Stability Policing: a golden opportunity for NATO

Giuseppe De Magistris[1] & Stefano Bergonzini[2]

Current and future security challenges such as hybrid threats[3], the crime-war overlap as well as terrorism and insurgency (the so-called irregular activities[4]), threats to human security and cultural property require new approaches.

The North Atlantic Treaty Organization (NATO) has constantly applied innovation and transformation to stay fit for purpose, both fundamental aspects 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"*[5].

Stability Policing (SP) is an innovative response that overcomes a combat-only approach, expands the reach of the military instrument into the remit of policing[6] and contributes in a comprehensive approach to win the war while aiming at building peace.

---

[1] Colonel in the Italian Carabinieri, Director of the NATO Stability Policing Centre of Excellence (NATO SP COE) in Vicenza (Italy)

[2] Chief Warrant Officer in the Italian Carabinieri, Staff Assistant Standardization and Interoperability Section at the NATO SP COE

[3] A type of threat that combines conventional, irregular and asymmetric activities in time and space. NATO Agreed Term

[4] 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

[5] Verbatim and adapted from NATO Secretary General Jens Stoltenberg intervention on 30 April 2019, https://atlanticcouncil.org/commentary/ transcript/2019-distinguished-leadership-awards-2/

[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"

The "policing gap" and the origins of SP

SP ante litteram was born on the 6th of August 1998[7], when the first Multinational Specialized Unit (MSU) was deployed to Bosnia Herzegovina as part of the NATO Stabilization Force (SFOR)[8].

At that time the Alliance had realized that neither its military might, nor the local police[9] 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 so-called *"policing gap"*.

Masterminded and led by the Italian Carabinieri with the support of Argentina, the Netherlands and the United States of America, the MSU was the only flexible and robust enough policing tool to fill the policing vacuum in such a destabilised environment.

Both NATO and the UN already had a Military Police but chose not to pursue an increase or enhancement of that capability, preferring an instrument inspired by a new vision, which was later supported by the famous UN "Brahimi report"[10].

In 2016, NATO promulgated the "Allied Joint Doctrine for Stability Policing" (AJP-3.22), the only Allied publication on the matter[11]. The UN[12], the European Union (EU)[13], and the African Union (AU), performed and still perform SP operations under different names and with their own perspectives.

---

[7] NATO Press Release M-NAC-1(98)60

[8] Other MSU deployments to Kosovo, Albania and Iraq ensued

[9] 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

[10] 13 November 2000, https://www.un.org/en/events/pastevents/brahimi_report.shtml. Written in 2000 by a panel of ten experts in response to the dramatic failures of UN peacekeeping in the 1990s, especially in Rwanda and Srebrenica, in alignment with Boutros Boutros Ghali's 1992 Agenda for Peace, the Brahimi report aimed at renewing the commitment of UN member states to the "maintenance of international peace and security". The report takes its name after Lakhdar Brahimi, the Chair of the Panel, who called for renewed political commitment of Member States, significant institutional change and increased financial support. It also introduced - inter alia - the concept of the " widening gap between what is being asked of UN peace operations today and what they are able to deliver", expressing the requirement for a new peacekeeping structure, moving forward from "single police officer" monitoring missions, to more active roles in reforming, training and restructuring local police forces, as well as in managing civil disturbance operations through police assets possessing self-protection capacity.

[11] ATP-103 "Replacement and Reinforcement of Host Nation Police Forces" is currently under development

[12] UN Formed Police Units (FPU)

[13] EU and European Gendarmerie Force (EGF) Integrated Police Units (IPU)

What is Stability Policing?

AJP-3.22 defines SP as *"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"*, envisioning two missions. The **reinforcement** of the Indigenous Police Forces (IPF), by intervening on their capabilities[14] and capacity[15] to raise overall performance through monitoring, mentoring, advising, reforming, training and partnering with (MMARTP)[16].

In these scenarios, SP can address traditional and emerging military problems with different means in the remit of policing, including by investigating or detaining/arresting war, organized and transnational criminals, terrorists and insurgents, as well as violators of host-nation and international laws.

Depending on the given mandate, it can limit/restrict their mobility and freedom of action, seize their assets and financial means[18] and dismantle their networks and structures.
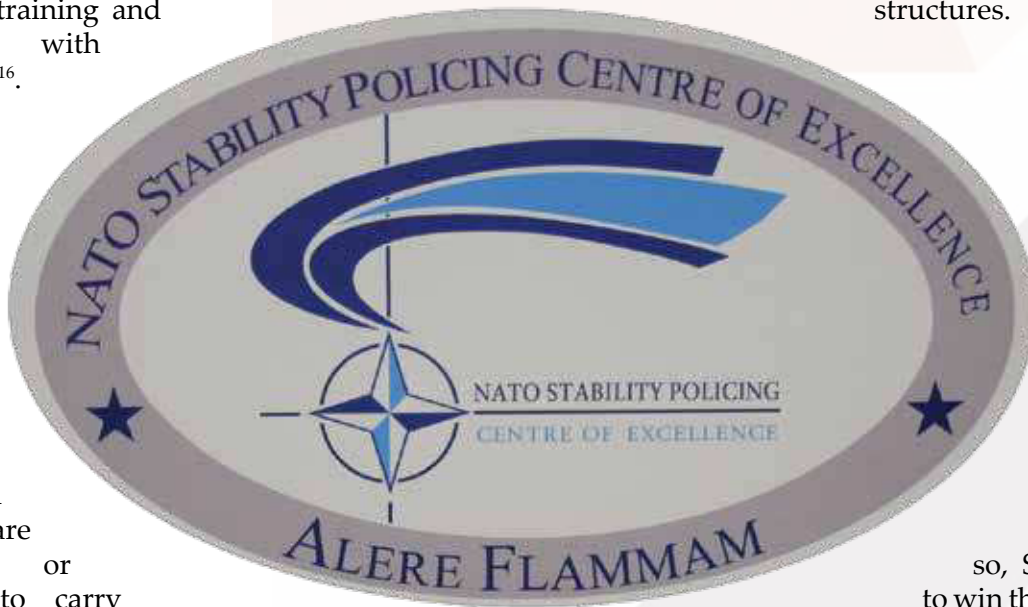
When the IPF are missing or unwilling to carry out their duties, their temporary replacement by SP could be the only deployable solution until other actors from the International Community (IC) intervene and/or take over as a follow-on force.

Normally a UN Security Council Resolution initiates a North Atlantic Council (NAC) decision to bestow an SP asset with such an executive policing mandate[17]. Otherwise, the Host Nation (HN) might request the Alliance's assistance.

By doing so, SP contributes to win the war through this *"legal targeting"*[19], which creates effects by enforcing international and applicable HN law.

The performance of the IPF can suffer from past, present and developing conflicts and natural disasters, from a weak or missing Rule of Law (ROL)[20] system and a frail Justice Sector (Police, Judiciary and Corrections).

Weak governance can generate power vacuums, which irregular actors might exploit. SP is a unique tool to address these challenges through a comprehensive approach and foster useful interactions with other IOs, the HN and especially the IPF[21].

---

[14] "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

[15] Capacity, for this paper intended as a capability expressed in quantitative terms

[16] As mentioned in AJP-3.22 "Allied Joint Doctrine for Stability Policing"; ATP-103 (see footnote 12) seeks to change the framework to (monitoring) generating, organizing, training, enabling, advising, mentoring – (M)GOTEAM in an effort to harmonise non-executive activities with the framework established in AJP-3.16 "Allied Joint Doctrine for Security Force Assistance"
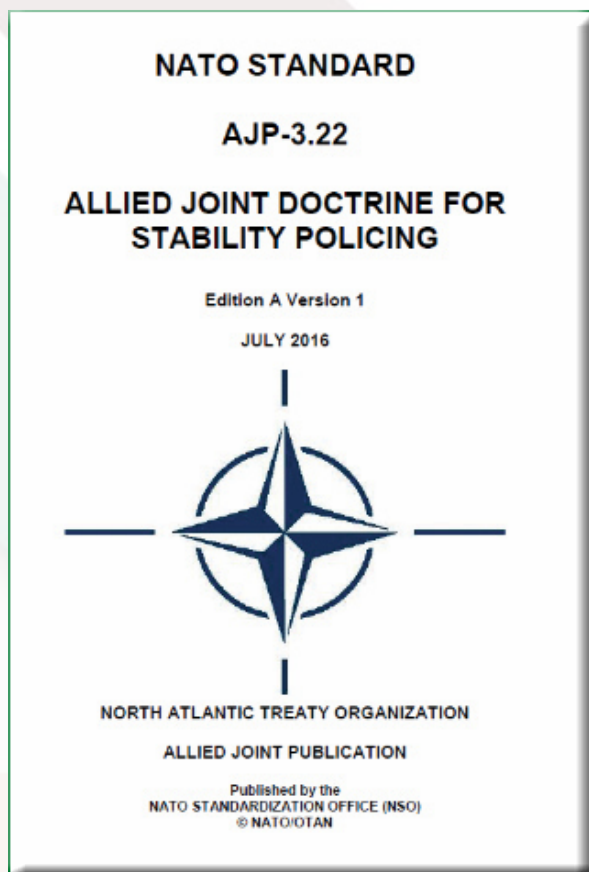
[17] UNSCR 1244 Kosovo and UNSCR 1272 East Timor

[18] See MCM-0053-2019 "Capstone Concept – Joint Military Operations in Urban Environment" for further details

[19] Legal targeting, "creating effects on adversaries by enforcing international and applicable HN law" is not a NATO Agreed term

[20] 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

[21] Regardless of their military (e.g. Gendarmerie-type force) or civilian (civilian police) status

NATO STANDARD

AJP-3.22

ALLIED JOINT DOCTRINE FOR STABILITY POLICING

Edition A Version 1

JULY 2016

NORTH ATLANTIC TREATY ORGANIZATION

ALLIED JOINT PUBLICATION

Published by the
NATO STANDARDIZATION OFFICE (NSO)
© NATO/OTAN

SP: when, where, how and who? Does SP contribute to projecting stability?

SP is a military capability that can contribute to all three NATO core tasks of collective defence, crisis management and cooperative security and to all operations themes, from peacetime military engagement to warfighting.

It can be conducted before, during and after (armed) conflicts and manmade or natural disasters, within stability operations, hence performing stability, enabling, defensive and offensive activities in the remit of policing. Projecting stability[22] supports preventing and deterring crises and conflicts also through SP as a complementary NATO instrument[23].

Although *"land heavy"*, SP is not limited to a specific domain; in the same way, irregular actors are active on land and sea as well as in the air, in cyberspace and in the information environment. Most people live and more will live in urban settings and conflicts break out amongst people. The police are often the first responders to these crises; hence, acquiring and using their experience and expertise is and will be pivotal. Policing is very different from soldiering, but urban challenges may progressively blur police and military responsibilities. Military operations in densely populated areas will require military personnel to have policing-like skills[24].

While any specifically trained, equipped unit or asset can conduct basic SP, higher-level activities, such as investigation international crimes and terrorism or mentoring HN senior leaders, require considerable policing expertise and experience. *"All[25] can contribute to SP, but not everyone can do everything"*, a key SP principle, enables NATO to select the most suitable force and Allied Nations to contribute without losing opportunities.

SP actors include Gendarmerie-type forces, which are the first choice[26], MP and other military forces. Under a comprehensive approach, non-military actors such as police forces with civilian status, IOs, NGOs, and contractors[27] can contribute to SP.

[22] NDC Research Paper 1 Dec 2018 "Projecting Stability: Elixir or Snake Oil?"
[23] "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 Advisor, MOIA, LL Conference at the NATO SP CoE 08.10.2019
[24] See MCM-0053-2019 "Capstone Concept – Joint Military Operations in Urban Environment" for further details
[25] Forces, services, assets, Subject Matter Experts (SME) etc.
[26] AJP-3.21 "Allied Joint Doctrine for Military Police" para 2.6.3
[27] "on the basis of the mandate and the environment being permissive" (AJP-3.22)

The "missing" capability – Why does NATO need an SP Concept?

NATO lacks a precisely defined SP capability that is properly acknowledged within the NATO Defence Planning Process (NDPP)[28] and targeted to Nations. This means that during a force generation process Nations can provide SP contributions that lack police expertise and experience, likely resulting in disastrous consequences[29]: this is why adopting an SP concept is the opportunity for the Alliance to fill this gap.

Indeed, a NATO concept addresses "capabilities" across all the DOTMLPFI[30] aspects, but there are some difficulties, also due to the inherent differences between NATO Nations' 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"*. AJP-3.22 cannot suffice to address all aspects of an SP capability, because as an Allied publication it addresses exclusively the doctrinal features of the DOTMLPFI framework.

The NATO Stability Policing Centre of Excellence (NSPCoE)

The NATO Stability Policing Centre of Excellence (NSPCoE)[31] is a multinational[32] think-tank and the NATO hub of expertise for SP. It encompasses a Directorate and three pillars focused on SP, namely the Doctrine and Standardization Branch, which develops concepts and contributes to improving the NATO doctrinal corpus, the Education and Training Branch, which designs training curricula and hosts courses[33], and the Lesson Learned (LL) Branch that gathers best practises and works the LL cycle.

What can SP do for NATO?

NATO has conducted SP for more than two decades; however, the subject matter is still not sufficiently known, understood and embraced within the Alliance. This attitude is changing gradually, but too slowly.

NATO decision makers and commanders have often regarded policing the local population or re-/building IPF as a secondary, non-urgent concern. The erroneous belief, that they are the exclusive remit of civilian organizations resonates recurrently, oblivious of the fact that the latter are rarely effective in non-permissive environments.

Overlooking or delaying addressing a policing gap can affect the mission, delay or hinder reaching the end-state and may even prevent NATO forces from disengaging[34]. The police, working within and for the population are frequently the most visible manifestation of a government.

If they are ineffective, incapable and not trusted, they undermine the credibility of that same government and overall stability, both elements, which may require the International Community, including NATO, to intervene. SP supports the re-/establishment of a safe and secure environment (SASE), restoring public order and security, and contributes to create the conditions for meeting longer term needs with respect to governance and development (e.g. through Security Sector Reform - SSR)[35].

SP Lines of Operation (LoO)[36] or SP elements within established LoO can concur to deter, identify, locate, target and engage adversaries and help attain objectives at tactical, operational and strategic levels in a military campaign. SP also collects and analyses police and crime-related information and feeds the force's intelligence cycle.

Policing non-kinetic and non-/less than lethal tools and procedures encourage the reduction in the use of force, hence of the collateral damage. This should influence the attitude of the populace[37] and contribute to an improved

acceptance and legitimacy of NATO within audiences from the local to the international level, therefore enhancing mission sustainability.

SP can inspire a more police-like NATO mind-set aiming at reaching the end-state also through non-combat-oriented approaches instead of focusing solely on the (conventional) defeat of the adversary, hence fostering stability and peace.

The Policy on the Protection of Civilians (PoC)[38] states *"all feasible measures must be taken to avoid, minimize and mitigate harm to civilians"* and *"includes a Stability policing dimension"[39]*, recognizing SP as a valuable instrument in this remit. Cultural Property Protection is one crosscutting topic within PoC that exemplifies that a policing approach is critical to prevent and deter relevant illicit activities. SP investigates related crimes, apprehends the perpetrators and recovers cultural property and illicitly accrued wealth for their restitution.

Therefore, SP deprives irregular actors of their funding and restores these funds back to the HN economy. Some 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.

Current conflicts and crises present the *"traditional"* war fighter with complex challenges including unrestricted warfare[40], asymmetric warfare, hybrid threats, insurgency, lawfare[41], 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 military problems needs tailored responses in a 360° approach and the Alliance should welcome the substantial innovation of embracing SP wholeheartedly as one such response.

SP is often misunderstood and sometimes downplayed if observed from a misinformed, outdated, rigid and exclusively combat-focussed perspective.

On the other hand, it can be an opportunity that should not be missed by the Alliance, if it aims at moving forward in unison and remaining fit for purpose.

In the words of Col. De Magistris <<*once approved, the SP concept will significantly enhance the likelihood of the Alliance's success, because history shows that SP does fill the public security gap during the so called "critical golden hour"[42] at the onset of a crisis response operation. This is a crucial step that NATO should take to pave the way for a successful follow-on mission, coupled with the developing an assessment methodology to identify in advance the potential spoilers of the Alliance'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*>>.

[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] SIGAR "Divided Responsibility: Lessons from U.S. security sector assistance efforts in Afghanistan", June 2019 and SIGIR "Learning from Iraq: A Final Report from the Special Inspector General for Iraq Reconstruction", March 2013

[30] The Joint Capabilities Integration Development System (or JCIDS Process) process considers solutions involving any combination of Doctrine, Organization, Training, Materiel, Leadership and Education, Personnel, Facilities and Interoperability (DOTMLPFI)

[31] https://www.nspcoe.org/about-us/history/nato-sp-coe. The Centre is based in Vicenza, a northern Italian city

[32] The Czech Republic, France, Greece, Italy, Poland, Romania, Spain, The Netherlands and Turkey participate in the Centre.

[33] 6 in-house courses and 3 online, see www.nspcoe.org

[34] See the above-mentioned SIGAR and SIGIR reports

[35] Se AJP-3.22 as above

[36] "LoO, A path linking decisive conditions to achieve an objective" NATO Agreed Term

[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] See "Unrestricted warfare" by Colonels Qiao Liang and Wang Xiangsui of the Chinese People's Liberation Army

[41] Lawfare is the use of law to wage war

[42] "Criminalized Power Structures: The Overlooked Enemies of Peace", edited by Michael Dziedzic, Rowman & Littlefield - 2016