



**Government Responses to Asymmetric Threats:
The State of the Literature on Counterinsurgency from
2002 to 2022—Legal Approaches**

Global Responses to Asymmetric Threats Report

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ABOUT THE PROJECT

This interim report is part of the Global Responses to Asymmetric Threats: Phase 1 of Irregular Warfare Net Assessment Data Structure project, part of the Asymmetric Threat Analysis Center (ATAC), a joint program between START and UMD's Applied Research Lab for Intelligence and Security (ARLIS). ATAC is funded by the Department of Defense under award no. HQ003421F0481. Any opinions, findings, and conclusions or recommendations expressed in this report are those of the authors and do not necessarily reflect the views of the Department of Defense.

ABOUT START

The National Consortium for the Study of Terrorism and Responses to Terrorism (START) is a university-based research, education and training center comprised of an international network of scholars committed to the scientific study of terrorism, responses to terrorism and related phenomena. Led by the University of Maryland, START is a Department of Homeland Security Emeritus Center of Excellence that is supported by multiple federal agencies and departments. START uses state-of-the-art theories, methods, and data from the social and behavioral sciences to improve understanding of the origins, dynamics and effects of terrorism; the effectiveness and impacts of counterterrorism and CVE; and other matters of global and national security. For more information, visit www.start.umd.edu or contact START at infostart@umd.edu.

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Introduction and Project Background

Great power competition has come to the forefront in the development and implementation of current defense strategies. As traditional lines of warfare have blurred and are part of strategic competition, governments have started to rethink and reformulate responses to asymmetric threats.

Counterinsurgency (COIN) is one such response. COIN literature suggests that governments rely on different and, at times, multiple elements of power to achieve their objectives. This report examines the literature's findings on the use and effectiveness of law enforcement and legal frameworks as a source of power.

The report is an extension of the larger report, "Government Responses to Asymmetric Threats: The State of Literature on Counterinsurgency from 2002-2022."¹ These reports are a part of a series of reports which contribute to the Global Responses to Asymmetric Threats project, which is part of the Irregular Warfare Net Assessment Data Structure (IW-NEADS) project. IW-NEADS synthesizes existing empirical research and datasets relating to unconventional warfare (UW), FID, COIN, counterterrorism, and stability operations.

The main objective of this report is to examine and summarize the state of research on the use of law enforcement and international or national legal frameworks in counterinsurgency operations from 2002-2022. This report will summarize key findings from the extracted literature on the government's use of law enforcement strategies and include descriptive analyses of the research type, publication venue, frequency of publications over time, methodological focus, geographical focus, dependent variables, and target population. It will also discuss the literature's focus on different types of independent variables and provide insights on relevant findings about the strategies' effectiveness. The report will conclude with an identification of research gaps and their implications for future research.²

Findings

Research Type

In reviewing existing literature on global responses to asymmetric threats in the context of COIN, the research team categorized literature into empirical research or theoretical, review, and policy publications. This was determined by identifying if articles tested hypotheses through qualitative or quantitative methods (empirical), described dependent and independent variables and their causal relationship without conducting empirical tests (theory), outlined previous research and literature (review), or provided policy implications and recommendations (policy). Of the total extracted COIN literature, only 45 out of 405 unique articles focus on law enforcement. 80 percent of all publications

¹ Radziszewski et al. (2023).

² The findings from this article are based on a sample of COIN literature analyzing the role of law enforcement in counterinsurgency campaigns.

related to law enforcement and legal frameworks are empirical research publications, and 20 percent are theoretical, review, and policy publications.

What is Explained—COIN-Relevant Dependent Variables and Concepts

The general report highlights six categories of dependent variables and concepts that are most examined in COIN research. These include: 1) security; 2) socio-political-economic factors involving the state; 3) socio-political-economic factors involving the public/individual; 4) duration of conflicts; 5) COIN outcomes; 6) the sustainability of COIN practices.³ The security category explores levels of violence, like civilian targets, violent insurgent activity, or the ratio of insurgent casualties to COIN forces, as well as indirect factors related to security, such as tactical innovation, indigenous forces, interruption of insurgent supplies, or fear of militias. Socio-political-economic factors involving the state are concerned with the development of state institutions, while socio-political-economic factors involving the public or individual focus on COIN strategies' impact on the general population's welfare in areas other than security. Duration of conflicts measures the years in which COIN campaigns end in termination or negotiated settlements, and COIN outcomes are investigating COIN success or failure. Lastly, the sustainability of COIN practices determines the long-term effectiveness of COIN strategies.

As shown in Figure 1, when the literature explores law enforcement and legal approaches in COIN, it primarily focuses on explaining broader COIN outcomes such as the government's loss or victory. About 60 percent of the pieces fall into this category. Following COIN outcomes, the next largest dependent variable and concept category is security and other (13.3 percent of literature each). There is a noticeable drop between the prevailing dependent variable, COIN outcomes, and the next leading dependent variables, security and other, reflecting a similar gap reported in the general report that examines dependent variables and concepts for all levers of power. The remaining dependent variables include the categories, socio-political-economic: state (8.9 percent), COIN sustainability (4.4 percent), and socio-political-economic: population (2.2 percent), and the frequency of these categories resemble the patterns found in the general report.

³ The definitions and explanations of the six general measures of COIN-relevant dependent variables can be found in the general report: Radziszewski et al. (2023).

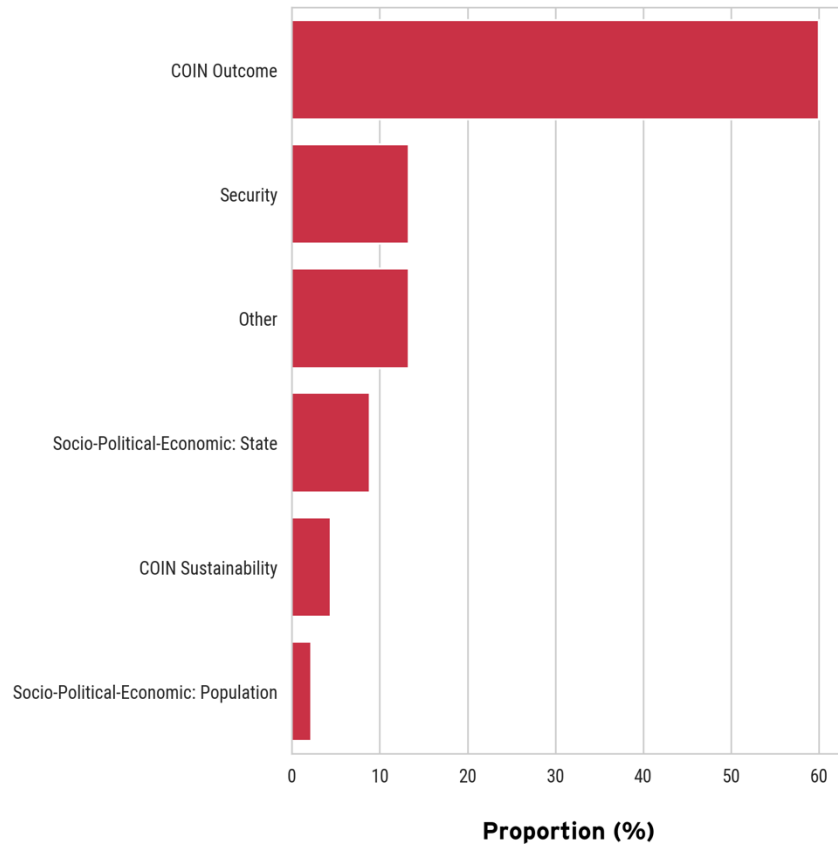


Figure 1: Prevalence of Dependent Variables and Concepts Across Publications

What is the Cause—COIN-Relevant Independent Variables and Concepts

The analysis of the independent variables and concepts in articles where the core lever of power includes law enforcement and legal approaches, shows that 24.4% of all pieces focused exclusively on law enforcement as the independent variable or concept while approximately 75.6% explored law enforcement’s supportive role in military approaches. When considering only empirical pieces with exclusive focus on law enforcement, studies examine the use of police forces in COIN⁴ or, more specifically, the use of police forces to provide security in COIN,⁵ formalizing non-governmental groups as local police forces (specifically local gamekeepers⁶ or militias⁷), leader capture/arrest in a given campaign year,⁸ and the implementation of law projects,⁹ policies,¹⁰ or judicial and quasi-judicial

⁴ Syailendra (2016); Paul et al. (2010, 2013).

⁵ Paul (2011); Paul & Clarke (2016); Paul et al. (2010, 2013).

⁶ Stapleton (2016).

⁷ Gosztonyi et al. (2015); (Paul et al., 2010, 2013).

⁸ Johnston (2012).

⁹ Swenson (2017).

¹⁰ Aydin & Emrence (2021).

processes during conflict.¹¹ Of the eleven studies that analyzed such variables, three were quantitative pieces, seven were qualitative articles, and one article employed a mixed methods analysis. Overall, eleven independent variables or concepts that were investigated proved to have a significant impact, and these included assigning gamekeepers law enforcement duties,¹² the integration of the Arbakee militia into Afghan Local Police force (two separate measures),¹³ the use of police forces in COIN,¹⁴ security provision by police,¹⁵ the number of months a province was under an emergency rule,¹⁶ and the “beat-cop” and “boots on the ground” tactic.¹⁷

The datasets employed within the quantitative subset of this empirical literature includes the Correlates of War (COW)¹⁸ and the Global Terrorism Database (GTD)¹⁹ to measure the dependent variables or the authors’ original data to measure the independent variables.²⁰ The authors that constructed their own datasets either designed a multi-wave, quantitative dataset with demographic, political, government, and historically focused, community-level data²¹ or analyzed historical newspapers and government documents²² or detailed case studies,²³ which were utilized to evaluate both independent and dependent variables.

Effective: The Use of Police, Security Provision, Beat Cop, Boots on the Ground

When exploring the effectiveness of government’s reliance on law enforcement approaches, Syailendra (2016) examined law enforcement’s capabilities in COIN after finding that in 2009 there was an increase in violence by the Free Papuan Movement (Organisasi Papua Merdeka, OPM), and civilians were more likely to be the victims of violence than law enforcement personnel and the military. This increasing threat influenced a counterinsurgency effort in West Papua consisting of the Counterinsurgency Task Force of the Papua Regional Police to combat the OPM. The study shows that police forces improve gains for the government when they act as a bridge between the public and the military, building trust within communities, arresting and prosecuting criminals, and creating “society empowerment”

¹¹ Loyle & Binningsbø (2018).

¹² Stapleton (2016).

¹³ Gosztonyi et al. (2015).

¹⁴ Syailendra (2016) .

¹⁵ Paul (2011); Paul & Clarke (2016).

¹⁶ Aydin & Emrence (2021).

¹⁷ Paul et al. (2010, 2013).

¹⁸ Johnston (2012).

¹⁹ Johnston (2012).

²⁰ Aydin & Emrence (2021); Gosztonyi et al. (2015).

²¹ Gosztonyi et al. (2015).

²² Aydin & Emrence (2021).

²³ Paul et al. (2010, 2013).

programs.²⁴ This allows for police to support local communities and the military in defeating insurgents. Moreover, Paul (2011) and Paul and Clarke (2016) investigate several factors that contribute to COIN success in Afghanistan, including the use of police forces to provide security, in the primary and updated papers. Utilizing historical COIN cases and the Delphi expert scoring method to examine law enforcement's contribution to COIN success, Paul (2011) and Paul and Clarke (2016) finds in both qualitative pieces that security forces are critical to COIN success and, when the use of security forces is absent, Afghanistan scores low in effectiveness in counterinsurgency campaigns. In fact, Paul (2011) and Paul and Clarke (2016) state that when the perception of security created or maintained among populations remains absent in their COIN campaign, it significantly affects Afghanistan's COIN effectiveness.²⁵

Paul et al. (2010, 2013) also employ the variable "beat cop" to measure law enforcement's contribution to the effectiveness of COIN strategies in 30 insurgencies in the 2010 article and 71 insurgencies in the 2013 article.²⁶ The "beat cop" concept is measured by six factors including whether the perception of security was created among populations, whether the COIN force employed irregular forces or engaged in or enabled community policing in areas that it controlled, whether the COIN force received intelligence from a population, whether the COIN force was not perceived as worse than the insurgents, whether the COIN force sought to establish positive relations with the population, and whether militias did not work against COIN forces²⁷. The authors found that twelve of the cases ending in COIN wins had at least two of the factors present, suggesting strong support for "beat-cop" concept. The "beat-cop" variable also proved relevant in the subsequent report, *Paths to Victory: Lessons From Modern Insurgencies*.²⁸

Effective: The Use of Non-Governmental Groups as Police Forces—Game Keepers and Militia Integration

Formalizing non-governmental groups as local police forces has a significant impact on COIN success. Specifically, when investigating the role of Kenyan and Rhodesian gamekeepers in counterinsurgency campaigns, Stapleton (2016) found that gamekeepers who became involved in Rhodesia's law enforcement organization, the Police Anti-Terrorist Unit (PATU), and Kenya's Police Reserve (KPR) during the Mau Mau insurgency, significantly affected COIN outcomes. Gamekeepers acted as the first line of defense in the wilderness by tracking the insurgents that invaded game reserves and national parks. Due to their tracking expertise, KPR and PATU recruited gamekeepers to help hunt and infiltrate insurgent groups, thus mitigating immediate threats.²⁹ Similarly, in examining the integration of anti-Taliban militias into the Afghan Local Police (ALP), Gosztanyi et al. (2015) explored whether giving militias police duties and responsibilities would help govern the militia and help combat insurgents. They found that after joining the ALP, the anti-Taliban militia's performance improved, according to the

²⁴ Syailendra (2016).

²⁵ Paul (2011); Paul & Clarke (2016).

²⁶ Paul et al. (2010, 2013).

²⁷ Paul et al. (2010).

²⁸ Paul et al. (2013).

²⁹ Stapleton (2016).

population, and the fear of militias decreased while the perceived security increased.³⁰ Lastly, Paul and colleagues (2010; 2013) employed two variables, “boots on the ground” and “beat cop”, to assess law enforcement’s effect on COIN outcomes. Both concepts include measures of the use of non-governmental groups to assist COIN forces and results indicate that the “boots on the ground” and “beat cop” variables have a compelling influence on COIN wins.³¹ These studies suggest the value of looking to non-traditional groups when considering the structure of law enforcement units.

Ineffective: Implementation of Law Projects—State of Emergency

Research shows the destructive impact of the declaration of a state of emergency (measured by duration and number of detention cases) by the government in COIN. Specifically, when a region is under an emergency rule where civilians are controlled and strictly monitored by the state, pro-insurgent votes increase. Focusing on the case of Turkey, Aydin and Emrence’s (2021) study finds that the declaration of a state of emergency results in the mistreatment of civilians, therefore bolstering insurgent support.³² This indicates that law enforcement practices that aim to restrict the general population backfire.

Effective: Supportive Role—Law Enforcement and Military

The remaining independent variables are not exclusively focused on law enforcement; rather, the primary focus is the military strategies deployed, and the role that law enforcement plays as a supportive asset to the troops. For instance, Miron (2020) shows that the central strategy involving military forces restoring control of their region and engaging in target killings of high-value insurgent leaders combined with an offer of legal protection to insurgent activists affects counterinsurgency success. Specifically, through a case study of Peru’s campaign against Sendero Luminoso, the study found that the military achieved success in COIN strategies when it introduced a strategic bridge in operations, which incorporated military and governmental actions, as opposed to a singular lever of power.³³ Another piece, a case study of Vietnam, finds that COIN strategies are more effective when the government uses both the military and law enforcement levers of power to create governmental programs to include in military operations in order to establish the security of civilians. As a result, Vietnam experienced a decline in violence, as the military was able to accomplish tasks more efficiently and the general population’s security increased.³⁴

Paul et al (2010, 2013) also show that having a substantial COIN force presence on the ground, which includes the police, is linked to greater success (victory) for the government across multiple insurgencies. The authors explore the concept of “boots on the ground,” which is based on whether the perception of security was created among the population, whether the COIN force employed irregular forces or engaged in or enabled community policing, whether the COIN force sought to establish positive relations with the population, and whether no parts of the area of conflict were denied to the COIN force. Paul

³⁰ Gosztonyi et al. (2015).

³¹ Paul et al. (2010, 2013).

³² Aydin & Emrence (2021).

³³ Miron (2020).

³⁴ Andrade & Willbanks (2006).

(2013) employs the same variable in the following report and, together, these reports show strong support for the “boots on the ground” approach.

Other studies discuss the development of local courts, law, or police forces to assist the military during counterinsurgencies.³⁵ For instance, Grenoble and Rose’s (2011) article uses David Galula’s theory of counterinsurgency to investigate Colombia’s COIN efforts against the FARC as a case study and finds that the insurgency cannot survive without the support of the local police forces and the population. Thus, law enforcement operators were ordered to support troops in their operations. The study notes that COIN strategies were only successful when Colombia’s president adopted the “Democratic Security and Defense Policy,” a policy that advised law enforcement and the government to aid the military. In fact, the authors state that programs implemented in Colombia were designed for law enforcement and governmental branches to solely support the military.³⁶ Overall, research that examines law enforcement’s role in counterinsurgency mostly examines such a lever of power together with military approaches and finds that this combined effort is beneficial to the government.

Publication Venue

Extraction of the relevant literature through academic search engines and online databases shows that law enforcement as a lever of power is predominantly published in one academic journal. *Small Wars & Insurgencies*, a journal that largely focuses on qualitative analysis, proves to be the primary source of the law enforcement lever of power in COIN literature. As seen in Figure 2, which displays frequencies of the top ten most dominant publication outlets, *Small Wars & Insurgencies* makes up 20 percent of all journals. The next leading publications are *Military Review* and *International Security*, which both account for 6.7 percent, independently. This is then followed by the journals *Civil Wars* (4.4 percent), *Foreign Affairs* (2.2 percent), *International Organization* (2.2 percent), *Perspectives on Terrorism* (2.2 percent), *State Crime Journal* (2.2 percent), *The Annals of the American Academy of Political and Social Science* (2.2 percent), and *The Independent Review* (2.2 percent). Top-ranking journals,³⁷ such as *International Organization* and *International Security*, account for less than 6 percent of all published pieces. In discussing law enforcement in the context of COIN, political science journals largely report on this topic. While the *State Crime Journal* is an interdisciplinary journal covering several social sciences including law, political science, security studies, and criminal justice, it is evident that despite its relevancy, criminology and criminal justice, as a subfield, generally does not publish literature on COIN.

³⁵ Brocades Zaalberg & ten Cate (2012); MacDonald (2013); Monten (2014); Ouellet (2009).

³⁶ Grenoble & Rose (2011).

³⁷ Ranking is based on Scimago Institutions Ranking.

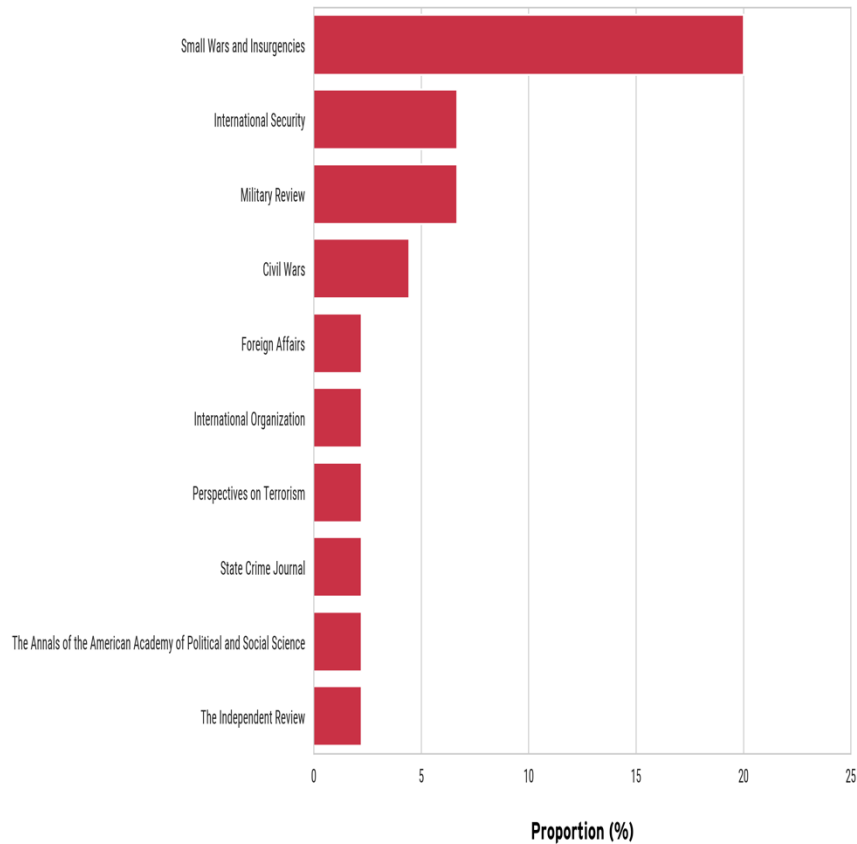


Figure 2: Top 10 Most Frequent Publication Outlets

Frequency of Publications over Time

The frequency distribution of publications on the law enforcement lever of power illustrates advances in COIN research over time. In particular, Figure 3 illuminates the increased importance and interest in law enforcement's role in COIN following 2006, which then levels off right before 2018. This figure displays a relatively normal distribution, with the count of literature noticeably peaking around 2007, 2013, 2015, and 2016. Moreover, the lowest frequencies take place before and subsequently right after the Iraq and Afghanistan war, with the exception of 2009 and 2014. The next lowest frequencies occur around 2017 onward, reflecting diminished interest in research on law enforcement's role in COIN as the U.S. presence in both conflict zones began to deescalate. Much of the literature published long after the Afghanistan and Iraq war examines and reviews past insurgencies, with findings and recommendations to improve future COIN operations.

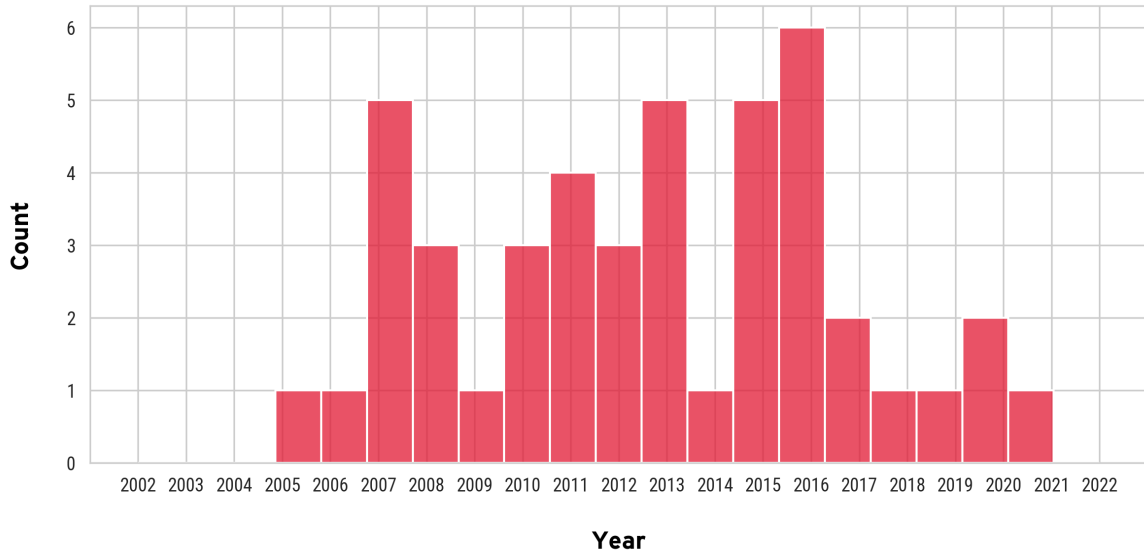


Figure 3: Distributions of Publications Over Time (2002-2022)

Methodological Focus

The law enforcement lever of state power in COIN literature is overwhelmingly studied qualitatively (Figure 4). Within the empirical literature, 80.6 percent of the articles include qualitative methodologies. Meanwhile, only 11.1 percent of the literature contains quantitative analyses. It is important to note that COIN literature can include mixed methods research, where both qualitative and quantitative methods are used in the analyses. Mixed methods approach tends to be less prevalent in research on law enforcement than quantitative and qualitative analyses (5.6 percent of the literature). Only one piece of literature applied formal mathematical models (2.8 percent).

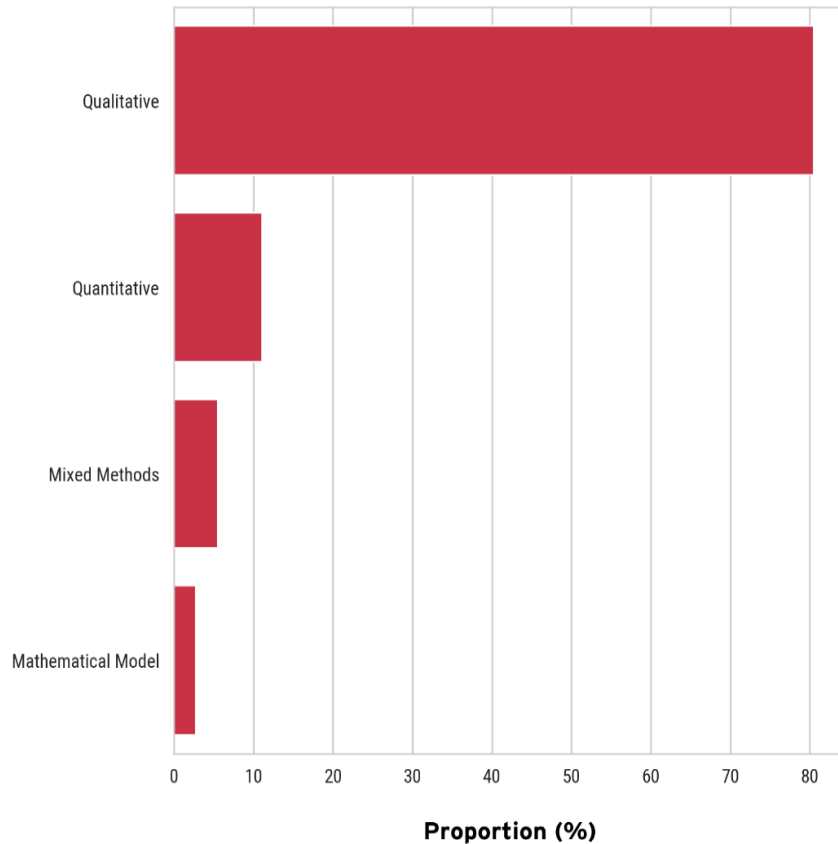


Figure 4: Methodologies Employed in COIN Literature

Most of the qualitative research utilizes historical case studies, with a particular focus on either a single country or two countries. These case studies heavily relied upon secondary data including extant literature such as books, articles, and official documents. Other qualitative articles employ interviews and surveys to support case studies, although this tends to be less common. This may be because access to government officials and vulnerable populations is challenging and creates potential liabilities for researchers. Other pieces of literature applied a focused comparative analysis of case studies using secondary sources and in doing so increased generalizability across time and space.

The quantitative research articles conduct empirical tests at a single country and global level. The literature with analyses at the global level utilizes extant datasets including Correlates of War (COW)³⁸ to measure the dependent variable, COIN outcome,³⁹ and the Global Terrorism Database (GTD)⁴⁰ to measure the independent variables, fatalities and attacks.⁴¹ Another article constructed its own dataset, the during-conflict justice (DCJ) dataset. The DCJ dataset includes 204 internal armed conflicts within

³⁸ Correlates of War (2022).

³⁹ Johnston (2012).

⁴⁰ Global Terrorism Database (2022).

⁴¹ Paul et al. (2010, 2013).

108 countries between the years 1946 and 2011. The authors incorporated the UCDP/PRIO Armed Conflict Dataset version 4-2012 to determine the country and years of conflicts, LexisNexis and Keesings World News Archive to capture DCJ processes such as trials, truth commissions and commissions of inquiry, reparations, amnesties, purges, and exiles, and, when needed, secondary sources including the Polity dataset,⁴² Non-state Actor dataset,⁴³ Battle Deaths Dataset version 3,⁴⁴ and the UCDP Conflict Termination Dataset⁴⁵ for the variables regime type, rebel strength, conflict intensity, and conflict termination, respectively.⁴⁶ Overall, this dataset collected 2,205 DCJ processes⁴⁷ and is beneficial to expanding the empirical analysis of the relationship between government use of law enforcement/legal approaches and COIN outcomes.

Articles investigating a single country either employed the author's original data (sourced from newspapers and government offices) to measure the dependent variable, pro-insurgent vote, and the independent variable, months treated under an emergency rule,⁴⁸ or the Small and Medium-Sized Enterprises⁴⁹ survey data to measure the independent variables including government, security, interdiction of tangible support, and improvement and failure factors.⁵⁰ One quantitative piece employed measures from the Central Statistics Office of Ireland,⁵¹ Irish Office "Statistics of Outrages",⁵² and data from Townshend (1975),⁵³ Wilcox (1929),⁵⁴ Augusteijn (1996),⁵⁵ Hopkinson (2002),⁵⁶ and Fitzpatrick (1998),⁵⁷ and the author's data to capture various dependent and independent variables.

Research that employed mixed-method methodologies did so at the subnational and global levels. The subnational data mostly applied secondary qualitative sources. One article at the subnational level explored the use of the Arbakee militia in the Afghan Local Police forces as an independent variable and

⁴² Marshall & Jagers, (2002).

⁴³ Cunningham et al. (2009).

⁴⁴ Lacina & Gleditsch (2005).

⁴⁵ Kreutz (2010).

⁴⁶ This dataset is not discussed in the independent variable section because the article is introducing a new dataset but only provides summary descriptive statistics about the variables.

⁴⁷ Loyle & Binningsbø (2018).

⁴⁸ Aydin & Emrence (2021).

⁴⁹ World Bank Enterprise Surveys (2023).

⁵⁰ Paul (2011); Paul & Clarke (2016).

⁵¹ Central Statistics Office Ireland (2023).

⁵² Kautt (1999, p. 81).

⁵³ Townshend (1975).

⁵⁴ Willcox (1929).

⁵⁵ Augusteijn (1996).

⁵⁶ Hopkinson (2002).

⁵⁷ Fitzpatrick (1998).

military effectiveness and human rights record as the dependent variable.⁵⁸ Articles at the global level employ Correlates of War (COW) to measure various control variables, Lyall and Wilson's (2009)⁵⁹ dataset consisting of 286 insurgencies (1800 – 2005) to measure the dependent variable, COIN outcome, and the author's original survey data to measure the independent variable, political context.⁶⁰

The qualitative literature on law enforcement's role in COIN is predominantly represented through single-country case studies, which entails that most of the articles' geographic coverage is at the subnational and single-country levels. The articles that analyzed multiple countries in either a single or multiple regions provided an in-depth examination of numerous cases through comparative analyses, or the authors presented a case study utilizing the entire region. For example, in Paul et al.'s, (2010, 2013) series of reports testing COIN concepts from detailed case studies, the authors utilize Charles Ragin's case-based comparative historical analysis using qualitative comparative analysis (QCA).⁶¹ QCA involves the use of truth tables, which analyze cases based on binary factors (present or absent). Boolean algebra is then applied to determine COIN outcomes and causal relations.⁶² Another study examining COIN concepts and outcomes across multiple countries in multiple DOD regions relied upon secondary sources and, specifically, detailed case studies to examine the independent variables, COIN concepts ("boots on the ground" and "beat cop"), and the dependent variable, COIN outcome. Nevertheless, these studies are relatively rare. An article at the subnational level utilized secondary qualitative sources to measure the dependent variable, COIN outcome, and the independent variable, management of national central forces.⁶³ Furthermore, only one qualitative study included a global analysis. This piece was developed as a persuasive essay evaluating a global policy. Overall, nearly all the qualitative research, regardless of the geographic scope, examines the relationship between law enforcement/legal approaches and COIN outcomes in the context of a single country.

The quantitative methods used to analyze this lever of power are limited due to the finite number of pieces employing quantitative analyses on this topic. They include Ordinary Least Squares (OLS) regression models and fixed effects models to explore the linear relationship between the dependent (e.g., war termination and war outcome) and independent variables (e.g., leadership captured/killed). Within this same article, the author deploys a negative binomial regression model to explore whether the capture or killing of leaders affects confirmed fatalities and attack, and ultimately tests if leadership decapitation in insurgencies is ineffective.⁶⁴ Fixed effects models are often employed in OLS and regression models to account for omitted variable bias. In a separate article, quasi-experimental methods (i.e., first-difference models) are utilized to investigate the number of months a province was under an emergency rule and the number of detention cases per 100,000, and its influence on the pro-insurgent vote. This paper

⁵⁸ Gosztonyi et al. (2015).

⁵⁹ Lyall & Wilson (2009).

⁶⁰ MacDonald (2013).

⁶¹ See Ragin (1987).

⁶² Paul et al. (2010, 2013).

⁶³ Routray (2013).

⁶⁴ Johnston (2012).

sought to examine if law enforcement’s declaration of a state of emergency or the use of an emergency rule to suppress, monitor, coerce, and control civilians increased the proportion of the vote going to the People’s Labor Party. Thus, the author applied the first-difference model to test before and after the treatment (i.e., the implementation of an emergency rule) to give insights into the causal effect of the treatment on the outcome (i.e., pro-insurgent vote).⁶⁵ Investigators also relied on logit models to estimate the probability of an event occurring, such as the probability of the presence of a militia.⁶⁶

Other statistical methods employed include a simulation and descriptive analyses. For example, Anderson Jr. (2011) conducted a simulation study to investigate the effects of intelligence, public security, popular support, and insurgent experience built in the U.S. Army and Marine Counterinsurgency Manual (FM 3-24) and its effects on COIN outcomes. Through simulating a COIN operation to observe its effects, the simulation revealed that blowback, intelligence, and securing the population highlighted by FM 3-24 prove to be the most important factors in COIN. Further, most of the simulations support a “worse before better” pattern, where, in the short-term, COIN strategies will increase the severity of an insurgency even if COIN operations are successful in the long-term.⁶⁷ Overall, due to the limited number of law enforcement-relevant articles and very little focus on quantitative research, methodological diversity in the analysis of large data has not expanded when it comes to understanding the governments’ use of legal approaches in COIN.

Method	Frequency
Logit Models	1
OLS and Fixed Effects Models	2
Negative Binomial Regression	1
Quasi Experimental Models (e.g. first-difference models)	1
Other statistical models (e.g. simulation model/descriptive analyses)	2

Table 1: Most Frequent Quantitative Methodologies

Geographic Focus

The literature’s dominant geographic focus on COIN operations using the law enforcement/legal lever of power is Afghanistan. Research on this country makes up 24.4 percent of all pieces. This is followed by the study of COIN in Iraq, with 11.1 percent of the articles concentrating on this country, and is consistent with the general report’s overall findings that much of the literature is published in response to the wars in Afghanistan and Iraq. Literature investigating Colombia’s and India’s law enforcement and

⁶⁵ Aydin & Emrence (2021).

⁶⁶ Gosztonyi et al. (2015).

⁶⁷ Anderson Jr. (2011).

legal approaches in COIN account for 8.9 percent and 6.7 percent of research, respectively. The next cluster of countries studied includes Kenya, Philippines, Malaysia, Cyprus, Vietnam, Algeria, Russia, and Nigeria (4.4 percent). Overall, much of the knowledge related to the government’s use of law enforcement and legal approaches in COIN is based on just two major conflict zones.

When investigating the geographic scope of the literature (Figure 5), half of the articles (48.9 percent) analyze a single country, while a fourth of them (24.4 percent) focus on the sub-national level in a single country. These sub-national units include provinces in Iraq, Russia, Afghanistan, Nigeria, and India. Only 11.1 percent of articles cover multiple countries in the same region, 6.7 percent include multiple countries in multiple regions, 8.9 percent are global, and 8.9 percent of articles have no specific geographic focus.

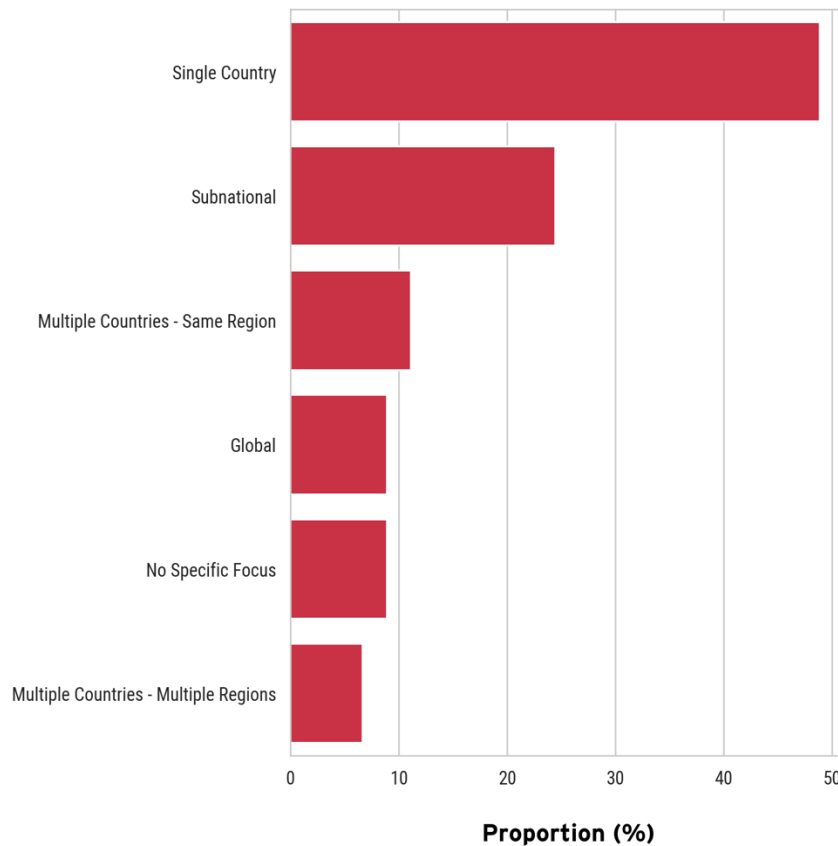


Figure 5: Geographic Coverage of COIN Literature

Target

The general report on COIN literature distinguishes between two types of targets that are the literature’s focus: state actors and non-state actors. The state actors can be further categorized into military, political, economic, and general population targets. Moreover, non-state actors can also be classified into targets that are involved with the formal leadership of non-state groups (leadership) and members of non-state

groups (member), sympathizers of the non-state groups (sympathizers), or the population that the non-state groups allege to represent (constituents).

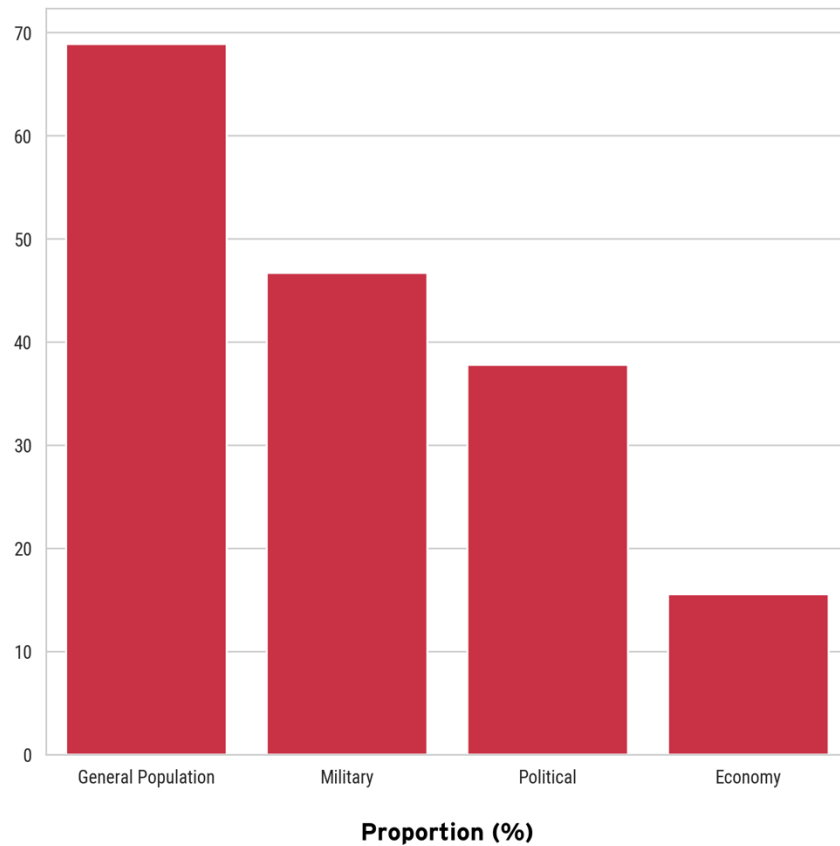


Figure 6: Number of COIN Pieces Focused on State Actors

Figure 6 shows that 68.9 percent of the articles that focus on state actors are categorized as general population targets. This is then closely followed by military (46.7 percent) and political (37.8 percent) targets. Only 15.6 percent of the literature considers the economy as a state target. Publications that are interested in exploring general population and military targets suggest utilizing local law enforcement in the respective regions to aid in defensive and offensive tactics. This can include supporting the local population by employing law enforcement personnel to protect communities and civilians through maintaining security⁶⁸ or educating the public about the judicial system.⁶⁹ At the military level, law enforcement personnel has also been requested to help the military combat insurgents.⁷⁰

⁶⁸ Syailendra (2016).

⁶⁹ Swenson (2017).

⁷⁰ Grenoble & Rose (2011).

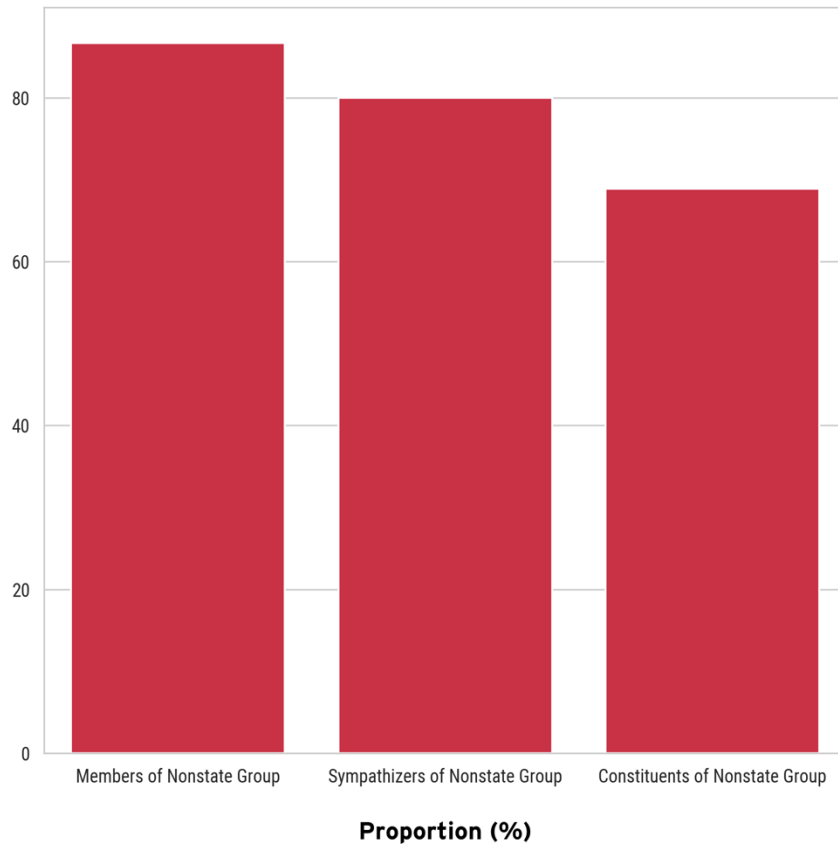


Figure 7: Number of COIN Pieces Focused on Non-State Targets

When observing non-state targets, leaders and members of non-state groups are the predominant targets within the publications (Figure 7). Over 86 percent of articles that focus on non-state actors concentrate on the leadership and members, while 80 percent investigate sympathizers and over 68 percent examine constituents.

Research Gaps & Recommendations

The analysis of literature focusing on the government’s use of law enforcement and legal approaches in COIN suggests several areas for research improvement. This includes a more explicit analysis of law enforcement’s role in COIN aside from the dominant focus on its supportive role in the context of military approaches, a need for studies relying on large-n analysis, and a better understanding of the operationalization of specific COIN variables.

First, despite law enforcement being a core lever of power addressed in these articles, the dependent and independent variables are not always explicitly related to law enforcement. Instead, they are often examined as part of a general COIN strategy, usually involving the military and law enforcement together. Thus, while law enforcement personnel may be employed during an insurgency and included in COIN strategy, it is difficult to assess their individual impact on COIN results. Given the small amount of

research independently analyzing law enforcement's capacity in COIN, more studies should empirically test how police officers are currently being utilized to combat insurgencies.

Oftentimes law enforcement concepts and variables are either mentioned outside of the context of COIN or are discussed in COIN articles, but not empirically tested; thus, it is unclear how they work or contribute to COIN outcomes. For instance, there could be value in empirically examining the extent to which law enforcement's upgraded personnel protection, the development of emergency management plans, and enhanced training practices affect success in COIN. Studies also recommend that police patrols should expand their reach to areas that normally do not have a large police presence, or they may have to increase their protection of communities.⁷¹ This can either be done by implementing problem-orientated or community-oriented policing. Problem-oriented policing identifies and targets high crime areas and funnels police personnel and resources to these areas. Similarly, community-oriented policing focuses on building community relations by providing open communication and building trust between communities and patrol officers. By facilitating close relationships between police and community members, the community is more likely to report suspicious activity within the neighborhood. As a result, police can work proactively to disrupt criminal acts, terrorist plots, and insurgent attacks. Despite existing research discussing various law enforcement's duties, variables that capture the expansive and inundating responsibilities are rarely operationalized as individual variables and tested in COIN literature or are mentioned outside of the context of COIN. Thus, future research should focus more specifically on how these different duties contribute to security in the short and long term across different insurgencies and/or across different local contexts in a single country study. Future research could also benefit from focusing on the way in which criminal justice journals measure law enforcement variables when analyzing law enforcement's influence on crime rates in settings other than COIN. This includes measuring police expenditures,⁷² arrest rates,⁷³ the government's regulatory priorities and resource allocation on criminal enforcement,⁷⁴ community-based services,⁷⁵ the passing of laws,⁷⁶ and police levels,⁷⁷ among others.

Moreover, given that most of the literature on the use of law enforcement and legal approaches in COIN is based on qualitative methods, there is a need to conduct analyses with data across different contexts to improve generalizability of findings. Since unpacking and testing the effectiveness of different aspects of law enforcement approaches is understudied, it would be beneficial to collect data on new types of independent variables that capture various characteristics of such practices. Such systematic data collection should involve sub-national analysis of law enforcement practices across regions/provinces and comparisons of practices across countries. For instance, it would be beneficial for researchers to

⁷¹ Anderson Jr (2011); Coyne et al. (2016); Crane (2007); de Visser (2013); Delgado (2015); Falode (2019); Findley & Young (2007); Gosztonyi et al. (2015); Paul (2011, 2016); Robbins (2012); Syailendra (2016).

⁷² Zhao et al. (2002).

⁷³ Cloninger & Sartorius (1979).

⁷⁴ Nguyen (2021).

⁷⁵ Rajaei et al. (2013).

⁷⁶ Gius, (2014); Light & Miller (2018).

⁷⁷ Marvell & Moody (1996).

utilize Loyle and Binningsbø's DCJ dataset in COIN research, as it provides law enforcement-relevant variables within the context of COIN that have yet to be empirically tested.

Lastly, future studies could benefit from a more specific operationalization of outcomes they seek to investigate, rather than focusing on COIN outcomes as a general dependent variable. Few studies that provide specific variable indicators of COIN outcomes have measured COIN success as leadership decapitation,⁷⁸ containment,⁷⁹ and public securitization.⁸⁰ Despite these variables providing specificity and measurability, the practice of precise outcome measurement is rare. Given that COIN outcome can be conceptualized in various ways, the use of this dependent variable limits generalizability and reduces the studies' contribution to effective policy design in future COIN operations. Thus, future research should focus on distinctly defining COIN outcomes.

Overall, the role of law enforcement in counterinsurgency remains understudied in COIN literature, despite law enforcement largely contributing to COIN operations. Research that directly explores law enforcement as a core lever of power shows that law enforcement personnel and practices, including the sheer use of police forces in opposing/decapitating insurgents or protecting civilians, investing resources into the implementation of laws or policies, and executing a collaborative effort between law enforcement, the military, and/or non-state groups to combat insurgencies, are critical to COIN operations. Existing research also shows that law enforcement contributes to the success of military operations. Nevertheless, it is imperative that future research measures and empirically tests the contribution of law enforcement in counterinsurgencies, separate from the military.

⁷⁸ Johnston (2012).

⁷⁹ Watts (2015).

⁸⁰ Andrade & Willbanks (2006).

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