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# The role of NATO Stability Policing in Cultural Property Protection

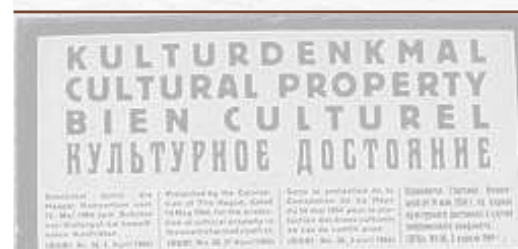
NATO defines Stability Policing (SP) as “**police-related activities intended to reinforce or temporarily replace the indigenous police to contribute to the restoration and/or upholding of the public order and security, rule of law, and the protection of human rights.**” (AJP-3.22 and NATO Agreed term). This means NATO possesses the military capability to police civilians and can also operate in a Cultural Property Protection (CPP) perspective. In fact, both SP missions of police capacity building and substituting Host Nation law enforcement agencies can also be applied to protect art, monuments, historical sites, and museums, just to name a few.

In this view, the NATO Stability Policing Centre of Excellence in Vicenza (Italy), the hub of expertise for innovation and the transformation of the Alliance in the field of SP, and the NATO Rapid Deployable Corps Italy (NRDC-ITA) have often supported each other, including through exchange of Subject Matter Experts and by participating in events they organized, such as the Conference on the role of SP in CPP, held in Vicenza from 15 to 18 November 2021 or the more recent Workshop on Resilience and Resistance in Military Operations, held by NRDC-ITA from 11 to 12 May 2023. This highlights the fundamental mutual support between CoEs, such as think tanks and experts, on the one hand, and Allied units, such as requestors, users, and sources of inspiration for products of CoEs, on the other hand, which keeps the Alliance fit for purpose in a 360-degree approach that also extends to CPP.

NATO sees CPP as a cross-cutting topic within the broader context of Human Security, in line with the “Policy for the Protection of Civilians” (endorsed at the Warsaw Summit in 2016) and its Implementation Action Plan. A recent Bi-Strategic Command Directive<sup>1</sup> provides comprehensive direction and guidance for CPP in the preparation, planning and conduct of NATO and NATO-led operations and missions, as well as the relevant training, education, and evaluation. It recognises fundamental international treaties, starting from United Nations Security Council Resolution (UNSCR) 2347 (dated 24 March 2017, it is exclusively focused on CPP) and the 1970 “UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property”, which are often overlooked by military practitioners. The Bi-SCD aims to mainstream CPP throughout the NATO doctrinal corpus, including the “Allied Joint Doctrine for Stability Policing” (AJP-3.22)<sup>2</sup>.



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1 Bi-SCD 086-005 Implementing Cultural Property Protection in NATO Operations and Missions dated 01 April 2019

2 While Annex A of AJP-3.22 does not specifically list CPP as an SP task, many mentioned tasks contribute to it

3 “Stability Policing are 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.” AJP-3.22 (NATO Agreed term)

4 The capability/capacity void between the police-related needs of the civilian population and the inadequacy of the IPF (if present), other relevant actors and the “traditional”, combat-oriented NATO military instrument of power, to address these challenges properly

5 Consisting of Monitoring, Mentoring, Advising, Training, Reforming and Partnering with IPF (MMARTP). The Writing Team for ATP-103 Reinforcement and Replacement of Indigenous Police Forces, is discussing the adoption of the Security Force Assistance framework “Generate, Organize, Train, Enable, Advise, Mentor (GOTEM)”

6 “Legal targeting, enforce international and applicable HN law to create effect on the adversary” is not a NATO Agreed term

7 AJP-3.4.4 “Allied Joint Doctrine for Counter Insurgency” defines them as “The use or threat of force by irregular forces, groups or individuals, frequently ideologically or criminally motivated, to affect or prevent change as a challenge to governance and authority”

8 Forces, services, assets, subject matter experts (SME) etc.

9 The Carabinieri TPC was instituted in 1969, one year prior to the UNESCO Paris Convention in 1970, whereby all UNESCO Member States were invited to institute specific services with a view to protecting the cultural heritage of the individual nation. More info: <http://www.carabinieri.it/multilingua/en/the-carabinieri-tpc>

10 As per the 1954 Hague Convention, art. 2: “...the protection of cultural property shall comprise the safeguarding of and respect for such property”



NATO operations in (armed) conflicts and crises in general and CPP in particular benefit from the inclusion of military capability for SP<sup>3</sup> to bridge the “policing gap” in a comprehensive approach, solving this (military) challenge with a 360-degree tailored response<sup>4</sup>, which may range from an SP reinforcement mission<sup>5</sup> of the Indigenous Police Forces (IPF) to their temporary replacement. This is the case when the IPF do not exist or are unreliable or unwilling to carry out their duties, and SP may be at the same time the only solution and a complementary tool to expand the Alliance’s reach as a combat and warfighting instrument that is also able to protect the Host Nation’s (HN) heritage. This is normally sanctioned by a UNSCR that initiates a North Atlantic Council decision or by a specific request from the Host Nation.

In fact, by preventing, deterring and investigating crimes such as iconoclasm, unauthorised excavations, looting, forgeries and fencing, SP is performing a civilian policing role hitherto neglected by NATO. SP assets may be employed to identify CP trafficking routes, investigate and bring to justice those involved in this serious crime – such people are often involved in Organised Crime Groups or are terrorists and war criminals – as well as to disrupt their networks. This is the so-called “legal targeting”<sup>6</sup> in the context of affirmative lawfare, i.e. arresting these irregular actors<sup>7</sup> so as to prosecute them in HN, international or hybrid courts. Thus, SP fights the enemy through other means, addressing the war-crime overlap and complementing the “traditional” war-fighting

instrument. Indeed, *“all<sup>8</sup> can contribute to SP, but not everyone can do everything”*. In fact, a vast array of forces can contribute to SP, starting from Gendarmerie-type forces, *“which are the first choice”*, MPs and other military and even non-military actors, *“on the basis of the mandate and the environment being permissive”*.

Moreover, SP assets specialised in CPP, such as the members of the Carabinieri Headquarters for the Protection of Cultural Heritage (TPC)<sup>9</sup>, can be deployed and identify in the local context and geo-locate CP, feed no-target-lists and develop priorities for safeguarding and respecting<sup>10</sup> items, sites and people (e.g. artefacts and relics, museums and monuments, archaeological digs, curators and directors of museums). SP assets also collect and analyse CP-related police and criminal information, feed the intelligence cycle and help improve overall situational awareness. Illicit revenue flows stemming from crimes related to CP recovered by SP and redirected to the HN boost the perception of the Alliance in the battle of narratives, thus moving consensus from NATO’s opponents towards the Allied force and positively influencing audiences from local to international level. By disrupting attacks on CP and crimes of violence against the collective memory and the community identity, SP helps to win the war and to build the peace.

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