 2009.

For more on the convergence of military and civilian police roles:

- Marleen Easton, Monica den Boer, Jelle Janssens, René Moelker and Tom Vander Beken (eds.)
Blurring Military and Police Roles
The Hague: Eleven International Publishing, 2010.
- Tomáš Weiss
The Blurring Border between the Police and the Military: A Debate without Foundations
Cooperation and Conflict 46 (3), 2011: 396-405.

MORE DCAF SSR RESOURCES

DCAF publishes a wide variety of tools, handbooks and guidance on all aspects of SSR and good SSG, available free-for-download at www.dcaf.ch

Many resources are also available in languages other than English.

The DCAF-ISSAT Community of Practice website makes available a range of online learning resources for SSR practitioners at <http://issat.dcaf.ch>

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