

Sixth part: Rule of Law

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“Civil-Military Cooperation in Building the Rule of Law”

In the aftermath of the recent wars in Afghanistan and Iraq, the military emerged as an important actor in rule of law promotion. The urgent need to establish order in post-conflict situations forced the military to cooperate with civilian institutions and organizations in a range of activities to establish legal institutions and the rule of law. Although NATO, the EU and the UN use slightly different terms to describe the interaction between military and civil organizations, their policies and strategies share several main features. First, they all conceive of rule of law promotion primarily as a tool to achieve military objectives rather than long term humanitarian goals, economic development, the consolidation of democracy or the protection of human rights, even though all also emphasize the importance of rule of law to these larger goals. Second, their emphasis is generally on security and the “law and order” aspects of rule of law. Third, all civil-military operations to date have suffered from coordination problems, even though they have adopted a variety of approaches to counter such problems. Fourth, all missions have encountered local resistance and produced less than satisfactory results in establishing the rule of law. The author ends with a discussion of their legitimacy as an actor in rule of law promotion.