A proposal for a NATO High-Readiness Constabulary Force

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Being an expeditionary political-military international organization that applies innovation and transformation to stay fit for purpose, the North Atlantic Treaty Organization (NATO) is considered the most successful alliance in history. In 2019, Mr. Jens Stoltenberg, NATO Secretary-General, stated that <<the Alliance works because through the decades, its members kept the commitment to protect and defend each other and adapted as the world around them changed>>. Indeed, security challenges such as hybrid threats, the crime-war overlap as well as terrorism and insurgency, threats to human rights, human security and cultural property are significant and likely to become more relevant in the future not to mention the need to ensure the resilience of our societies and the ongoing clash of powers in the so-called grey zone. Moreover, through not lethal means, ways and ends, intermediate force capabilities also are needed beyond presence but below the threshold of lethal force to deliver security without creating excessive collateral damage.

These challenges require innovative approaches and Stability Policing, police-related activities intended to reinforce or temporarily replace the indigenous police to contribute to the restoration and/or upholding of public order and security, rule of law, and the protection of human rights, 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 realm of policing and actively contributing to a comprehensive approach.

Stability Policing in NATO: a missed opportunity?

The 'policing gap' and the origins of Stability Policing

Stability Policing *ante litteram* was born with the deployment of the first Multinational Specialized Unit (MSU) to Bosnia in August 1998 as part of the NATO Stabilization Force (SFOR). At that time, the Alliance realized that neither its military might, nor the local police, nor the United Nations 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 Argentina, the Netherlands and the United States — represented the only policing tool within SFOR that was flexible and robust enough to fill the Law Enforcement vacuum in a hostile environment. The latter would include the capability void between the populace's security needs and the inability or unwillingness of any Indigenous Police Forces (IPF), other relevant actors (U.N., European Union, African Union, *et similia*) and NATO conventional, combat and warfighting means to properly address these

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[1] By Col. Giuseppe De Magistris, Director, NATO Stability Policing Centre of Excellence

challenges. Other "*executive*" deployments followed in Kosovo under NATO's aegis, where an MSU has been successfully operating in the KFOR mission since 1999 under UNSCR 1244/1999 Mandate, and – from 2003 to 2006 - in Iraq (UNSCR 1483/2003).

The author of this article takes pride in having served also as NATO Military Police (MP) officer, and it is an uncontroverted fact that MP existed within NATO and the U.N.. However, none of the above-mentioned international organizations had pursued an increase, expansion 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. Both Stability Policing and MP are united in a policing dimension that contributes to the improvement of the overall performance of NATO as a military instrument by adding a policing perspective that hitherto was often underestimated or neglected.

In 2016, NATO promulgated the Allied Joint Doctrine for Stability Policing (AJP-3.22). It states that Stability Policing can bridge the policing gap through one or a combination of its two missions. One of those missions, the **reinforcement of the IPF**, entails intervening to increase their capabilities and capacity and raise overall performance to acceptable levels, and encompasses monitoring, mentoring, advising, reforming, training and partnering. The other mission, **temporary replacement of the IPF**, may be required if the local force is missing or unwilling to carry out its duties. Normally a U.N. mandate initiates a North Atlantic Council 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 intervention is required, especially in a nonpermissive environment, NATO Stability Policing 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 U.N. Security Council resolution or Host Nation's request.

Stability Policing can indeed create new avenues 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 less than lethal ones, significantly broadening flexibility in the use of force and applying intermediate force capabilities. These tools are aimed at war criminals, organized crime and transnational criminals, terrorists and insurgents, and violators of Host Nation and international laws. This legal targeting affects adversaries by enforcing international and Host Nation laws through investigation or arrest, limiting/restricting the mobility and liberty of offenders, seizing their assets and financial means, and dismantling their networks and structures. In a military campaign, dedicated Stability Policing lines of operation or Stability Policing elements within established lines of operation can deter, identify, locate, target and engage adversaries or spoilers, disrupt their networks and help attain objectives at tactical, operational and strategic levels.
An added benefit of this approach lies in further reducing the use of force and decreasing collateral damage while responding to the population's security needs. Moreover, it epitomizes a constructive approach to security and contributes to

improved acceptance and legitimacy, from the local level to the international level, while enhancing mission sustainability. Stability Policing further identifies, collects and analyses Law Enforcement and crime information and disseminates intelligence, improving understanding of the operating environment. Moreover, 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 system in which individuals, public and private entities and the state are not accountable to the law, combined with a frail justice sector is likely to affect the efficacy of local police forces, being them one of the constituting pillars of the system itself (along with the Judiciary and Corrections). Such a situation is likely to hamper governance and generate power and enforcement vacuums, which might be exploited by irregular actors, such as criminals, terrorists and insurgents, and produce considerable levels of insecurity and instability.

As a **military capability** that emphasizes a populace-oriented approach, Stability Policing operates within the area of stabilization and reconstruction and as a military capability for crisis management it strives for a comprehensive and human security approach. In fact, Stability Policing fosters and seeks the best possible level of interaction with other international organizations, the Host Nation, and especially with the IPF, the populace and other actors, including nongovernmental organizations. Indeed, Stability Policing's centre of gravity is the local population, along with IPF.

SP: when, where, how and who?

Does Stability Policing contribute to projecting stability? It has been argued that Stability Policing cannot contribute to the three NATO core tasks of collective defense, crisis management and cooperative security because it is framed solely within stability operations to bridge the policing gap. Yet, the evolving doctrinal framework — in particular the current review of NATO's relevant allied joint doctrines — contemplates that offensive, defensive and stability operations all encompass stability, enabling defensive and offensive activities that could be extended to Stability Policing, although limiting them to the policing realm.

Indeed, history shows that Stability Policing can and should be conducted throughout the full spectrum of conflict and crises in all operational themes (from peacetime military engagement to warfighting), and before, during and after armed conflicts and manmade and natural disasters because the fragile Host Nation and its populace may require help to bridge the policing gaps. By the same token, Stability Policing contributes to winning the war by affecting adversaries and enemies and to building peace, an aspect of fundamental importance in a connected, globalized world. Projecting stability is key to preventing and deterring crises, including armed conflict, and cannot be overlooked when addressing policing requirements. To this aim, Stability Policing is credible, instrumental and complementary to other actors' efforts; this reasoning has often been demonstrated in NATO operations and missions.

Furthermore, although "*land-heavy,*" Stability Policing is not limited to a specific domain in the same way criminals, terrorists and insurgents are active on land, sea, in the air, in cyberspace and in the information environment. Urban and littoral settings are where most people live and where they will increasingly live. Since conflicts break out among people, and police are often the first responders to these crises, acquiring and using their experience and expertise is increasingly 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 skills. In general, successful interaction between conventional military and policing components will require interoperability to ensure they can be ready, available and jointly deployable to permissive and nonpermissive environments.

An essential principle of Stability Policing states that "*everyone 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. Conducting a military campaign is even more demanding. Basic Stability Policing activities and tasks — such as presence patrols, critical site security and election security — can be conducted by any trained, equipped and tasked unit. Higher level Stability Policing, such as community-oriented policing, investigating organized crimes, disrupting international terrorist networks or mentoring host-nation senior leaders, requires a considerable level of expertise, experience and skills. A vast array of forces can and should contribute to Stability Policing, including gendarmerie-type forces — which are the first choice[2] — MP and other military forces. Under a comprehensive approach, Stability Policing activities may include nonmilitary actors, such as police forces with civilian status, international organizations, nongovernmental organizations and contractors. 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 requirements for Stability Policing across the doctrine, organization, training, materiel, leadership, personnel, facilities and interoperability (DOTMLPFI) framework. During a force generation process, nations may provide the Alliance with Stability Policing contributions that lack police expertise since Stability Policing is not yet acknowledged as a capability within the NATO Defence Planning Process (NDPP). History shows that Stability Policing should be included in the planning process from the beginning and that a lack of expert and experienced policing personnel to reinforce or temporarily replace the IPF can have disastrous consequences. Considering a dedicated Stability Policing unit's requirements during the next NDPP cycle and designating these requirements to specific NATO member states would ensure the capabilities will be available during any force-generation process. Within NATO, a concept is an instrument to coherently

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[2] As per NATO AJP-3.21

fill a capability gap. Unfortunately, a concept has yet to be adopted for Stability Policing.

There are inherent difficulties on the path toward an approved Stability Policing concept, including the differences between NATO nations' police forces (military/civilian status, powers, jurisdictions, legal frameworks and national caveats). The guiding principle should always be that the Alliance's strength lies in its cohesion and in the combined diversity of the contributions from all members, which is vastly greater than the sum of all the nations' individual capabilities. It has been argued that the existence of AJP-3.22 suffices and a dedicated Stability Policing concept is not needed. But a doctrine is only one of the eight DOTMLPFI aspects needed to define a capability.

The NATO Stability Policing Centre of Excellence

The NATO Stability Policing Centre of Excellence (NSPCoE) is a think tank based in Vicenza (Italy). It encompasses a directorate and three pillars: 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-103 (an allied, tactical-level publication); the Education, Training and Exercise Branch, which designs training curricula and hosts courses about Stability Policing and participates in exercises; and the Lessons Learned Branch, which gathers best practices and works the lessons-learned cycle to feed experiences garnered in operations and training into a database and ultimately into doctrine. The NSPCoE is the NATO hub of expertise for Stability Policing and strives to be the Alliance's interface with international organizations and non-NATO institutions in the Stability Policing arena. The Czech Republic, France, Greece, Italy (Framework Nation), Poland, Romania, Spain, the Netherlands and Turkey contribute to the NSPCoE.

What can Stability Policing do for NATO?

Stability Policing has existed under different names for more than two decades in NATO-led operations, often in hostile settings. Other international organizations, such as the U.N., the EU and the African Union, all possible partners for NATO Stability Policing, have performed and still perform Stability Policing operations, albeit under different names and perspectives. Despite this, Stability Policing is not yet sufficiently known, understood and adopted, even across NATO.

Policing local populations or re-/building IPFs have not been immediate concerns of NATO decision-makers. In some instances, they are considered the exclusive remit of other actors, including civilian organizations, whose expeditionary capabilities are very limited (but we will get back to this issue at a later stage). That is an erroneous belief, especially considering that the latter cannot be deployed in nonpermissive environments, which could generate/deteriorate the policing gap. This attitude is gradually changing but too slowly. Lessons learned have shown that overlooking or

delaying coordinated actions to address the policing gap inevitably affects the mission, delays or hinders the attainment of the desired NATO end state and may prevent NATO forces from disengaging. The police are the most visible manifestation of any government, being the institution that works for the population to provide security, to enforce the law and to respond to the public's requests for assistance on a variety of issues. The lack of an effective, capable and trustworthy police force undermines the credibility of any government, with detrimental effects on its legitimacy and overall stability. Often, the burden for these shortcomings is carried mostly by a suffering civilian population. These situations are found especially in fragile states and in crisis or conflict areas, where the international community, including NATO, may be called to prevent crisis escalation and support peace restoration.

NATO military operations benefit from the inclusion of Stability Policing as a substantial contribution focusing on the IPF and the local populace. The aim of Stability Policing is to support the re-/establishment of a safe and secure environment — restoring public order and security — and to contribute to creating the conditions for meeting longer-term needs with respect to governance and development (especially through security sector reform). In practice, Stability Policing supports nation building but also contributes to development of <u>legitimate</u> IPF capable to answer the population's security needs and to increase cohesion and resilience. In the long term, the Alliance as a whole (its people as well as the structure, institution and processes) would profit from acquiring a more police-like mindset. The desired NATO's end state might be better attained by not focusing solely on the conventional defeat of the adversary, but rather more on integrating noncombat approaches. This is particularly true in heavily populated environments such as in urban and littoral settings, where the attitude of the populace is to be taken into particular consideration and expertise in policing among civilians is clearly advantageous. By the same token in such environments is crucial to ensuring continuity of government, a challenge that is strictly intertwined with NATO's concept on resilience a subject matter on the top of the Alliance's agenda, especially in the wake of the unfortunately still ongoing unlawful Russia's War of Aggression against Ukraine (RWAU), which reminds us of the importance of resilience both for national defence and NATO's cohesion. Ukraine's resistance shows how crucial preparedness in peace-time becomes in crisis and conflict. But it is not just RWAU or the impact of Covid-19 that have highlighted the need for a more resilient NATO. With growing geopolitical competition, climate change, and the impact of emerging technologies, our societies' interconnectedness and interdependence means that resilience, while a national responsibility, has important consequences for the Alliance's common security. In fact, given the interdependences of the Whole of Government Approach required by resilience, it is relevant how citizens should be empowered in three dimensions: the physical dimension, the virtual dimension, and the cognitive dimension, including the need for NATO to build societal resilience against hostile information, including disinformation. These are activities designed to weaken societal cohesion and disrupt decision-making, and NATO aims to mitigate the impact of hostile activities by state and non-state actors by enhancing Allied capacity to assess information environment and tackle challenges. In this regard, societal resilience implies empowering individual

citizens and civil society as a whole to play their appropriate roles not only during the natural disasters, but also throughout the spectrum of conflict – from peace and crisis to war. More specifically, the NATO Warfighting Capstone Concept (NWCC) currently represents one of the most relevant initiatives developed by NATO, and the Layered Resilience is one of the five Essential Warfare Development Imperatives (WDI) included in the Concept Proposal itself, which includes Stability Policing among the ten key factors to be analysed in the interdependencies between the Military and Civil Resilience layers, as part of the "Proposal for Layered Resilience Concept" endorsed by the NATO Military Committee (MC) and currently under development by NATO Supreme Allied Command for Transformation (ACT) Headquarters. In a nutshell, the above-evidenced conceptual framework clearly identifies Stability Policing as a pivotal tool bridging the military resilience and the civilian resilience.

To protect civilians, as identified by the NATO Policy on the Protection of Civilians (PoC), which includes a Stability Policing dimension, <<*all feasible measures must be taken to avoid, minimize and mitigate harm to civilians*>>, and Stability Policing can significantly contribute to this purpose in particular and to human security in general. Moreover, cultural property protection is one crosscutting topic within NATO's Human Security approach[3], one in which a policing approach is critical to preventing and deterring relevant illicit activities. Stability Policing investigates related crimes, apprehends the perpetrators, and recovers the cultural property and the illicitly accrued wealth as restitution. By doing so, not only does Stability Policing deprive the criminals of funding but also restores these funds to the Host Nation's economy, supporting its development overall and ultimately contributing to the battle of narratives and to improving the legitimacy of local authorities. Among other significant niche areas in which Stability Policing can contribute to NATO's Human Security approach are combating the trafficking in human beings, narcotics and weapons, enforcing antipollution and environmental protection laws, and countering labour exploitation.

In the book "Unrestricted Warfare" by Col. Qiao Liang and Col. Wang Xiangsui of the Chinese People's Liberation Army, and in the so-called Gerasimov or Primakov'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 Stability Policing embodies an innovation of paramount importance in tackling these crossbred perils. Current conflicts and crises present the traditional warfighter with complex challenges, including asymmetric warfare, hybrid threats, insurgency, lawfare, war-crime overlap, use of ambiguity, unconventional means, covert activities by state and nonstate actors, adversary communications (media, information operations, psychological operations, battles of narratives) and cyber threats, which cannot be addressed solely by combat and the use of lethal force.

In this vein, the Alliance is constantly assessing, evaluating and analysing possible threats — particularly security-related ones — to devise appropriate responses. NATO's Deterrence and Defence of the Euro-Atlantic Area Concept focuses on

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[3] Along with the above-mentioned PoC, Children in Armed Conflict, Conflict-Related Sexual Violence and Trafficking in Human Beings

pervasive instability, interoperability, a multidomain and 360-degree approach, and unconventional actors, while the NATO Warfighting Capstone Concept highlights the allies' constant effort to innovate and adapt to remain fit for purpose. Moreover, the 2017 Strategic Foresight Analyses, looking at a time frame until 2035, includes insights and implications from probable interventions in heavily concentrated urban areas and the participation of a wide range of security actors. Likewise, the 2018 Framework for Future Alliance Operations looks at shorter-term challenges, particularly within warfighting and warfare development, to increasing the availability and number of SP personnel, to strengthening the capacity of existing MP capabilities and to generating policing-like skills to enable interaction with civilian populations as fundamental efforts.

Moreover, the "NATO 2030 United for a New Era" endeavour calls for periodic exercising of response options to hybrid threats and the closest possible cooperation within the enlarged DIMEFIL framework that, in addition to diplomatic, information, military and economic instruments of power, adds the financial, intelligence and legal ones, the latter being the more related, but not limited to, to Stability Policing, since it includes the Law Enforcement remit. And it is in this regard that, in an ever-changing security environment with a wide variety of threats from all directions, once again Stability Policing comes in to play. In fact, the Alliance faces more challenges today than ever before. In this regard, considering NATO's 360-degree approach to security and the challenges highlighted in the NATO 2022 Strategic Concept, the NATO Stability Policing Centre of Excellence has identified a gap related to intelligence and the need to better define the use of Law Enforcement Intelligence (LEINT) for the mutual benefit of both Stability Policing, and the Law Enforcement Community, and the Intelligence Community.

New strategies are required in order to allow NATO achieving better operational success and implementing broader security goals. Within this framework, the LEINT project represents an innovative solution, aimed at assisting the Alliance to adapt to the demanding security environment and to create new opportunities to enhance the effectiveness of Stability Policing operations via the use of Law Enforcement Intelligence.

To sum up, in line with NATO's 360-degree approach, the establishment of a functioning LEINT concept that allows collaboration and innovation within the Alliance would mutually benefit the Intel Enterprise and Stability Policing in achieving further operational success. Bridging such disparity would in turn strengthen the Alliance thoroughly in safeguarding the freedom and security of all its members.

Last but not least, te 2022 NATO Strategic Concept identifies Deterrence and Defence as a Core Task in a position of "primus inter pares" compared to the two remaining Core Tasks (Crisis Prevention and Management, and Cooperative Security, traditionally more related to the Stability Policing's core mission); however, a more detailed reflection will be permitting to recognise some additional and relevant aspects entirely matching the Stability Policing values. In fact, the required 360° approach facing a contested and unpredictable world identifies as key elements for the NATO Mission preserving Human Rights and the Rule of Law, considering the technological

edge and the climate change, analysing pervasive instability, violence against civilians, sexual violence, attacks against cultural property, environmental damage, human trafficking and irregular migration. All of them are ingredients of a complex and multifaced hybrid threat requiring a combination of military and non-military tools, and including Stability Policing as a significant instrument in the hands of the Alliance having the agility to operate below the Art. 5 threshold and, at the same time, complementing the warfighters. Stability Policing is indeed the unique capability that improves NATO's chances to successfully address - from the Law Enforcement perspective - non-conventional threats, which cannot be tackled through the traditional military means and forces, as well as ways and ends alone.

The overall evolution of the military problem needs tailored responses. One of them should be Stability Policing, an instrument endowed with an inherent flexibility within the force continuum. In fact, negotiation and mediation are envisaged together with a correct presence and posture to avoid the use of force, particularly lethal force, whenever practicable. This in turn implies that the Alliance embrace a transformation of its military instrument. Developing this capability and enhancing interoperability will require a concept to define Stability Policing in all its aspects and enable its full integration.

An additional step sees Stability Policing enhancing the role of the Alliance 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. Stability Policing is often misunderstood and sometimes downplayed if observed from a misinformed, outdated and exclusively combat-focused perspective. On the other hand, Stability Policing is an opportunity that the Alliance should not miss if it aims at moving forward in unison, remaining fit for purpose, and embracing innovation and transformation that possesses capabilities to carry out its three core tasks in a 360-degree approach.

Once eventually approved, the Stability Policing concept will significantly enhance the outlook of the Alliance's success, because the public security gap will be closed at the beginning of an operation, during the so-called critical golden hour. This is a crucial step that NATO must take to transition successfully to a follow-on mission, coupled with developing an assessment methodology to identify in advance the potential spoilers of the mission's mandate. This is the very aim of the NSPCoE — to seize the moment for the benefit of the Alliance and the people we serve.

Case Study. Stability Policing, the great absence in the Afghan conundrum.

Afghanistan, August 2021: is the collapse of the security forces Afghans' sole responsibility, due to their ancestral tribal divisions and deep-rooted institutional corruption, or is it also the International Community's responsibility?

However, this chapter is not meant to blame anyone. We are here to learn from the past and suggest possible solutions applicable in future, similar scenarios, to contribute to fostering long-term peace, stability, and development.

Were only tribal divisions and deep-rooted institutional corruption responsible for the Afghan Security Forces' (ASF) collapse or are there others to be singled out as well?

Is it not true that, since 2001, little or no consideration was given to *Robust Police* assets' role? In a such unstable environment where the Police was "*the most hated institution*", how was it possible to delegate police tasks to ruthless tribal militias, armed and subsidized by the intervening Countries, rather than applying the Stability Policing model which, since 1998, the International Community has adopted to respond to the security needs of the population so effectively in the Balkans, in Iraq and in East Timor? After all, wars are like natural disasters: they wipe away everything, leaving behind nothing but blood, instability, and chaos. And who governs this chaos? Whilst the Military deals with the enemy, it is crucial to counter those who benefit from havoc, the *adversaries* of the Coalition, those who take advantage of the *war-crime overlap* in the so-called grey zone, spoiling the peace process.

Wouldn't it have been better to call for a mandate from the UN Security Council to deploy Stability Policing units to deal with this state of almost total anarchy, thus filling this security vacuum? Instead, Resolution 1386/2001 to support international efforts to eradicate terrorism was based on two different criteria (the so-called *light footprint approach* and the *lead-nations system*), and – if I may – on a miscalculation, i.e., considering the fight against terrorism as an almost exclusively counterinsurgency military problem rather than as a social and police-related one.

As a form of organized crime that terrifies the population and destabilizes the Rule of Law, terrorism should better be addressed through both deradicalization and reintegration into the society as well as by targeted investigations aimed at dismantling its structure, network, as well as sources of supply and financing (the so-called "*Falcone Method*": i.e., "*follow the money*"). Indeed, terrorism becomes a military problem only as a last resort when its threat is so imminent that it can only be neutralized by kinetic actions.

In an unstable country like Afghanistan, where terrorism, insurgency and organised crime were mingling and in unison subverting the foundations of the institutions, wouldn't it have been better to deploy a military force expressing also *civil* law enforcement capabilities? They could have complemented and/or replaced the local Police, monitoring and intervening on corrupt and afflictive behaviours, providing services to the populace, thus filling the "*security gap*", rather than leaving these tasks to the *Afghan National Police* (*ANP*), whose inefficiency was well known.

There was in fact the need for an asset which was interoperable with both the Military and the civil society, capable to calibrate different levels of force and seeking to reduce the risk of "*collateral damage*" to the local population as much as possible. That would have hampered the Taliban's narrative at its core. I am talking about an asset like the *Multinational Specialized Unit*, NATO Stability Policing's forefather; a model now adopted by the major international organizations, albeit with different names and

perspectives, but with similar functions, whose distinctive feature is the ability to carry out community-oriented policing to protect the civilian population. Failing to immediately ensure the rule of law and guarantee public order and security, hence to seize the so-called *critical golden hour*, has meant failing to provide a timely and effective response to the needs of the population and to help legitimise local governments.

Indeed, the ANP operated in a chaotic context, characterised by three judicial systems (based on Islamic law, *jirga/shura* tribal system and penal procedural law, poisoned by an infamous *bribe and release culture*). Never were the ANP dedicated to the protection of civilians, despite the German and Turkish reforms in the early 1900s, as well as during Soviet domination. Nevertheless, the efforts of the international community have focused on developing a "paramilitary" force to support *counter-insurgency operations* conducted by the Afghan Army, rather than ensuring public order and security. Furthermore, the *ANP*, the most corrupt institution in the country, was characterized by endemic problems of discipline, transparency, nepotism, widespread drug use and inconsistent command and control relationships, as well as frequent resort to torture and the signing of written confessions to obtain convictions in court (the deep gender inequalities that characterised the *ANP* would deserve a separate chapter). Strategically, the ANP were tasked to man *checkpoints* located at the main crossing points of Afghanistan (what an opportunity to undisturbed prey upon travellers), neglecting the suburbs and remote villages, ultimately abandoned to themselves.

Being the first to interact with the population, ensuring their security and basic needs, the Police are the most visible expression of a government; however, if perceived as inefficient and predatory, they undermine the legitimacy of the central authorities. In the Afghan volatile and asymmetric scenario Stability Policing could have indeed played a crucial role in preventing chaos and focusing on the protection of civilians, thus contributing to legitimising the institutions and paving the way for a progressive transition, rather than a hurried retreat. Unfortunately, the International Community did not seize this opportunity in Afghanistan, seeking the military defeat of the insurgents rather than promoting the Rule of Law. The latter, instead, mitigated their extremism, "*getting closer*" to the citizens, brutally turning their strategy against ASF.

Maybe, the rule of law should have overridden the rule of guns. Shouldn't it?

Possible way-ahead: Proposal for a NATO High-Readiness Constabulary Force

Background

As mentioned, NATO's deployments in operations have highlighted since the late 1990s a so-called "public security gap", where military forces deployed in an operation may find themselves under the requirement to provide tasks that would domestically fall under the remit of police forces. We have already seen that this has led to the establishment within NATO operations of MSUs, led by Gendarmerie/Carabinieri-type

Forces of Allied countries, to execute tasks broadly related to riot control and policing duties. The use of such forces proved particularly relevant because these forces, where they exist, have varying degrees of closeness to the military (military ranks and regulations, subordination to Ministries of Defence, basic common training with military units, availability of military equipment, weaponry and assets, etc.) that make their integration in a military context smoother than that of purely civilian police forces.

The experience of the MSUs has led to extensive discussions, in the Military Committee, of a dedicated Stability Policing Concept, intended – it is worth to be recalled – as the *<<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>>*[4]. In other words, Stability Policing focuses on the needs of the Host Nation and its population through supporting and, when necessary, temporary replacing the IPF in case they are either unable or unwilling to perform the function themselves[5]. The development of such a Concept has however encountered difficulties, due to the reluctance of some Allies to accept a NATO involvement in "*policing*" duties.

Furthermore, as highlighted by the U.S. Special Inspector General For Afghanistan Reconstruction (SIGAR) in the 2022 "*Police in Conflict*" report *<<the police have a major role in keeping the local population safe and secure, and their function is of utmost importance in the day-to-day life of the population of any nation. When the police in a stable and normally secure country do not carry out their job effectively, the consequences can be dramatic—ranging from looting to rioting, or even the proliferation of organized crime and terrorism. In post-conflict states, the risks of violence, criminal activity, and destabilization are far higher>>*. Moreover, according to the RAND Corporation *<<since World War II, nearly one-half of societies recovering from one civil war have relapsed [into another civil] war within five years, and nearly one-fifth returned to war within a single year>>*[6] … in Afghanistan? It took just nine days! This epitomises the crucial role that police plays in any society emerging from conflict. It does speaks volumes, especially if we consider that from one hand the U.N. found that the first 6 to 12 weeks following the signing of a peace agreement or announcement of a ceasefire is the most critical period to establishing peace (however, the U.N. estimates it takes at least 9 to 12 months to establish a police assistance force), and on the other hand a 2007 RAND study identified police-military cooperation as *<<critical to the success of any stability operation, especially if several military, gendarmerie, and international local police forces are involved in establishing security>>*[7].

At the same time, recent events, including the Russia's War of Aggression against Ukraine (RWAU), prove the necessity for military forces to be able to rely on assets

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[4] AJP 3.22, LEX-2 and NATO Agreed term
[5] AJP-3.4.1, AJP-3.28 & AJP-3.22.
[6] RAND Corporation, "Seizing the Golden Hour: Tasks, Organization, and Capabilities Required for the Earliest Phase of Stability Operations," 2020, pp. 14–15.
[7] James Dobbins, Seth G. Jones, Keith Crane, and Beth Cole DeGrasse, "The Police", in The Beginner's Guide to Nation-Building, RAND Corporation, February 2007, p. 53.

with policing and investigative skills in a hybrid conflict or in an Art.5 situation. Three real-life examples underpin this consideration as follows:

- During the immigration border crisis between Poland and Belarus in winter 2021, the former was at risk to find itself overwhelmed by the immigrant influx and short-staffed to address it. Part of the response to this problem was to endow the Polish Military Gendarmerie (Poland's MP) with the powers to operate in a civilian context in support of the civilian police forces, while Polish Special Forces were also activated to provide support although they may have been lacking (in comparison to police forces) in the training and skills for interaction with non-hostile civilians;

- In the weeks preceding the 2022 Madrid Summit, Spain raised the issue of the protection NATO would provide to its North African enclaves of Ceuta and Melilla. While Spain appeared satisfied with the wording of the Strategic Concept on the defence of the territorial integrity of Allies, the main threat these areas are facing is one related to uncontrolled migration movements, rather than a military one. Lacking dedicated assets with experience in riot control and civil unrest, it is however unclear what forces NATO might provide support to Spain should it require Allied assistance in such a situation;

- The extensive discussions on the need to pursue war crimes committed in the course of RWAU have brought to the forefront the need to have forces on the battlefield able to collect and secure possible evidence of those crimes. Civilian police forces are however rarely deployed in the immediate vicinity of a war zone, so it is therefore incumbent on forces operating under the control of military commanders to conduct this work, bearing in mind that actions undertaken in the minutes following the discovery of a potential crime scene have massive consequences on the ability to bring perpetrators to justice.

Rationale

In light of all of the above, and in particular of the significant role the Strategic Concept attributes to countering terrorism and facing hybrid threats such as the instrumentalization of migration, the lack of dedicated assets for these threats is a gap that ought to be addressed. As NATO's competitors expand their activities into other domains and adopt a range of diversified tools to obtain military objectives, so must the Alliance make use of readily available, if not yet thoroughly codified, capabilities that can counter these adversaries and enemies effectively. This is very true when considering the new NATO's Force Model descending from the Madrid Summit, which will provide for a larger pool of forces for the Allied response at much greater scale and at higher readiness than the current NATO Response Force across applicable domains (i.e., Land, Sea, Air and Cyber), improving NATO's ability to respond at very short notice to any contingency. In fact, when fully implemented, the new NATO Force Model foresees trough three different tiers the high readiness of at least 500,000 troops within 180 days[8].

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[8] Tier 1: well over 100,000 in up to 10 days; Tier 2: around 200,000 in around 10-30 days; Tier 3: at least 500,000 in up to 30-180 days

As NATO Allies and Partners are likely to continuously face unconventional threats in the future, and in light of the above considerations, the establishment of a NATO High Readiness constabulary Force would appear timely and appropriate. Such a force, able to operate in Allied and Partner nations – in an Art. 5 or crisis management context – as a reserve of qualified law enforcement personnel, could be partly inspired by the NATO Very High Readiness Joint Task Force (VJTF) and other high-readiness force already existing, such as the European Gendarmerie Force (EUROGENDFOR).

In fact, the VJTF was established in 2014 within the NATO Response Force[9] to better respond to the changing security environment to the east and south of the Alliance's borders. It is a multinational land brigade of around 5,000 troops and air, maritime and SOF components able to begin deployment within two to three days to wherever they are needed for exercises in preparation of crisis response or collective defence activities. France, Germany, Italy, Poland, Spain, Türkiye and the United Kingdom agreed to assume lead roles for the VJTF on a rotational basis.

On the other hand, EUROGENDFOR is an operational, pre-organised, and rapidly deployable intervention asset, exclusively composed of several European police forces with military status (i.e., Gendarmerie/Carabinieri-type forces) tasked to perform all police tasks within the scope of crisis management operations <u>outside</u> the soil of the EU and its Member States, capable to deploy up to 800 personnel within 30 days from the political decision. It was launched by an agreement in 2006 between France, Italy, the Netherlands, Portugal, and Spain. Romania joined in 2009 and Poland in 2011.

The advantage of setting up a quickly deployable unit cannot be overstated, particularly as crises mount and peak in very short timeframes and given the current strategic environment described in the newly adopted NATO Strategic Concept[10]. In these scenarios such a Force might play a crucial role in disrupting strategic competitors, who – *inter alia* – resort to hybrid tactics and crimes, such as malicious activities in cyberspace and space, and the instrumentalization of migration.

Moreover, the establishment of a NATO High-Readiness Constabulary Force would allow the Alliance to increase its relevance by being the central hub for deploying relevant Law Enforcement capabilities and capacity on short notice also within degraded/non-permissive environments for the benefit of its Member Nations in particular and the wider International Community in general. It would also improve NATO's capability and credibility to address several of the non-conventional current and future threats faced by the Alliance, which cannot be tackled through traditional, military means and forces alone.

To be effective, such a force would be:
– Composed of dedicated units, based on a voluntary basis, and earmarked on a rotational basis under the command of a permanent multinational HQ;

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[9] Currently, Allies can make approximately 40,000 troops available at less than 15-day readiness
[10] PO(2022)0200.

   – Included in the NATO Force Structure under ACO Command and Control;
   – Tasked to provide executive policing activities and tasks (including but not limited to crowd and riot control) and "*niche*" specialized assets with additional investigative/ intelligence/forensic components - the forensic element would be particularly relevant to analyse/exploit any recovered information or material, while the gathering of Battlefield Evidence and Technical Exploitation would be beneficial for the whole force;
   – Able to deploy within a short time in support of the Law Enforcement agencies of an Ally or a Partner, whose national forces are overwhelmed or have insufficient capacity to confront the threat.

The tasks that would be assigned to such a Force would be in particular the reinforcement of national homeland components in support of hybrid crises, in particular those involving a non-conventional threat. This would include, but not be limited to:
   – Terrorism;
   – The instrumentalization of migration;
   – Insurgency;
   – Countering proxy forces - including criminal organizations or private military companies - directed or supported by hostile state actors;
   – Investigating illegal trafficking to arrest perpetrators, seize illegally accrued funds and secure trafficked dangerous and/or toxic material.

Final considerations

Choice of name: as highlighted before, the idea of grouping these capabilities under a "Stability Policing" Concept has been ongoing for many year, but met with reluctance by some Allies unfamiliar with the concept of "Gendarmerie/Carabinieri Forces" and wary of seeing the Alliance engaging in policing work. In this respect, the use of the word "constabulary" would avoid the immediate resistance associated with the world "policing" and retain the same meaning of "*an armed police force organized on military lines but distinct from the regular army*"[11]. The use of the word "constabulary" would also retain the idea that even MP or military units appropriately trained could join a constabulary force, as was the case with the historic (but still relevant) experience of the "US Constabulary[12]" in post-WW2 West Germany. This would allow relying on a larger pool forces, as only seven Allies (eight with Poland) have proper Gendarmerie forces. Keeping a neutral word, would allow these Gendarmerie-type Forces to constitute the "core" of the Constabulary Force, while MP and military units with constabulary training and equipment might be earmarked to contribute to it.

The context in which this proposal might be introduced/raised: as plans move ahead on the implementation of a new NATO Force Model as part of the effort to strengthen

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[11] https://www.merriam-webster.com/dictionary/constabulary
[12] From Wikipedia: "*The United States Constabulary was a United States Army military gendarmerie force. From 1946 to 1952, in the aftermath of World War II, it acted as an occupation and security force in the U.S. Occupation Zone of West Germany and Austria.*"

and modernise the NATO Force Structure, the idea of establishing a High-Readiness Constabulary Force would be particularly appropriate in dealing with terrorist and hybrid threats and complement the traditional military with additional skills.

Timing: the Vilnius Summit would constitute an ideal opportunity to launch the initiative, in light of the ongoing discussions on developing dedicated initiatives for the Southern flank. With its focus on Counter Terrorism and supporting hybrid threats such as the instrumentalization of migration, this proposal could be rightly introduced as an effort to address threats that are more acute in the South. If approved, it would also see a major involvement of the Southern allies that constitute the majority of the Allies having Gendarmerie/Carabinieri-like forces. Finally, such a force might be seen as relevant and helpful also by smaller Allies that would welcome the possibility to rely on Allied support to counter threats putting under excessive strain their law enforcement capabilities.