



NATO Stability Policing Centre of Excellence

Stability Policing Framework Concept for labour protection in NATO Stability and Reconstruction operations

Edition 1

12 December 2015

Disclaimer

Although this product has not been endorsed by a NATO Strategic Command or the NATO Headquarters, it was verified by the HQ SACT as aligned with NATO policies and doctrine and releasable to public. As such, this product reflects the NATO SP COE positions itself.

TABLE OF CONTENTS

	Page
List of references	II
Chapter 1 - Introduction	1-1
Background	1-1
Aim	1-1
Scope	1-2
Terms and definitions	1-2
Chapter 2 - Stability Policing as a component of the military contribution to the Stabilization and Reconstruction process	2-1
Overall military contribution to Stabilization and Reconstruction	2-1
Stability Policing contribution to Stabilization and Reconstruction	2-1
Chapter 3 – The role of Stability Policing in labour protection	3-1
General	3-1
The role of Stability Policing	3-1
Replacement mission	3-2
Reinforcement mission	3-3
Chapter 4 – Conclusions	4-1

LIST OF REFERENCES

- A. Strategic Concept for the Defence and Security of the Members of the North Atlantic Treaty Organization, adopted by Heads of State and Government at the NATO Summit in Lisbon 19-20 November 2010.
- B. AJP – 3.4.5 “Allied Joint Doctrine for the military contribution to stabilization and reconstruction” (ratification draft).
- C. AJP – 3.22 “Allied Joint Doctrine for Stability Policing” (ratification draft).
- D. “Universal declaration of human rights” adopted by the UN General Assembly on 10 December 1948.
- E. “Convention concerning the Abolition of Forced Labour” adopted on 25 June 1957, in Geneva.
- F. “Charter of fundamental rights of the European Union” adopted on 7 December 2000, in Nice.
- G. “European convention for the protection of human rights and fundamental freedoms”, adopted on 4 November 1950, in Rome.
- H. Concept of the NATO Stability Policing Centre of Excellence (NATO SP COE) approved on 15 May 2015 by the Steering Committee.
- I. Allied Administrative Publication – 06 “NATO Glossary of terms and definitions (English and French)” (2015)

CHAPTER 1 – INTRODUCTION

BACKGROUND

- 1-1. The NATO Strategic Concept at Reference A. commits the Alliance to prevent crises, manage conflicts and stabilize post – conflict situations since instability or conflicts beyond NATO borders can directly threaten its security. A comprehensive approach, including political, civil and military instruments, is necessary for an effective crisis management and, when a conflict ends, for post - conflict stabilization and reconstruction. In this regards, illegal activities are accounted as a factor of instability and a consequent possible threat, therefore, the Concept stresses the importance for the Alliance to “develop the capability to train and develop local forces in crisis zones, so that local authorities are able, as quickly as possible, to maintain security without international assistance”. Furthermore, the Strategic Concept highlights that the Alliance constitutes a unique community of values committed to the principles of individual liberty, democracy, human rights and the rule of law.
- 1-2. The Allied Joint Publication 1 (D) (AJP -1 (D)) and the AJP – 3 series address the importance for the deployed Joint Force Commander (JFC) to tackle, inter alia, also the threats posed by illegal activities and to meet the need to provide the local populace with an effective and accountable police service. The latter is achieved through either replacing the indigenous police forces (when either not existing or unable/unwilling to execute their duties) or reinforcing their capabilities up to an acceptable standard of efficiency.
- 1-3. The AJP – 3.4.5 at Reference B. introduces the concept of Stability Policing (SP) as a set of police related activities intended to strengthen or temporarily replace 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 in the wider framework of the stabilization and reconstruction process. The AJP – 3.22 in Reference C., while envisaging the definition in the following paragraph 1-7., sets out the specific doctrine for the implementations of SP.
- 1-4. The “Declaration” at Reference D., under article 23, envisions the right to work as a human right, encompassing just and favourable conditions of work and remunerations as well as equal pay for equal work, without any discrimination. A number of international conventions, sponsored by the International Labour Organization, inter alia, the “Convention” concerning the abolition of forced labour at Reference E., depict the international legal framework for labour and workers protection. In addition, the “Charter” at Reference F. and the “European Convention” at reference G. require Member States to protect workers through the provisions of a wider set of rights at work.

AIM

- 1-5. The aim of the document is to provide a framework concept for labour protection, as below defined, under the international and the Host Nation¹ (HN) legal

¹ See the following para 1-7 for terminology

frameworks, within the concept of Stability Policing envisaged in NATO doctrine.

SCOPE

- 1-6. This concept establishes general principles mainly in support of both the planning and execution of stabilization and reconstruction activities implemented by NATO (see Ref. B.). It helps identifying the capabilities of the Joint Force (JF), focusing on the specific police capabilities and professional skills that embedded Stability Policing assets should be endowed with, in both the envisioned scenarios of either replacing indigenous police forces or reinforcing them. In particular, it will address the key areas in labour protection.

TERMS AND DEFINITIONS

- 1-7. The following definitions are NTMS - NATO agreed terminology
 - a. Area of operations / Zone d'opérations (AOO): An area defined by the joint force commander within a joint operations area for the conduct of specific military activities.
 - b. Host Nation / Pays hôte (HN): a nation which, by agreement:
 - a. receives forces and materiel of NATO or other nations operating on/from or transiting through its territory;
 - b. allows materiel and/or NATO organizations to be located on its territory;
 - and/or c. provides support for these purposes.
 - c. Sector / Secteur: An area designated by boundaries within which a unit operates, and for which it is responsible.
- 1-8. The following definitions, while envisaged in the NATO doctrine, are not NMTS - NATO agreed terminology
 - a. Stability Policing: a set of police related activities intended to reinforce or temporarily replace 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 (AJP 3.22 - Rat. Draft).
 - b. Stabilization and Reconstruction (S&R): Stabilization is an approach used to mitigate crisis, promote legitimate political authority, and set the conditions for long-term stability by using comprehensive civilian and military actions to reduce violence, re-establish security, and end social, economic, and political turmoil. Reconstruction is the process of rebuilding physical infrastructure and re-establishing governmental or societal institutions which were damaged during the crisis (AJP 3.4.5 – Rat. Draft)
- 1-9. For the purpose of this document the term “labour protection” is defined as the “protection of the right to work and of the associated rights at work envisaged by international conventions and by HN legislation against direct abuses perpetrated within the working environment or against violations deriving from criminal activities originated in the external unstable environment”.

CHAPTER 2 – STABILITY POLICING AS A COMPONENT OF THE MILITARY CONTRIBUTION TO THE STABILIZATION AND RECONSTRUCTION PROCESS

OVERALL MILITARY CONTRIBUTION TO STABILIZATION AND RECONSTRUCTION

- 2-1. Stabilization and Reconstruction (S&R) is an overarching concept for stabilizing unstable states, which is addressed throughout the AJP – 3 series, notably in the AJP 3.4 series, with specific focus on the publication at mentioned Reference B.. S&R activities may be components of operations conducted within the framework of Peace Support Operations (PSO), Humanitarian Assistance (HA), Counterinsurgency (COIN) and Major Combat Operations, and, in some cases, will overlap with their activities. Even though S&R is categorized as a crisis response, nevertheless, it may also be the result of Art.5 operations.
- 2-2. The NATO military contribution to S&R may be summarized in:
 - a. establishing a Safe and Secure Environment (SASE), where the population has the freedom of movement and is enabled to pursue daily activities without fear of persistent or large-scale violence. The SASE is the general framework that allows all S&R activities to proceed;
 - b. restoring public security, which includes the establishment of law and order, the rule of law and a basic legal infrastructure;
 - c. contributing to the efforts of international civil agencies or local authorities to restore essential services and infrastructure;
 - d. helping establish conditions for meeting longer-term governance requirements.

STABILITY POLICING CONTRIBUTION TO STABILIZATION AND RECONSTRUCTION

- 2-3. The JFC, if so mandated, will have the necessity to conduct police or police - related activities in all the areas of the military contribution to S&R. These activities, which require a police approach, a civil – oriented mindset and a specific set of capabilities, lie within the concept of Stability Policing. Although it may be necessary for conventional military forces to conduct police functions in the initial stage of S&R, in particular when it is the result of Art.5 operations, the transition to SP assets consisting of police forces from within the NATO Force or from the Allied or partner Nations should occur as soon as possible.
- 2-4. SP assets are military assets with a unique capability of civil policing, therefore, they can substitute for the indigenous police forces (when either not existing or unable/unwilling to execute their duties) in performing the full spectrum of police and police – related activities for the advantage of the local population. Moreover, SP assets are able to reinforce the capabilities of failing indigenous police forces up to an acceptable standard of efficiency and effectiveness, through training, mentoring, monitoring, advising, partnering and reforming.

CHAPTER 3 - THE ROLE OF STABILITY POLICING IN LABOUR PROTECTION

GENERAL

- 3-1. A State that is unstable or destabilized by conflicts requires the reconstruction of the social web through the reorganization and the strengthening of the legitimate governmental agencies, the re – establishment of the rule of law, the enforcement of law and order and the respect of human rights. Work is central to boost this process and to people's well-being. In addition to providing income, work can pave the way for broader social and economic advancement, strengthening individuals, their families and communities, resulting in weakening criminality and enhancing public order and security conditions. Such progress, however, hinges on the respect of decent working conditions. In regards to this, it is also to be considered that the violations to the right to work and ancillary rights are often part of a wider criminal network² and resulting in either physical offences against the workers themselves or against their human dignity.
- 3-2. In this framework, the resumption of industry and, in general, of productive activities must be supported by the enforcement of the internationally agreed working standards and the domestic law (when it abides by the international standards), with the multifaceted aim of:
- protecting work as a fundamental human right set out by the “Declaration” at mentioned Reference D.;
 - creating stable conditions for an open and free market, preventing unfair competition from illegally abating the costs of labour and manufacturing;
 - combating the wider criminal network leveraging the violations to the labour protection.

In this view, the labour protection is not only a matter of defending human rights but also a key factor conducive to a durable stability.

THE ROLE OF STABILITY POLICING

- 3-3. The enforcement of law and order in NATO operations, including the protection of human rights, is a police activity that is encompassed in the concept of Stability Policing in the wider framework of S&R and lies with the SP assets embedded in the JF. It includes the enforcement of internationally agreed working standards and that of domestic law on labour protection, if existing and not conflicting with the first.
- 3-4. The specific role of SP assets in this regards varies in accordance with the stage of the S&R process and with mission assigned to the SP assets themselves. The labour protection is a niche capability that requires the previous establishment of sufficient conditions of security and the start of the S&R process. Nevertheless,

² Including, for instance, trafficking of human beings to be employed in sweatshops, smuggling of goods, either legal or illegal, produced by illegal labour, money laundering, money counterfeiting, environmental damage by illegal dumping of toxic waste, blackmailing, etc.

the labour protection needs to be addressed as a functional component of the overall campaign to combat criminality since the early planning stage.

3-5. Replacement mission.

- a. A replacement mission might be a Comprehensive Police Replacement Mission (CPRM) or Partial Replacement Mission (PRM), as envisaged at mentioned Reference C.. Despite the type of the mission, SP assets are most likely to have a territorial organization, with each unit exercising police authority and functions in its sector³. At the initial stage of a replacement mission, notably during major combat operations or Art.5 operations, SP activities may be conducted by conventional military forces or by limited SP assets. The SP primary effort in this stage is to restore acceptable conditions of public order and security and to protect civilians from violence, therefore, there is no need for the JFC to focus on this niche matter and, consequently, for the JF and SP assets to have such a specialized capability. The SP assets as well as conventional military forces, nevertheless, also at this stage, must be able to recognize and intervene to terminate situations of forced labour⁴, including slavery and forced prostitution, they might run into.
- b. SP assets should start focusing on labour protection as soon as the S&R process starts and industry and productive activities resumed, since it is crucial that enforcing decent working conditions commences early in the economic process in order to further stabilization and prevent distortions. In this stage the SP assets should only be able to enforce the internationally agreed standards on the labour protection. The knowledge of the principles and of the main provisions of the international conventions on the labour protection should be widespread and part of the overall professional education of the individual members, consequently, there is no necessity for the SP assets to have specialized sub-units. The basic step will be the adoption of a systematic research and termination plan of forced or illegal labour across the area of operations⁵ (AOO) (taking into account that illegal labour can take different forms, often having little visibility⁶), whose victims are the most vulnerable part of the population⁷. The abolition of forced or illegal

³ See para 1-7 for terminology

⁴ Forced or compulsory labour is defined by the "Convention" at Reference E.: (a) as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system; (b) as a method of mobilising and using labour for purposes of economic development; (c) as a means of labour discipline; (d) as a punishment for having participated in strikes; (e) as a means of racial, social, national or religious discrimination.

⁵ See para 1-7 for terminology

⁶ Including bonded labour, as an internationally recognized form of slavery, trafficking, sweatshop or farm workers kept with clearly illegal tactics and paid little or no salary.

⁷ Vulnerable groups or persons are typically categorized in social terms according to age, sex, ethnicity, disability or family status. Even though, there is no international definition of vulnerability, the European Union Council Directive 2003/9/EC dated 27 January 2003 laying down minimum standards for the reception of asylum seekers, under article 17, includes amongst the "vulnerable persons" minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children and persons who have been subjected to torture, rape or other serious forms of psychological,

labour in all its forms will be foundation for the development of further SP activities in this specific field.

- c. As the S&R proceeds and the economic growth of the Host Nation (HN) becomes more robust, SP assets should start specialize a limited number of operators in the HN legislation into force, first of all, to start enforcing it, secondly, to understand to which extent it meets the internationally agreed standards in order to identify the possible gaps that may require a new legislative regulation. Those specialized members of the SP assets are to be deployed throughout the mission area and need to be coordinated centrally through the SP chain of command. They should be able to directly enforce the HN legislation, monitoring the indigenous police force (in case of PRM), liaise with the relevant HN/International Authorities and act as advisors to the SP Commander or to the Special Advisor (if established) to JFC or mandated Authority to stimulate a new legislation in the specific area.
- d. The applicable law will be stated in the mandate, nevertheless, the international Declarations and Conventions at Ref. D., E., F. and G. establish minimum rules for labour protection.

3-6. Reinforcement mission.

- a. A reinforcement mission is likely to be even more complex than a replacement mission since it involves a conspicuous number of interactions with key Institutions of HN, which is presumably retaining at least partial legitimate sovereignty, or with international Institutions, such as the UN International Labour Organization (ILO) or the International Criminal Police Organization (Interpol), that may be operating in the HN. Moreover, in case of monitoring, mentoring, advising, reforming and partnering, the deployment of SP assets might be limited to a cluster of specialized individual Officers detached to the HN Institutions without the immediate support of the JF, which makes the assigned task more demanding. With regards to the latter case, the key factors of a reinforcement mission are the personal skills and the professional qualifications of the deployed Officers. The end state in terms of labour protection should be the establishment of a network of HN Officers able to deal with the specific matter, either exclusively or as part of their general duties. A dedicated network, if practicable according to the general organization of the indigenous police force, would be the best solution.
- b. Training of the indigenous police. This specific activity focusses on collective professional education and training (E&T) and it is likely to be conducted by a dedicated SP training asset in training centres, on a cyclic basis. The issues in terms of labour protection, referring to both the internationally agreed standards and the domestic legislation, will be incorporated in the training curricula, as part of the common education and training delivered to the

physical or sexual violence. In addition, also illiterate people and internally displaced people should be considered vulnerable persons. In this regards, see the document *Access to employment for vulnerable groups*, dated June 2001, published by the European Foundation for the improvement of living and working conditions.

- indigenous police. The ambition of the training objectives will vary in accordance with the rank and the role of the trainees. Besides, some indigenous police Officers should receive advanced collective E&T, in order to form a network of qualified police personnel scattered throughout the HN able to prevent and investigate violations to the labour protection. The same Officers, when assigned to their posts, might be monitored, mentored, partnered with or advised by specialized SP Officers, as outlined below.
- c. Monitoring/mentoring/advising/partnering with and reforming the HN Institutions. While the previous activity is a collective one, this group of reinforcement activities aims at strengthening the professional and personal capacities of the individual HN high ranking Officers. This group of activities is the most demanding and, in the specific area of the labour protection, might address not only the indigenous police but also other HN Institutions, either administrative or judicial, that have a specific legal competence.
- (1) The labour protection is a niche subject matter that must be part of the overall specialization of all individual Officers detached to the HN police/Institutions since it is important that the matter is not neglected and that it is addressed, since the inception of the reinforcement operation, at all levels of the HN Institutions. The Officers detached to HN units/agencies that, either exclusively or within their overall competence, deal with the matter of the labour protection must have sufficient knowledge of the specific HN legislation so as to be able to monitor/mentor/advise/partner. The Officers strengthening the capabilities of the HN at strategic levels must also be able to support a transformation process and to promote a new legal regulation of the matter, if needed.
 - (2) The development of the SP action in the specific area of the labour protection, along the lines of a replacement mission, will start addressing the issue of forced labour, if existing, to subsequently spread to the other less serious violations. This requires close relationship with the HN Institutions which might be weakened by lack of integrity, improper interference or more simply by different a cultural background or insufficient education which do not allow them to understand that the international legal framework or the domestic legislation are violated, even seriously. In addition, this activity may require partnering with International Organizations that may be operating in the HN in the same field or in connected functional areas.
- 3-7. Labour protection needs to be taken into consideration within the framework of the overall planning of the SP operation, as part of the tasks assigned to the SP assets deployed, other to replace the indigenous police or to reinforce them. This task requires, furthermore, to be addressed in the pre – mission training as a general task of the SP assets. All personnel must receive a general teaching in the subject matter, focusing on the internationally agreed standards, while monitors/mentors and advisers need to receive in depth teaching, comprehensive of the general lines of the HN legislation concerning the subject matter.

CHAPTER 4 – CONCLUSIONS

- 4-1. The labour protection can play an important role in the S&R process of an unstable area since it contributes to create the conditions for a socially fair and durable economic growth as well as for a more cohesive society, resulting, also, in an improvement of public order and security. Combating the violations to the human right to work and to associated ancillary rights as well as all connected criminal aspects is police responsibility that needs to be coherently addressed since the inception of a NATO S&R operation, within the conceptual framework of Stability Policing, in order to establish a structured network of labour protection.
- 4-2. The present framework concept, released under the Concept at Reference H., is intended to constitute the ground for doctrinal development, education and training, planning of operations within the framework of the transformation of the capabilities of the military instrument. The concept describes an innovative and specialized niche capability aimed at coping with the challenges of future military operations. This capability matches the constantly evolving sensitivity of the public within the Euro – Atlantic space, which results in an increasing request for the Alliance's military instrument to protect the fundamental rights of the population within the area of NATO operations from threats and violations, to bring justice and to impose the rule of law. This framework concept lies under the overarching concepts of Smart Defence, Connected Force Initiative and Framework for Future Alliance Operations and it is harmonized with their guiding principles.
- 4-3. The NATO SP COE is a hub of Subject Matter Experts in the area of Stability Policing. The Centre provides a focal point and a hub of expertise for this specialty and acts as a prime mover to increase the contribution to the Stabilization and Reconstruction efforts of the Alliance in unstable scenarios, providing the NATO with a unique tool to fill the capability gap in this area. The SP COE is committed to help the Alliance and the Sponsoring Nations to enhance and transform their capabilities, procedures and functions in order to meet potential and future security challenges