



SP: IS NATO MISSING AN OPPORTUNITY?

*STABILITY POLICING: IS NATO MISSING
AN OPPORTUNITY?*

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The North Atlantic Treaty Organization (NATO) is a politico-military international organization, which has constantly applied innovation and transformation to stay fit for purpose. This is a fundamental aspect of “the most successful alliance in history because through the decades its members kept the commitment to protect and defend each other and adapted as the world around them changed”¹. Security challenges such as hybrid threats², the crime-war overlap as well as terrorism and insurgency (the so-called irregular activities³),

threats to human security and cultural property are currently significant and likely to become more relevant in the future. This can be said also for the “gray zone challenges, which are unique defense-relevant issues sharing three common characteristics — hybridity, menace to defense and military convention, and profound and paralyzing risk-confusion”. These challenges require innovative approaches and Stability Policing (SP)⁵ represents one of NATO’s cutting-edge capabilities, constituting a flexible and adaptive tool, overcoming a rigid combat-only approach and offering innovative and scalable responses by expanding the reach of the military instrument into the remit of policing⁶ and actively contributing to a comprehensive approach.

The “policing gap” and the origins of SP

SP ante litteram was born with the deployment of the first Multinational Specialized Unit (MSU) to Bosnia in August 1998⁷ as part of the NATO Stabilization Force (SFOR). At that time, the Alliance realized that neither its military might, nor the local police⁸ or the United Nations (UN) civilian police force were able to respond adequately to the security and policing-related needs of the local population. The MSU, envisioned, designed and led by the Italian Carabinieri with the support of other three Nations⁹, represented the only policing tool within SFOR’s military instrument of power, which was flexible and robust enough to fill the law enforcement vacuum in a hostile environment [i.e. the capability/



capacity void between the populace's security needs and the inability or unwillingness of the indigenous police forces (IPF - if present), other relevant actors (UN, EU, AU et similia) and NATO conventional, combat and warfighting means to properly address these challenges]. Both authors take pride in having served also as MP Officers and it is an uncontroverted fact that Military Police had already been in existence within NATO and the United Nations. Anyhow, both International Organizations (IO), the latter through the renowned "*Brahimi report*"¹⁰ in 2000, did not pursue an increase, expansion and/or improvement of their MP capabilities to bridge the policing gap. In fact, they sought a more poignant, inclusive instrument, a tool inspired by a new vision, namely Stability Policing. After 18 years, in 2016, NATO promulgated the "Allied Joint Doctrine for Stability Policing" (AJP-3.22), at present the operational level and sole Allied publication on the matter¹¹. It states that SP can bridge the policing gap through one or a combination of its two missions. The **reinforcement** of the IPF entails intervening on their capabilities¹² and capacity¹³ to raise overall performance to acceptable levels and encompasses monitoring, mentoring, advising, reforming, training and partnering with (MMARTP)¹⁴. The **temporary replacement** of the IPF is the second SP mission and may be required if they are missing or unwilling to carry out their duties. Normally a UN mandate¹⁵ initiates a NAC decision to deploy personnel under an executive policing mandate. This might be necessary when other actors are not able, willing or ready to intervene. In fact, when a rapid policing in-

tervention is required, especially in a non-permissive environment, NATO SP could be the most suitable or actually the only viable solution until other actors from the International Community can intervene, support and/or take over as a follow-on force, depending on a UN-SCR or Host Nation (HN) request. SP can create new avenues of approach to address traditional and emerging military problems with different, policing means. Lethal/kinetic tools and procedures are supported, where appropriate, by policing, non-kinetic and non-/less than lethal ones. They are aimed at war, organized and transnational criminals, terrorists and insurgents, and violators of host-nation and international laws. This "*Legal targeting*"¹⁶ creates effects on adversaries by enforcing international and applicable HN law through investigation or arrest, limiting/restricting their mobility and liberty of action, seizing their assets and financial means¹⁷ and dismantling their networks and structures. Dedicated SP Lines of Operation (LoO)¹⁸ or SP elements within established LoOs, can concur to deter, identify, locate, target and engage adversaries or spoilers, disrupt their networks and help attain objectives at tactical, operational and strategic levels in a military campaign. The added benefit of this approach lies, among others, in furthering the reduction in the use of force and decreasing collateral damage besides responding to the security needs of the population. Therefore, it contributes to improved acceptance and legitimacy within audiences from the local to the international level and enhancing mission sustainability. SP furthermore identifies, collects and analyses police and crime-related information,

disseminates intelligence and feeds the force's intelligence cycle, hence improving the understanding of the operating environment. A number of factors can weaken the performance of the IPF in fragile states, including past, present and developing conflicts, and manmade or natural disasters. A weak or missing Rule of Law (ROL)¹⁹ system in which individuals, public and private entities, and the state are not accountable to the law, combined with a frail Justice Sector (Police, Judiciary and Corrections) are likely to undermine each other and result in a reduced efficiency and efficacy of local police forces. Such a situation is likely to hamper governance and generate power and enforcement vacuums, which might be exploited by irregular actors such as (war/organized/trans-national) criminals, terrorists and insurgents as well as spoilers and produce considerable levels of insecurity and instability. As a **military capability** that embodies and particularly emphasises a civilian- and populace-oriented approach, SP is a key contributor and natural actor striving for a comprehensive approach. In fact, it fosters and seeks the best possible level of interaction with other (civilian and/or military) IOs, the Host Nation and especially the IPF (regardless of their military or civilian status) and the populace as well as other actors including NGOs.

SP: when, where, how and who?

Does SP contribute to projecting stability?

It has been argued that SP cannot contribute to all the three NATO core tasks of collective defence, crisis management and cooperative security because it is framed solely within stability operations to bridge the policing gap, while the availa-



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bility of an SP asset across the full spectrum of crises – before, during and after conflicts – should encourage an Ally under threat. Is the strength of NATO not to be sought in this mutual support, especially if, when and where one Ally cannot face challenges on its own? The evolving doctrinal framework and particularly the current review of the 3.2 Series²⁰ contemplates that offensive, defensive and stability operations all encompass stability, enabling, defensive and offensive activities, which could arguably be extended to SP, although by limiting them to the policing remit. Indeed, history shows that SP can and should be conducted throughout the full spectrum of conflict and crisis in all operations themes (from peacetime military engagement to warfighting), before, during and after (armed) conflicts and manmade and natural disasters, because the (fragile) HN and its populace may require help whenever and wherever there are policing gaps. SP contributes to win the war, by creating effects on adversaries and enemies, but also to build the peace, an aspect of fundamental importance and relevance especially in a connected, globalized world. Projecting stability²¹ is key to prevent and deter crises, including armed conflict and cannot prescind from addressing policing requirements. To this aim, SP is credible, instrumental and complementary to other actor's efforts; this reasoning has been demonstrated oftentimes also in NATO operations and missions²². Although "land heavy", SP is not limited to a specific domain, in the same way criminals, terrorists and insurgents are active on land and sea as well as in the air, in cy-

berspace and in the information environment. Urban and littoral settings are where most people live and where they will increasingly live. Since conflicts break out amongst people, and police are often the first responders to these crises, acquiring and using their experience and expertise is and will be more and more significant. This implies that urban challenges may progressively blur police and military functions as these areas of responsibility overlap. In turn, conducting military operations among dense civilian populations will require military personnel to have policing-like skills²³. In general, a successful interaction between conventional military and policing components will require an appropriate level of interoperability to ensure that they can be ready, available and jointly deployable to both permissive and non-permissive environments. An essential principle about SP states, "all²⁴ can contribute to SP, but not everyone can do everything". Policing is indeed very different from soldiering and reinforcing IPF or temporarily replacing them, especially in a fragile state, while conducting a military campaign, is even more demanding. Basic SP activities and tasks (for instance, presence patrols, critical site security, election security) can be conducted by any trained, equipped and tasked unit or asset. Higher level SP such as investigating organised crimes, disrupting international terrorist networks or mentoring HN senior leaders require a considerable level of specific expertise, experience and set of skills. In reality, a vast array of forces can and should contribute to SP, including Gendarmerie-type forces, which are the first choice²⁵, MP and

other military forces. Under a comprehensive approach, non-military actors may also collaborate in stability policing activities such as: police forces with civilian status, IOs, NGOs, and contractors²⁶. This inclusiveness fosters interoperability, aims at enabling the Alliance to select the most suitable asset and avoids missing opportunities. **The "missing" capability – Why does NATO need an SP Concept?**

NATO lacks a capability that precisely defines the sets of requirements for SP across the Doctrine, Organization, Materiel, Personnel, Leadership, Facilities and Interoperability (DOTMPLFI)²⁷ framework. This entails that during a force generation process Nations can provide the Alliance with SP contributions that lack police expertise and that SP is not properly acknowledged as capability within the NATO Defence Planning Process (NDPP)²⁸. History shows that SP should be included in the planning process from the very beginning and that lack of expert and experienced policing personnel in reinforcement or temporary replacement of the IPF can have disastrous consequences²⁹. Considering dedicated Stability Policing Unit (SPU) requirements during the next NDPP cycle and targeting them to Nations would ensure these capabilities will be available and readily usable during any force generation process. In NATO a concept is an instrument to coherently fill a capability gap, but one has yet to be adopted on SP. There are some inherent difficulties on the path towards an approved SP concept, not lastly because of the differences between NATO Nation's police forces (military/civilian status, military police, powers, jurisdictions, legal



frameworks and national caveats etc.). The guiding principle should always be that the Alliance's strength lies in its cohesion and in the sum and diversity of the contributions of all its members, which as a whole is vastly greater than the sum of the single capabilities. It has been argued that the existence of AJP-3.22 suffices and a dedicated SP Concept is not needed, but Doctrine is only one of the seven DOTMLPFI aspects of a capability.

The NATO Stability Policing Centre of Excellence (NSPCoE)

The NATO Stability Policing Centre of Excellence (NSPCoE)³⁰ is a think-tank that encompasses a Directorate and three pillars, namely the Doctrine and Standardization Branch, which develops concepts and contributes to

improving the NATO doctrinal corpus with SP inputs and considerations, including developing the SP concept, reviewing AJP-3.22 and drafting ATP-103³¹; the Education and Training Branch designs training curricula and hosts courses³² about SP and the Lesson Learned (LL) Branch, that gathers best practises and works the LL cycle to feed experiences garnered in operations and training into a database and ultimately into doctrine. The NSPCoE is indeed the NATO hub of expertise for SP and strives to be the Alliance's interface with IOs and non-NATO institutions in the SP arena. The Czech Republic, France, Greece, Italy, Poland, Romania, Spain, The Netherlands and Turkey contribute to the Centre.

What can SP do for NATO?

SP has been conducted under different names for more than two decades in NATO-led operations, often in a very hostile setting. Other IOs, such as the UN³³, the European Union (EU)³⁴, and the African Union (AU), all possible partners for NATO SP, performed and still perform SP operations, albeit under different names and perspectives. Despite this, SP is not yet sufficiently known, understood and adopted even across NATO. Policing the local population or re-/building IPF have not been hitherto an immediate concern of NATO decision makers/commanders. In

the law and to respond to people's requests for assistance on a variety of issues. The lack of an effective, capable and trustworthy police force undermines the credibility of the government, with detrimental effects on its legitimacy and overall stability. This applies especially to fragile states and in crisis or conflict areas, where consequently the International Community, including NATO, may be called to intervene to prevent crisis escalation and/or support peace restoration. NATO military operations benefit from the inclusion of SP as a substantial contribution focusing

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on the IPF and the local populace. The aim of SP is to support the re-/establishment of a safe and secure environment (SASE), restoring public order and security, and contribute

to create the conditions for meeting longer term needs with respect to governance and development (especially through the Security Sector Reform - SSR).³⁶ In the long term the Alliance as a whole (its individuals as well as the structure, institution and processes) would profit from a positive transformation by acquiring a more police-like mind-set. The desired NATO end-state might indeed be better attained by focusing less on the sole conventional defeat of the adversary but by integrating more non-combat-oriented approaches, similarly to what a policing counterpart would do. This is particularly true in heavily populated environments such as in urban and littoral settings, where the attitude of the vast populace is to be taken

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into particular consideration and the expertise of policing among civilians is clearly advantageous³⁷. To protect civilians, as identified by the Policy on the Protection of Civilians (PoC)³⁸, which “includes a Stability policing dimension”³⁹, “all feasible measures must be taken to avoid, minimize and mitigate harm to civilians” and SP can significantly contribute to this purpose. Moreover, Cultural Property Protection is one crosscutting topic

warfare” Colonels Qiao Liang and Wang Xiangsui of the Chinese People’s Liberation Army’s, the so-called “Gerasimov’s doctrine” and countless papers on insurgency and modern warfare, terrorism and conflict all envision the commission of crimes to undermine the enemy. This is where SP embodies an innovation of paramount importance in tackling these crossbreed perils. Current conflicts and crises present the “traditional” war



within PoC and a remit in which a policing approach is critical to prevent and deter relevant illicit activities. SP investigates related crimes, apprehends the perpetrators and recovers the cultural property and the illicitly accrued wealth for their restitution. Therefore, SP not only deprives the criminals of their funding, but also restores these funds back to the HN economy, supporting overall development. Other significant niche areas in which SP can contribute to PoC are combatting the trafficking in human beings, narcotics and weapons, enforcing anti-pollution and environmental protection laws and countering labour exploitation to mention but a few. In their paper on “Unrestricted

fighter with complex challenges including asymmetric warfare, hybrid threats, insurgency, lawfare⁴⁰, war-crime overlap, use of ambiguity, unconventional means, covert activities by state and non-state actors, adversary StratCom (media, Info Ops, PsyOps, battle of the narratives etc.) and cyber threats, which cannot be effectively addressed solely by combat means. This evolution of the military problem needs tailored responses, one of them being SP. This in turn implies for the Alliance to embrace a transformation of its military instrument. The Force, in order to acquire this capability, which enhances interoperability, requires a concept to define SP in all its aspects and to enable its full integration.

An additional step sees SP enhancing the role of the Alliance within a comprehensive approach by taking advantage of existing expertise, experience and networks in the field of policing and interfacing with relevant actors at different levels, especially the IPF and the local populace. SP is often misunderstood and sometimes downplayed if observed from a misinformed, outdated, rigid and exclusively combat-focused perspective. On the other hand, SP can be an opportunity that should not be missed by the Alliance if it aims at moving forward in unison, remaining fit for purpose and embracing innovation and transformation in a 360° approach. In the words of Col. De Magistris <<once approved, the SP concept will significantly enhance the outlook of the Alliance’s success, because the public security gap will be closed since the very beginning of the operation, during the so called “critical golden hour”⁴¹. This is a crucial step that NATO is to take in an effort to transitioning successfully to a follow-on mission, coupled with developing an assessment methodology to identify in advance the potential spoilers of the mission’s mandate. And this is an ongoing workstream at the NSPCoE and the very aim of the Centre: to seize the moment for the benefit of the Alliance and the people we serve>>.

Disclaimer: this paper is a product of the NATO Stability Policing Centre of Excellence and its content does not reflect NATO policies or positions, nor represent NATO in any way, but only the NSPCoE or author(s) depending on the circumstances.



PICTURES:

-<http://seaei.wordpress.com/2008/01/16/public-diplomacy-during-bulgaria-nato-missions-2>
-<http://sswarajyamag.com/instantcanadian-suspects-nato-mission-in-iraq-after-us-air-strike-calls-it-tactical-pause>

1. Verbatim and adapted from NATO Secretary General Jens Stoltenberg intervention on 30 April 2019, <https://atlanticcouncil.org/commentary/transcript/2019-distinguished-leadership-awards-2/>
2. A type of threat that combines conventional, irregular and asymmetric activities in time and space. NATO Agreed Term
3. The use or threat of force by irregular forces, groups or individuals, frequently ideologically or criminally motivated, to effect or prevent change as a challenge to governance and authority. NATO Agreed Term
4. Nathan P. Freier et al., *Outplayed: Regaining Strategic Initiative in the Gray Zone*, Carlisle, PA: Strategic Studies Institute, 2016
5. Stability Policing "Police related activities intended to reinforce or temporarily replace the indigenous police in order to contribute to the restoration and/or upholding of the public order and security, rule of law, and the protection of human rights." NATO Agreed term
6. MC 362/1 and MC 362/2 infer that civilian law enforcement may not be a NATO function, but NATO may support or conduct it if so directed by the North Atlantic Council (NAC), see also AJP-3.22, the "Allied Joint Publication for Stability Policing"
7. NATO Press Release M-NAC-1(98)60
8. For this paper, the terms "local police", "Indigenous Police Forces (IPF)", "Host Nation Police Forces (HNPF)" and "Law Enforcement Agency (LEA)" are understood as having the same meaning
9. Argentina, the Netherlands and the United States of America
10. 13 November 2000, https://www.un.org/en/events/pastevents/brahi-mi_report.shtml
11. ATP-103 "Replacement and Reinforcement of Host Nation Police Forces" is currently under development
12. "Capability, the ability to create an effect through employment of an integrated set of aspects categorized as doctrine, organization, training, materiel, leadership development, personnel, facilities, and interoperability" NATO Agreed term
13. Capacity, for this paper intended as a capability expressed in quantitative terms
14. As mentioned in AJP-3.22 "Allied Joint Doctrine for Stability Policing"; ATP-103 (see footnote 13) seeks to change the

framework to (monitoring) generating, organizing, training, enabling, advising, mentoring – (M)GOTEAM in an effort to harmonise non-executive activities the framework established in AJP-3.16 "Allied Joint Doctrine for Security Force Assistance"

15. UNSCR 1244 Kosovo and UNSCR 1272 East Timor
16. "Legal targeting, enforce international and applicable HN law to create effect on the adversary" is not a NATO Agreed term
17. See MCM-0053-2019 "Capstone Concept – Joint Military Operations in Urban Environment" for further details
18. "LoO, A path linking decisive conditions to achieve an objective" NATO Agreed Term
19. The rule of law refers to "a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards" UN Security Council, S/2004/616, para 6
20. AJP-3.2, ATP-3.2.1 and ATP-3.2.1.1
21. NDC Research Paper 1 Dec 2018 "Projecting Stability: Elixir or Snake Oil?"
22. "There is no doubt we need Stability Policing." "For too long the Police and Army have been seen as the Security Forces. It is time to separate the two." Maj Gen. Harrison Adv, MOIA, LL Conference at the NATO SP CoE 08.10.2019
23. See MCM-0053-2019 "Capstone Concept – Joint Military Operations in Urban Environment" for further details
24. Forces, services, assets, subject matter experts (SME) etc.
25. AJP-3.21 "Allied Joint Doctrine for Military Police" para 2.6.3
26. "on the basis of the mandate and the environment being permissive" (AJP-3.22)
27. NATO Agreed Term
28. The current SPU capability code represents just a so-called Reporting Code that lists a number of abilities but does not establish a capability
29. Special Inspector General for Afghanistan Reconstruction (SIGAR) "Divided Responsibility: Lessons from U.S. security sector assistance efforts in Afghanistan", June 2019 and Special Inspector General for Iraq Reconstruction (SIGIR) "Learning from Iraq: A Final Report from the Special Inspector General for Iraq Reconstruction", March 2013 <https://www.nspcoe.org/about-us/history/nato-sp-coe>. The Centre is based in Vicenza, a northern Italian city
31. The Writing Team for ATP-103 is led by the Doctrine and Standardization Branch of the NATO SP COE
32. 6 in-house courses and 3 online, see

www.nspcoe.org

33. UN Formed Police Units (FPU)
34. EU and EGF Integrated Police Units (IPU)
35. See the above-mentioned SIGAR and SIGIR reports
36. See AJP-3.22 as above
37. See MCM-0053-2019 Capstone Concept – Joint Military Operations in Urban Environment for further details
38. Warsaw Summit Communiqué, Press Release (2016), issued on 9 July 2016, paragraph. 132
39. NATO Policy for the Protection of Civilians, endorsed at the NATO Warsaw Summit 8-9 July 2016, paragraph 16
40. Lawfare is the use of law to wage war
41. "Criminalized Power Structures: The Overlooked Enemies of Peace", edited by Michael Dziedzic, Rowman & Littlefield - 2016



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