STABILITY POLICING IN COLLECTIVE DEFENCE

New approaches to military operations: Stability Policing in collective defence. Expanding and complementing the Alliance's military effectiveness

Isn't NATO missing this opportunity by failing to fill the Public Security gap?
Doesn't NATO equally require a "policeman's mind in their soldiers' body"?

by Giuseppe De Magistris

Introduction

NATO's essential and enduring purpose is to safeguard the freedom and security of all its members by political and military means. Therefore, Collective Defence is at the heart of the Alliance, protecting its members from all kind of potential globally emerging threats, which might come from a wide range of diverse actors. Since 2010, as outlined in the Alliance's Strategic Concept, NATO focusses on countering these threats by utilizing collective defence[1], managing crisis situations and encouraging cooperative security. In Afghanistan, the only instance when the Alliance called for an Art. 5 operation, NATO promptly activated its resources, Member States responded to the call and the enemy was fairly quickly militarily defeated. However, unfortunately, after 20 years of military commitment, the Taliban, which were pointed out as the main actors responsible for favouring, hosting and assisting the terrorists, are still steadily operational. One, if not the main, of the elements which contributed to this outcome could be attributed to having used mainly a military instrument, to solve security issues and challenges that should have required a different, more police-oriented, approach, by enforcing the law and protecting the population, therefore gaining its support. Indeed, bridging the so-called "policing gap" requires an innovative military response aimed at reinforcing or temporarily replacing the local Law Enforcement Agencies (LEAs), in order to contribute to the restoration and/or upholding of the public order and security, the rule of law and the protection of human rights. This is the NATO Stability Policing's mission. By the same token, in 2014, Rus-

sia was successful to annex Crimea while an escalation of violence and war-like actions were taking place in the Donbass, East Ukraine. As acknowledged by the Ukrainian Military Law and Order Service (MLOS)[2], the Ukrainian authorities and security forces were then unable to foresee and properly react to the invasion of Crimea. Indeed, faced with an unexpected hybrid war scenario which included cyberwarfare, sabotage, subversion, indoctrination of the local population with mass demonstrations and rallies, in parallel with military engagement of undercover Russian Special Forces in the field, the MLOS and the Ukrainian army were taken aback, overwhelmed by events, and their military manoeuvre capabilities were severely affected. As a result, the end state of the Russian hybrid strategy was the complete paralysis and subsequent collapse of the Ukrainian Law Enforcement and Defence capabilities in Crimea with the practical impossibility for Kiev to timely activate any sort of self-defence response. Since then, as a first step, the Alliance has constituted the Very High Readiness Joint Task Force (VJTF) inside the NATO Response Force (NRF). The VJTF, also known as Spearhead Force, is intended to deter any aggression by virtue of its strength (5.000 pax) and from two-to-five-day rapid deployability[3]. The second step of the NATO strategy has been the deployment of Battlegroups based in Poland, Estonia, Latvia and Lithuania. However, apart from the successful experiences in Bosnia Herzegovina and Kosovo[4], the Alliance's response so far is still very conventional military, being focused only on a potential military crisis at the Eastern border but overlooking the "police" dimension, which is the best suited to face the features of an hybrid scenario and the possible threat coming from an "internal front", fuelled, in Crimea, by undercover Russian Special Forces mingled with the supportive local population. Undisturbed, they successfully targeted institutional buildings, barracks and headquarters, making a conventional military response inadequate. In such a critical situation, one of NATO's first big concerns should be seizing the so called "critical golden hour"[5], by providing prompt assistance and effective support to Host Nation LEAs, ensuring the legitimacy and authority of the government in the attacked territory.

MODERN SCENARIOS AND HYBRID WARFARE REQUIRE MODERN, ADAPTIVE MILITARY CAPABILITIES.

One thing that should not be underestimated, but rather taken into consideration, is that in recent years, the very rules of war have changed. The mere use of military force to achieve tactical or strategic objectives is becoming secondary, the role of non-military means for achieving political and strategic goals has grown and, in many cases, the latter has exceeded the power of weapons in their effectiveness. Modern conflicts and crises present complex challenges, including asymmetric (and unrestricted[6]) warfare, hybrid threats, insurgency, threats to human security, lawfare[7], war-crime overlap, use of ambiguity, unconventional means, covert activities by state and non-state actors, adversary Strategic Communication (media, Info Ops, PsyOps, battle of the narratives etc.) and cyber threats. Asymmetrical actions have come into widespread use, enabling the nullification of military advantages in an armed conflict. These current and future security challenges are significant and likely to become even more relevant in the future. Their confrontation requires new approaches since such challenges lay in grey zones' shadows looming at the horizon that are very difficult to identify with the traditional military means, whilst they are more easily "detectable" and "visible" through the eyes of "policemen in soldiers' bodies". In general, the partakers of these new generation conflicts can be multiple and adopt the most disparate forms: powerful economic-financial groups, mafias, drug traffickers, political lobbies, religious groups, millennial groups, clubs and groups of thought, deviant services, local and international terrorism. In modern conflicts, it has become increasingly important to defend population's rights and freedom,

"STABILITY POLICING 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 AS WELL AS TREMENDOUSLY CONTRIBUTING TO THE ESTABLISHMENT OF THE SAFE AND SECURE ENVIRONMENT"

the economy and the effective functioning of democratic institutions; therefore, a multifaceted, innovative and forward-looking methodology is needed. This would require a new, redesigned military approach that focuses also on providing basic security to local communities and on supporting the local population, which are too often preyed upon by criminals and insurgents. Indeed, by filling the public security gap and by refocusing relevant efforts, governance improves, and alternative, legal livelihoods thrive. Nevertheless, in traditional conflicts these tasks were handled exclusively by the armed forces, which are not properly equipped and fit for the purpose to bring the police dimension in military operations and to focus on the local populace's primary needs. Countering diversionary actions and terrorists can only be effecti-

which military enemies may be enmeshed with adversaries[8], the Alliance must continue to evolve, transform, adapt, and enlarge its Military Instrument of Power, by including all the military capabilities that Member's States potentially offer. In this vein, Gendarmerie-Type-Forces (GTFs) represent an excellent option for NATO. GTFs can be defined as armed forces in charge of law enforcement, with full jurisdiction over their fellow citizens while carrying out their judicial police, public safety, public order and intelligence missions, by implementing their interoperable policing and military skills both inside and outside their national territory. Consequently, they should be the natural first choice required to implement Stability Policing[9], which is the right answer to tackle illegal disruptive situations caused by modern conflicts. Provided

ed, an informal Stability Policing saying goes as follows: "everybody can contribute to Stability Policing and can do something, not everyone can do everything".

STABILITY POLICING IN COLLECTIVE DEFENCE.

Fighting a non-linear war requires non-linear measures. In this perspective and in such a multi-layered and complex context, Stability Policing is an innovative response that contributes to, and complements, a traditional, purely-military and combat-only approach. It expands the reach of the military instrument into the remit of policing and contributes, within a comprehensive approach, to capitalize on combat success while aiming at building peace, when not preventing combat through Projecting Stability and Crisis Management. Stability Policing aims at *"establishing a safe and secure environment, restoring public order and security, and setting the conditions for meeting longer term needs with respect to governance and development"*[10]. Stability Policing activities can and should be conducted throughout the full spectrum of conflict, from peacetime military engagement to warfighting; this makes Stability Policing a very appropriate function that provides the Alliance with a wide range of solutions that can be used in a large number of situations. Like for any of NATO military capabilities, the deployment and intervention of Stability Policing Elements takes place exclusively under a North Atlantic Council decision following an article 5 request from a NATO Nation, a UN Security Council Resolution and/or with the consent and at the request of the Host Nation. Stability

ve by adding and maximizing the involvement of all the security and LEAs existing in the country. Today, modern warfare requires a new military approach. To face a modern conflict successfully, in

that they are properly trained and equipped, however, any of NATO's military capabilities may be tasked to carry out some of the relevant police-related activities concerning the Stability Policing function. Inde-

Policing Elements therefore operate within the limits of agreements, understandings and protocols that define their range of action, tasks and powers. This allows Stability Policing Elements to operate with full legitimacy within the limits of the applicable legal framework of the Nation that requested or accepted the intervention. Stability Policing can contribute to collective defence, by deterring, identifying, locating and engaging adversaries also through "legal targeting". This is a pioneering approach, which requires an innovative, reshaped and civilian-oriented policing mind-set[11] within the military strategy. It aims at creating effects on adversaries by enforcing HN legislation through Stability Policing activities (i.e. investigation, arrest, limiting/restricting mobility, seizure of assets and financial means, dismantling of networks and structures, prosecution, etc.). Legal targeting in the context of an af-

firmative lawfare would mean that Stability Policing "fights the enemy with other means", addressing the overlap between war and crime, and complementing the "traditional" war-fighting instrument. Furthermore, it calls for a mentality that engages in the local security issues, focusing on providing basic security to local communities whose everyday life is hampered, while addressing the new crisis environment with a new, non-kinetic and non-/less than lethal, approach. Stability Policing focuses on the police-related needs of the local population, thus improving governance and supporting the prospering of alternative and legal livelihoods. This tremendously contributes to win public support and the battle of narratives. As a consequence, the cooperation with local authorities and the populace improves and allows to counter more effectively the so-called spoiler threats[12], significantly

enhancing the outlook of the Host Nation and the Alliance's success.

WHAT STABILITY POLICING MAY LEGALLY TARGET AND COUNTER

A non-linear war is fought when a State employs both conventional and irregular military forces in conjunction with psychological, economic, political, and cyber-attacks, to incorporate a broad range of different modes of warfare, including terrorist acts, indiscriminate violence and coercion, and criminal disorder. Confusion and disorder may in fact ensue, when weaponized information exacerbates the perception of insecurity in the populace as political, social, and cultural identities are pitted against one another. In the relevant effort of undoing the enemy's determinations, Stability Policing contributes with its police-oriented approach to Human Security and to a wide array of cross-cutting topics ranging from Protection of Ci-

vilians (PoC), Women, Peace and Security and Children in Armed Conflict to Conflict-Related Sexual and Gender Based Violence as well as Cultural Property Protection. In many of these fields, Stability Policing contributes to fight against non-traditional and modern spoilers and threats and to counter

clearly exemplifies how a policing approach is critical to prevent and deter relevant criminal activities. Indeed, illegal revenues from the exploitation of cultural property could fund other criminal activities, if not contribute to help irregular adversaries acquire armament and ammunitions, which would

Cultural Property and violent crimes against the collective memory and community identity Stability Policing contributes to win hearts and minds of the local population, which leads to victory and to long-term peace and development.

CONCLUSION

In all the above-mentioned scenarios, where the actors of the non-linear and non-conventional wars find breeding ground for practicing their techniques of internal destabilization of a sovereign State, Stability Policing can play a pivotal role in contributing to the fight against those irregular or disguised enemies, who threaten a Nation's internal stability and integrity. In fact, by discharging its full set of "robust" policing tools across the full spectrum of the conflict, Stability Policing prevents countries-at-war from slipping further into

the overlap between war and crime such as in Counter Insurgency (COIN), Counter-Terrorism, counter illegal trafficking (human beings, illegal immigration, weapons, cultural property, etc.) and policing IDPs/refugees camps. Indeed, by doing so, Stability Policing specifically counters the actions that the enemy may undertake to further destabilize a state during a conflict. In this vein, for instance, Cultural Property Protection is a critical crosscutting topic within PoC that

aggravate and protract the conflict. Therefore, Stability Policing may deprive irregular actors of their funding, restore these funds and the artefacts back to the national economy, and efficiently preserve the stability of the area. This in turn boosts the perception of the Alliance in the battle of narratives, shifts consent from NATO's opponents towards the Allied Force and influences audiences from the local to the international level. AS a matter of fact, by disrupting attacks on

turmoil and social and economic instability. The added benefit of this approach lies, among others, in furthering the reduction in the use of force and in decreasing collateral damage. Furthermore, Stability Policing responds to the security needs of the local population. Therefore, it contributes to improved acceptance and legitimacy within audiences from the local to the international level and enhancing mission sustainability. Moreover, Stability Policing iden-

tifies, 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 as well as tremendously contributing to the establishment of the Safe and Secure Environment[13]. Finally, an aspect very often overlooked or underestimated is that LEAs are the most visible manifestation of any government, being the institutions that work within and for the population by providing them security, enforcing the Rule of Law and responding to their requests for assistance on a variety of basic needs. Notwithstanding, it goes without saying that, considering that one of the goals of non-linear warfare is to subvert and sabotage the rule of law, the lack of effective, capable and trustworthy LEAs undermines the credibility of the government, with detrimental effects on its legitimacy and overall stability. By reinforcing or temporarily replacing LEAs, Stability Policing brings about a more police-like mindset, aimed at reaching the end-state also through non-combat-oriented approaches instead of focusing solely on the conventional military defeat of the adversary. Indeed, Stability Policing activities extend the range of a not unlikely Collective Defence NATO operation by integrating the military objective of neutralizing security challenges with the crucial goal of stabilizing non-benign environments. This sets up the conditions for enabling local institutions to flourish and successfully act and facilitates the progressive disengagements of military forces. In turn, this also fosters stability and peace, as well

as strengthens and empowers governments and the rule of law, bringing out the primacy of the nation both in all stages of the conflict and in the battle of narratives.

PICTURES:
NATO-led NTM-A Mission (training ANP and ANCOP)

1. *As per article 5 of the Washington Treaty, Collective Defence is the cornerstone of NATO. This means that an attack against one of its members is considered as an attack against all Allies. So far, throughout its history, NATO only invoked Article 5 once, in response to the terrorist attacks of September 11, 2001 against the United States. The action was called to fight terrorism and to dismantle terrorist networks, based and hosted in Afghanistan, starting what went down in history as the "Global War on Terror"*
2. *See the International Conference "Military Police in Hybrid War" report released on July 9, 2019, and lectures from the online webinar co-hosted by MLOS and the NATO MP COE, on October 15, 2020*
3. *If the Alliance territorial integrity is threatened by an enemy force*
4. *Indeed, NATO successfully deployed a Multinational Specialized Unit, the forerunner of a Stability Policing Element, both in Bosnia Herzegovina (under SFOR) and Kosovo (under KFOR), tasked to discharge the full spectrum of police duties with the aim to fill the existing void between the local population needs and the actual capacities of the local Police (the so called public security gap) by (temporarily) replacing and then supporting the local LEAs*
5. *The "golden hour" is the period of time following a traumatic injury during which there is the highest likelihood that prompt medical and surgical treatment will prevent death [American College of Surgeons (2008)]. See "Criminalized Power Structures: the overlooked enemies of Peace", edited by Michael Dziedzic, Rowman & Littlefield - 2016*
6. *Gerasimov's (and/or Primakov) doctrine (https://carnegieendowment. org/2019/06/05/primakov-not-gerasimov-doctrine-in-action-pub-79254)*
7. *The use of the law in warfare*
8. *Adversary: "a party whose intentions or interests are opposed to those of friendly parties and against which the legal use of armed force may be envisaged". NATO Agreed*
9. *See Allied Joint Publication 3.21, "Allied*

Joint Doctrine for Military Police"
10. *See Allied Joint Publication AJP-3.22, "Allied Joint Doctrine for Stability Policing"*
11. *Civilian-oriented policing mind-set may be defined as the habitual way of thinking of law enforcement officers (regardless of their military or civilian status) serving the civilian populace through a flexible approach aimed at building respect, trust and compliance and avoiding, as much as possible, the use of force*
12. *"Spoilers are individuals that have the power to negatively impact the peace process both willingly or unwillingly. Spoiling behaviours may include violent and non-violent methods" (working definition from the Assessment of Spoiler Threats Report Published 15 June 2020 by NATO Stability Policing Centre of Excellence)*
13. *A safe and secure environment is one in which the population has the freedom to pursue daily activities without fear of politically motivated, persistent, or large-scale violence*

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