

Stability Policing: A Golden Opportunity for NATO

The Blue Lens Perspective: an anthology on our efforts in the last years

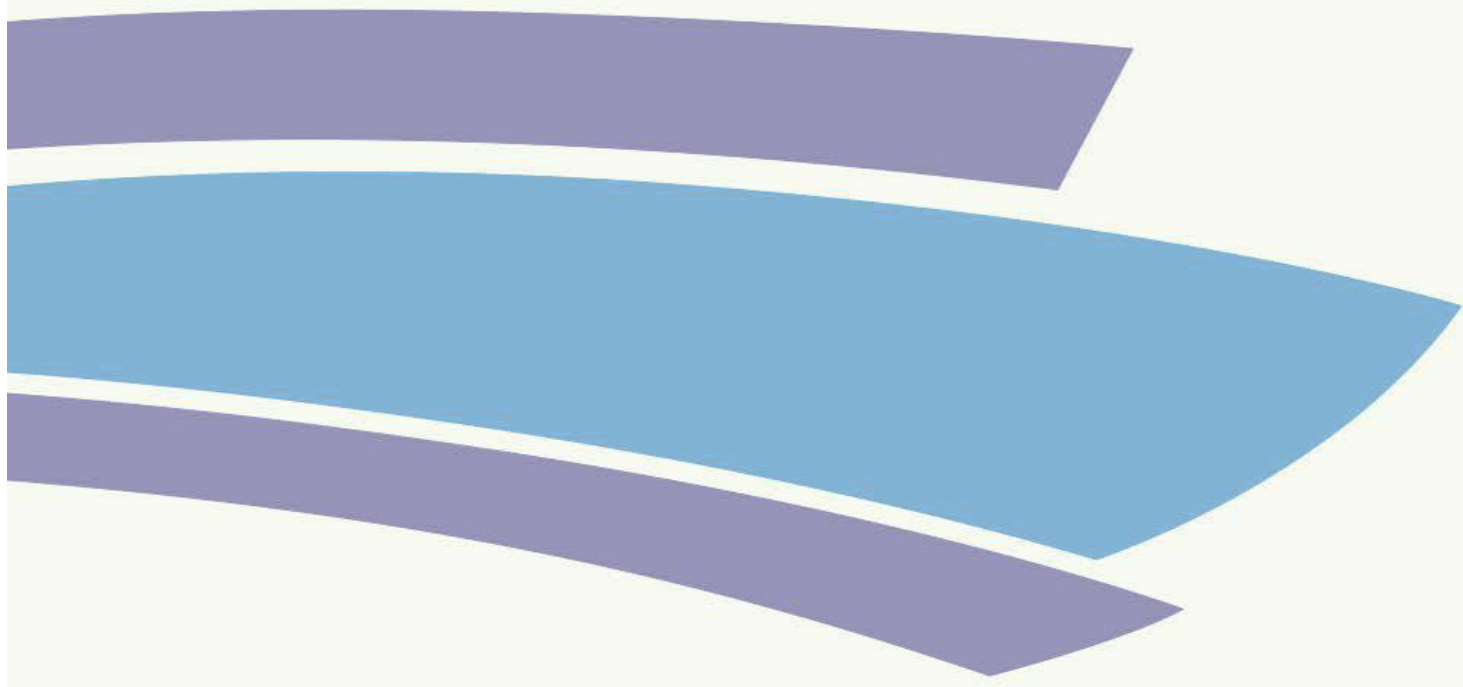
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TO STABILITY POLICING

TRE OF EXCELLENCE



STABILITY POLICING CENTRE OF EXCELLENCE

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Dear Reader,

I am particularly pleased to present the anthology of almost four intense, thought-provoking, and passionate years of work, largely influenced by testing circumstances, such as the pandemic, Russia's War of Aggression against Ukraine, terrorism, hybrid and asymmetric threats, climate change, Artificial Intelligence and the weaponization of everything. All of them jeopardize Human Security.

I am beyond proud of how all these issues have been analyzed by the NATO Stability Policing Centre of Excellence's dream team through our blue lenses, to tackle, deepen and understand the actual impact of Stability Policing in NATO multidimensional operations, across the whole operational continuum.

Indeed, by virtue of our Law Enforcement skills, Stability Policing provides NATO with an additional and scalable tool capable to proactively prevent the escalation of conflicts or de-escalate them, respectively, above and below the threshold of war, also with non-kinetic/less than lethal ways, means and ends, by focusing on local populace, human rights and the policing vacuum, which epitomizes the citizens' security needs in any fragile state.

Hence, I invite you to deep dive through this compilation of articles to gain a thorough understanding of the pivotal role Stability Policing may perform in NATO operations and beyond, by ensuring the rule of law, since the beginning of any campaign; hence, our call to seize the so called critical golden hour, which ensures a timely and effective response to any form of crime, supports institution building and contributes to winning the battle of narrative and legitimizing local governments. This in turn is conducive to long-term peace, stability, and development and can be achieved only if NATO equips itself with an expeditionary Stability Policing capability.



Colonel Giuseppe De Magistris
(ITA Carabinieri)

Finally, on the eve of my upcoming handover to Col. Luigi Bramati, I trust "my" dream team will confirm him the passionate loyalty, the dedicated high professionalism and steadfast commitment I enjoyed during my 1349-day-long journey at the NATO Stability Policing Centre of Excellence. I have no doubt that they will continue being crucial in the Alliance's pursuit of peace and stability.

Vicenza, 28/06/2023

Yours ever,
Col. Giuseppe De Magistris



THE THREAT OF SPOILERS TO PEACE AND STABILITY

Lieutenant Colonel David Ellero
Italian Carabinieri

The threat of spoilers to Peace and stability – challenges and opportunities

On 8 October 2019, in Vicenza (Italy), the NATO Stability Policing Centre of Excellence (NATO SP CoE), organized an international conference on the evaluation of the so-called "spoilers", that are, according to the definition given by the United Nations Peacekeeping Operations Principles and Guidelines¹, those individuals or groups of individuals who believe that a peace process could threaten their power and interests, and therefore will try to sabotage it.

The conference was attended, among others, by the four major international organizations² NATO, the United Nations, the European Union and the African Union, represented by their interlocutors, together with the NATO SP CoE's Sponsoring Nations, the representatives of Italy, which is the Framework Nation of the Centre, and prestigious organizations such as the Special Inspector General for Afghanistan Reconstruction (SIGAR).

The purpose of the conference was to identify whether or not there is a common approach in evaluating the spoilers and possibly analyse its contents in order to propose a shared methodology useful to prevent their actions and thus to make the peace missions more effective. The latter was the subject of a dedicated two-day workshop that followed the conference.

Introduction: what are the so-called "spoilers"?

Stephen Stedman³ first defined the concept of "spoilers" in 1996, based on the experience gained by the United Nations in Angola, Cambodia, Mozambique and Rwanda. He defined the spoilers as "leaders and groups of individuals who believe that the peace emerging from negotiations threatens their power, their worldview and their interests, and, to avoid this, they use violence to undermine the processes that try to reach it". The definition subordinates the concept of "spoilers" to the presence or absence of a peace agreement, and not to activities that are carried out in a period prior to the agreement. Subsequently, in 2008, the United Nations incorporated the concept of "spoiler" into their peacekeeping doctrine, which defines "spoilers" as individuals or groups of individuals who believe that a peace process could threaten their power and interests, therefore they will try to sabo-

tage it. This definition omits the use of violence as an essential element of the spoiler, therefore in 2015 a report by the High Level Independent Panel on United Nations Peace Operations defined the "spoilers" as those who stand outside the peace process and try to sabotage it, even by adopting violent methods. By specifying that "also" violent methods exist, the Panel actually stated that the adoption of non-violent methods can also constitute a spoiler behavior. A more pragmatic view on the "spoilers" is provided by Jock Covey⁴, who concluded that "belligerent parties generally enter the peacekeeping phase while keeping their grievances

This definition omits the use of violence as an essential element of the spoiler

and war goals intact. Each one of them tries to achieve in the shadow of the peace process what it failed to achieve in the phase of armed conflict. (...) For them peace is nothing more than the continuation of the war carried out by other means". Being war conducted by definition by violent means, and being spoilers often non-violent, the central question is whether the definition of "spoilers" can explicitly recognize and include non-violent behavior: indeed, if there is a general consensus on the definition that identifies "spoilers" as leaders, individuals or groups of individuals who believe that peace threatens their power and interest and therefore act to sabotage it, the use or not of violent behavior is the subject of a heated debate among the parties. For example, Stedman recognizes the importance of non-violent behavior by "spoilers", like in Afghanistan and Iraq, where corruption and misappropriation of funds by corrupt public officials has undermined the confidence in the government and has helped to plunge these areas back into chaos and conflict; however, he says that premeditated inaction and malicious slowness in carrying out the commitments taken in the peace agreements, are often nothing more than a way of doing politics. As a result, including non-violent behavior in the definition of "spoilers" would widen the scope of the definition to such an extent as to include all subjects who behave in a certain manner for political convenience. In addition to this, legitimate disputes on points reached in the course of a peace processes do not constitute a behavior of "spoilers" but may simply represent the pursuit of a legitimate interest.

In order to finance so-called "violent" behaviors, like insurrections, protests, terrorist attacks, etc. "spoilers" often have to fund themselves by using non-violent behaviors, such as the misappropriation of public economic resources by unfaithful officials, emphasizing once again that in the areas of conflict the boundary between violent and non-violent behaviors remains very blurred and subjective.

The definition of "spoiler" is the basis of any methodology that can be developed, and the lack of a common definition of "spoiler" by the organizations attending the conference was a recurring theme. This was discussed in detail during the two-day workshop that followed the conference, which results have been summarized in a Report published on the NATO SP CoE website⁵.

The conference was structured in three sessions and, at the end of each, there was an interactive discussion between the speakers and the participants. The outcomes of the speeches and the conclusions are presented below.

First session: opening speeches and scoping the problem

The agenda of the event was characterized by the variety of speeches both in terms of provenance and content. In advance, participants were asked to fill out a questionnaire on the subject to have a view on their knowledge of the problem. The results of the questionnaire were used both to guide the work and as a starting point for the workshop itself. As a preliminary point, it should be noted that about 75% of respondents adopted the definition of "spoilers" provided by the United Nations, which appears wider than the one provided by Stedman or others, recognizing also the possibility for non-violent behaviors. The percentage drops to 50% when requested on the existence of some form of methodology to identify and evaluate the "spoilers", and only two respondents (25%) reported the existence of a specific and well-defined methodology adopted during the planning phase. The audience unanimously shared the opinion to integrate the results of the evaluations of the "spoilers" formulated by several international organizations by combining them, and about 90% of respondents highlighted that the lack of a designed methodology to identify and evaluate the "spoilers" can cause the failure of a peace mission.

The conference was introduced by the at the time Director of the NATO SP CoE,



Stability Policing Centre of Excellence

NATO's recognized focal point and hub of expertise for a Community of Interest in the field of Stability Policing



SP COE PROJECT FACTSHEET

Assessment of Spoiler Threats Report Published 15 June 2020

Project Overview

Global developments and the ever-changing security environment require NATO and the entire International Community to continuously transform and adapt. Under the auspices of NATO Supreme Allied Transformation HQs and with the involvement of the main international organisations (United Nations, European Union and African Union), US SIGAR and Academia, the NATO Stability Policing Centre of Excellence hosted an one-day conference and a three-day workshop intended to identify the requirements for developing a **sharable methodology for the assessment of Spoiler Threats**.



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**.

Main Recommendations

- ✓ International Organisations should improve their capacity to strategically assess the implementation environment, particularly the motives, intentions, and capabilities of parties to a peace agreement and spoilers, by conducting a proper assessment prior to any decision to intervene and by including the results of the assessment in the mission mandate
- ✓ There is a need for the International Community to develop a methodology to assess spoiler threats bearing in mind that the lack of this capability may undermine the peace process
- ✓ The methodology for assessing spoiler threats, as a living instrument, should start during the planning process and continue during and after the so-called "golden hour"¹ throughout the full spectrum of activities, which range from reaching a peace agreement to its implementation
- ✓ Stability Policing can play an important role in the early assessment and identification of spoilers, by virtue of its intelligence-led policing capabilities.

¹ The term "golden hour" is derived from medical science and is defined as "the hour immediately following traumatic injury in which medical treatment to prevent irreversible internal damage and optimize the chance of survival is most effective (Merriam Webster).

Vicenza (Italy), 8 October 2019





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SP COE PROJECT FACTSHEET



Way a-head

The NATO SP CoE will host a Subject Matter Experts' Forum in early 2021 (CoVID-19 permitting) aiming to:

- ✓ Develop an ad-hoc tool to assess Spoiler Threats
- ✓ Provide the foundation to develop a procedure for its use by analysts and planners, prior to any deployment in crisis response operations and unstable scenarios
- ✓ Develop a doctrinal framework, relevant terminology and consequent training curricula

Desired Strategic Outcomes

- ✓ Increase the likelihood of success of the Alliance's Efforts
- ✓ Pave the way for sustainable peace and long-term security
- ✓ Encouragement of decision makers to implement a Spoiler Assessment Methodology to set an effective and sustainable End State, ensuring long-term peace and development



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Col. Andrea Paris, who welcomed the guests with a brief overview on the conference and the post-event workshop, and LTC Alessandro Di Stefano, representative of the NATO Allied Command Transformation (ACT), in place of Major General Sefik Atak (NATO ACT Deputy Chief of Staff Resource and Management). The latter highlighted that 80% of the 25 internal conflicts in which the United Nations has intervened since 1980 have been severely afflicted by "spoilers" in the form of Criminalized Power Structures (CPS)⁶. When NATO was directly involved, for example in Bosnia, Kosovo, Afghanistan and Iraq, the percentage dramatically rose to 100%, leading the Atlantic Alliance to consider "spoilers" as a serious risk for the immediate future of peace missions.

Dr. Michael Dziedzic, a professor at George Mason University in the United States, and a researcher of the subject, then provided the participants with a set of basic notions about "spoilers" for the work that would follow during the conference, fully in line with the previous Chapter 1.

Second session: lessons learned from previous NATO missions.

Dr. Sarah Chayes, former special adviser to two ISAF commanders⁷, focused her speech on corruption, a behavior often used by "spoilers" with deleterious effects on the peace process, because of its impact on the credibility of the legitimate government and, consequently, mission. As a concrete example, Dr. Chayes talked about the corruption of former President Karzai's regime in Afghanistan, which - she claimed - brought the country back into the hands of the Taliban. Corruption, in fact, despite common thought, does not belong to any culture and therefore it is not socially accepted by people, who consider it unacceptable and are often led to empathize more willingly with "rebel" movements rather than with the legitimate government. Examples of kleptocracy given by Dr. Chayes also highlighted how corruption often embraces not only state structures (politics, judiciary, police forces, etc.) but also private organizations, such as banks, which obviously may play a key role in money-laundering, and private security firms, which may become the operational branch of corrupt officials. All this needs to be studied as a part of the modus operandi of the "spoilers", ensuring that the international community, in supporting certain factions, at the end will not sponsor de facto groups



Former NSPCOE's Director, Colonel Andrea Paris



Major General Andrew Harrison, British Royal Marines officer and Deputy Adviser to the Afghan Interior Minister

that are interested in keeping the chaos alive for utilitarian purposes. In some cases even the so-called "non-profit" organizations have been mentioned as a part of the problem, as they may be involved in frauds aimed at obtaining funds for projects financed by the international community. For these reasons, Dr. Chayes concluded her speech emphasizing the importance of strategic analysis, which is necessary in order to identify the contacts among the key figures in the operational scenario and their influences and implications: indeed only through a detailed picture of the situation, measures to mitigate the negative effect of "spoilers" can be put in place.

Dr. Gene Aloise, Deputy Inspector General of the Special Inspector General for Afghanistan Reconstruction (SIGAR), an independent agency created in 2008 by the United States Congress to monitor the reconstruction of Afghanistan, opened his speech with a brief overview of his organization, consisting of more than 200 investigators and auditors. Similarly to Dr. Chayes, he pointed out that for 71% of Afghans corruption is a big problem, a risk for the success of a future peace process, even larger than the one represented by the Taliban. Corruption as a risk factor has been underestimated and it hasn't been strongly fought, as efforts have been mostly focused on Al Qaeda's defeat. The funds invested in Afghanistan to date amount to USD 132 billion, it is therefore easy to understand the importance of this phenomenon. Since 2014, the funds have been allocated in a "conditional" manner, differently from what happened before, and this has been a useful tool to fight corruption, despite the fact that many billions have already been lost. A report published by Asia Foundation showed that 39% of Afghans had to give money to the police: Afghan anti-corruption units are undersized and underpaid, and government benchmarks are not a measure of the effectiveness of the fight against corruption. The SIGAR is going to publish a report on corruption in Afghanistan, and it will soon be available on the agency's website. Dr. Aloise then highlighted the possible role of gendarmerie type forces in the theater, to train Afghan police forces and to support them in building their integrity. He concluded by inviting the audience to read the reports published by the SIGAR, downloadable from the website www.sigar.mil.

Third session: the evaluation of "spoilers" by NATO, the United Nations and the African Union.

Major General Andrew Harrison, a British Royal Marines officer and Deputy Adviser to the Afghan Interior Minister, opened his speech by providing an overview of the situation in Afghanistan, a country in the midst of a civil war which, however, is slowly on the way of reaching a peace agreement. This clearly implies that there is a need to put in place a strategy for the future of the country, which otherwise would immediately return to chaos. To give a dimension of the problems and extreme differences in theater, Maj. Gen. Harrison gave the example of a checkpoint in a rural area, which operates isolated without the necessary logistical support and has great difficulties even to communicate with its department, in contrast to the special forces operating in Kabul, which are fully qualified and equipped to carry out their duties. If one day the Atlantic Alliance should leave the country without fully completing its mission, the situation could dangerously resemble what happened in Iraq and revert to chaos. Fortunately, 18 years of international support have created a new generation of young and motivated Afghan leaders, who are working with NATO to reform the country. Within the Ministry of Interior there are numerous reforms in place ranging from the competencies of the police and its leadership, to the development of special forces, gender and logistics. Progress is, however, very fragmented and characterized by a rapid turnover of staff in top positions. As an example, the 14 Interior Ministers the country had over the past 18 years: this clearly has an impact on the continuity of the work done. The NATO mission in Afghanistan, called "Resolute Support", is dealing currently with two projects, Future Force, funded by the United States for the next 5 years, and Post Peace Policing, which aims to design a stable and lasting police force which could be operational after a possible peace agreement.

The Afghan Government, NATO and the international community have to work together for this second project, which must surely provide a broad vision to the future of the country and its police.

Brigadier General Robert Gichangi Kabage, Senior Monitoring and Evaluation Officer at the African Union Peacekeeping Operations Division, opened his presentation illustrating the African Union's experience in Somalia. Support has been de-

veloped on five pillars: the Peace and Security Council, the Continental Early Warning System, the Committee of Wise Men, the Peace Fund and the African Reserve Force. The latter includes Members of Parliament and citizens, and the police component deployed in Somalia is part of it. The problem of the "spoilers" was analyzed by BG Kabage, highlighting the importance of understanding their capabilities and their possible impact on police operations. The definition of "spoilers" adopted by the African Union follows the one previously provided by the United Nations and includes terrorist groups and so-called "warlords". The analysis methodology of "spoilers" takes into account information obtained from police investigations, intelligence services and open sources such as social media, and also deals with the means used by "spoilers" to negatively affect peace processes, such as the internal dynamics of the various clans on the territory, the fear of being persecuted, ideological fundamentalism, corruption, the use of asymmetrical war and contacts to international terrorist networks. BG Kabage also highlighted the key role played by corruption, which in fact encourages all the parts involved in the peace process to maintain the status quo instead of working to create a secure environment. Moreover the "spoilers" often enjoy a close contact with the population because they provide that safety function that the State has not been able to supply in the course of the years, and therefore the analysis cannot avoid examining this aspect. Instead, with regard to the management of the "spoilers", the importance of the possible use of force to target top elements of criminal and terrorist organizations has been highlighted, but also the use of dialogue and deradicalization programs, and, where appropriate, amnesties. Analyzing the "spoilers" therefore becomes not only a collective responsibility of all those organizations that participate in the missions of peace, but also an essential requirement for their success: it certainly cannot be the result of the effort of a single organization.

Chief Superintendent Jaime Cuenca, Senior Police Officer of the United Nations and Team Leader within the UN Standing Police Capacity, highlighted the importance of conflict prevention, a concept also underlined by the Secretary-General of the United Nations. It is part of prevention to create incentives to encourage a peaceful resolution of disputes. The problem is particularly important,



Mr. Gene Aloise, Deputy Inspector General of the Special Inspector General for Afghanistan Reconstruction (SIGAR)



Ms. Sarah Chayes, former special adviser to two ISAF Commanders

given that more countries had conflicts during 2016 than in the last 30 years. This has affected not only developing countries, but also countries with an intermediate economy and developed institutions. It is estimated that by 2030 half of the world's population will live in countries afflicted by violence, highlighting the key role played by prevention. The latter, which is still difficult to quantify and measure, should be developed with particular emphasis on the structural causes of conflicts such as governance, the rule of law and security sector reforms: police forces can play a leading role in all these activities. Fair societies, which provide opportunities for their young people, tend to be less violent, so do those ones which guarantee universal access to basic goods and services.

Chief Superintendent Cuenca then pointed to a number of risk factors for the emergence of conflicts, such as sudden demographic growth, with its impact on the labour market, climate change, with the desertification of large areas historically dedicated to agriculture, corruption and conflicts related to gender inequalities: all these factors should be clearly taken into account for the analysis of the "spoilers". The United Nations Security Council has so far been concerned about conflicts and not about prevention. The latter requires a long-term strategic vision and a careful look at the possible causes, already included in the planning stages of a possible peacekeeping mission.

Conclusions: the proposal for an effective methodology to be adopted within NATO.

At the end of the conference, four conclusions, which resulted from the speeches and the following discussions, were formulated, which were subsequently used as a starting point for the post-event workshop, namely: the importance of the identification and evaluation of "spoilers" in the planning phase of international missions, the importance of having a common and shared methodology to assess their threat, the central role of local and international police forces in this evaluation process and finally the possibility of bringing together in a single approach the different methodologies that existed and were presented at the conference.

NATO plays a central role in the global geostrategic scenario with the declared aim of "projecting stability"[8]: in this context, the document produced by the

NATO SP CoE at the end of the post-conference workshop will lay the doctrinal foundations for dealing with it in a more structured, coherent and systematic way, as well as in a holistic way, the planning of peace missions.

With this perspective in mind, it is of utmost importance to highlight the operational dimension of "Stability Policing", which has the NATO SP CoE as its main Ambassador.

-
1. https://peacekeeping.un.org/sites/default/files/capstone_eng_0.pdf
 2. Agenzia creata dal Congresso degli Stati Uniti per avere una visione obiettiva ed indipendente sull'impiego dei fondi destinati all'Afghanistan (<https://www.sigar.mil/>)
 3. S. J. Stedman, 'Negotiation and Mediation in Internal Conflicts', in M. E. Brown (ed.), *The International Dimensions of Internal Conflict* (Cambridge: MIT Press, 1996) pp. 369-71
 4. Principal deputy special representative of the UN secretary-general for the United Nations Mission in Kosovo (UNMIK) and senior deputy high representative in Bosnia.
 5. Criminalized power structures (CPS) are illicit networks that profit from transactions in black markets and from criminalized state institutions while perpetuating a culture of impunity.
 6. International Security Assistance Force – NATO Mission in Afghanistan
 7. During the NATO summit, held in Warsaw on 8 and 9 July 2016, the project called "Projecting Stability" was approved, as a tool to increase global security also through the protection of civilian populations, with a clear reference to the concept of Stability Policing.





8 October 2019

Group picture of the “Assessments of spoilers threats: a shared requirement” participants

NATO STABILITY POLICING: A NEW MODEL OF PEACEKEEPING

Colonel Giuseppe De Magistris
Italian Carabinieri



Royal Marechaussee Officers serving in the UN Peacekeeping operations in Mali (MINUSMA)



French Police Peacekeeper interacting with locals in Afghanistan

Introduction

Peacekeeping (PK)¹ in NATO falls within the wider remit of Crisis Response Operations (CROs), which effectively address challenges arising mainly from post-conflict situations and aim at providing long-term security to populations. Peacekeeping Operations support weak institutions and local governments, by preventing the resumption of hostilities, and involving other International Organizations, regional and local, public and private actors through a 360 degree-inclusive, comprehensive approach. They also support the reorganization of State institutions, disarmament, demobilization and reintegration activities as well as the return of internally displaced persons (IDPs) and refugees. Over time, peacekeeping operations have evolved from persuading the parties to stop fighting and preventing any return to conflicts, into missions deeply involved in intrastate conflicts to rebuild national structures and civil society while ensuring lasting peace and security. In this vein, within the NATO Stabilization Force (SFOR) in Bosnia and Herzegovina under the UN aegis, a new and unique tool was conceived and then deployed to achieve long-lasting stabilization. On August 6th, 1998 the first Multinational Specialized Unit (MSU) deployed; it was and still is² a robust police regimental-size unit equipped and trained to carry out a wide span of police and military tasks across the full spectrum of operations and ranging from the replacement to the reinforcement of Indigenous Police Forces (IPF) to restoring the rule of law and *Restoring the rule of law and protecting human* protecting human rights³. This idea in time evolved into the current concept of Stability

Policing (SP) and its members can be valid contributors to PK due to their inherent characteristics, particularly their military status as well as their civilian- and policing-oriented mind-set.

SP as a new solution in peacekeeping

It was indeed a new model of peacekeeping, more flexible and close-fitting the needs of the local population, oftentimes met by simply delivering basic community policing and empowering members of civil society. In fact, this new holistic approach set conducive conditions to addressing the root causes of conflicts, by

ensuring the protection of civilians and humanitarian assistance, as well as re-establishing the rule of law. It was then a natural consequence to bridge with the MSU the so-called “*policing gap*”, i.e. the capability/capacity enforcement void between the policing-related needs of the Host Nation (HN) populace, and the inability or unwillingness of the IPF⁴ or of other relevant actors (including the UN) and the NATO conventional, combat and warfighting instrument of power to address them properly. In this regard, it is worth noting that the requirement for a robust policing capability in CROs, and consequently PK, was confirmed by the famous UN Brahimi report⁵. Then, in 2016, the NATO “*Allied Joint Doctrine for Sta-*



22 April 2022

UNPOL Adviser Lu s Carrilho and NSPCOE's Director
Colonel Giuseppe De Magistris signing the
agreed cooperation action points



French United Nations Peacekeeping Officer



Royal Netherlands Marechaussee Officer serving in the un Peacekeeping operations in Mali (MINUSMA) interacting with local children

bility Policing" followed. This publication defines SP as "*police related activities intended to reinforce or temporarily replace IPF 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*".

The two SP missions of *replacing* and/or *reinforcing* the IPF are applicable across the full spectrum of conflicts and crises, hence also in PK. If the IPF are unable to carry out their duties, SP can monitor, mentor, advise, reform, train or partner with them to improve their performance. Should they be absent or unwilling to act, SP can *temporarily replace* them⁶ with the main aim to support the re-/establishment of a safe and secure environment, restore public order and security, and contribute to create the conditions for meeting longer term needs with re-

*Police-oriented approach
to "human security"*

spect to governance and development (especially in the Security Sector Reform - SSR), all significant PK building blocks. In fact, SP contributes with its police-oriented approach to "Human Security", to the protection of civilians⁷ and to a wide array of cross-cutting topics ranging from Women, Peace and Security and Children in Armed Conflict to Conflict-Related Sexual and Gender Based Violence as well as Cultural Property Protection (CPP). In doing so, SP helps preventing countries from slipping back into turmoil and provides stability for reconstruction, recovery and development.

SP peacekeepers

SP operators, who can be employed as peacekeepers, are characterized by having a civilian-oriented, police-like mind-set, and possessing experience and expertise in police matters. This is of critical importance, since they focus on both IPF and the local populace. Hybrid threats⁸, the crime-war overlap as well as terrorism and insurgency (the so-called irregular activities⁹), threats to human security and cultural property, including within PK scenarios, are significant and likely to become even more relevant in the future. These asymmetric challenges require SP members to be flexible and adaptive to overcome a rigid, combat-only response, whilst SP offers complementary, innovative and scalable solutions expanding the reach of the military instrument into the remit of policing. The SP

peacekeepers' effectiveness is enhanced by a tailored curriculum, which improves interoperability and, in addition, endows them with a particular set of a cutting-edge "police-like" skills that match the actual needs of the HN population, including, *inter alia*:

- **Cultural awareness:** an in-depth comprehension of the HN culture to inform the interaction with local institutions, police and population.
- **The Protection of Civilians:** paramount to prevent and mitigate negative effects on civilians of military operations.
- **The SP framework** encompasses an understanding of the mission, its activities and tasks. It requires familiarity with Rule of Law concepts, HN legal system and NATO relevant policies, doctrines and Technical Tactical Procedures (TTPs), which may differ significantly from their own. As a consequence, the SP peacekeeper needs to undergo:
 - **Procedural training:** SP peacekeepers must be prepared to be interoperable with, and implement, the same TTPs used by the supported Force such as combat lifesaving TTPs, Casualty Evacuation (CASEVAC), Counter-Improvised Explosive Device (C-IED), Close Air Support (CAS) drills, *et similia*.
 - **Subject Matter training:** It is essential for SP peacekeepers to understand their mission, tasks and subject matter, as well as to be familiar with the HN legal system, as it may significantly differ from their own.
- **CPP** embraces a large host of activities aimed at identifying, respecting and safeguarding sites and objects of cultural significance as a vital part of people's identity and of importance for all of humanity. In a nutshell CPP protects the HN heritage. In fact, by preventing, deterring and investigating crimes such as iconoclasm, unauthorized excavations, looting, forgeries and fencing, SP operates in the remit of policing the civilian populace, hitherto neglected by NATO. SP assets identify relevant trafficking routes, investigate and bring suspects to justice, the latter often belonging to Organized Crime or Terrorist Groups (but also war criminals), as well as disrupt their networks.
- **Language skills** facilitate and foster daily communication and relations with local authorities, population and Police as well as with International Organizations.

- **Building Integrity** provides for moral and ethical standards to build transparent and accountable institutions, to promote good governance, integrity and transparency.

Conclusions

Since its creation, the profile of the peacekeeper has been continuously adapting to the changing world, evolving and responding to longer-term and complex requirements of populations and nations in post-conflict scenarios. History shows how pivotal assisting the HN in rebuilding war shattered societies is. A holistic and comprehensive peace-building approach addresses the most immediate military and humanitarian concerns, as well as longer-term requirements such as state re-building, SSR, strengthening civil society and promoting social reintegration. From its very first CRO experience in Bosnia, and then in Kosovo, to the Article-5 operation in Afghanistan, NATO has changed its approach to military interventions in destabilized countries by realizing that from a human security perspective, post conflict strategies must not only include a guarantee of security, but – to protect civilians and to pave the way for longer reconciliation endeavors – they also have to provide humanitarian relief, building social capital, nurturing the reconciliation and coexistence of divided communities and restoring governance. In this vein, the NATO SP peacekeeper strives for building peace by virtue of his/her expertise in law enforcement within a military framework, the so-called “*soldiers of the law*”¹⁰, definition that somehow symbolizes all the Gendarmerie-type forces¹¹, which additional value lies in their flexibility to deliver a military capability focused on the police-related needs of the local population¹². This multi-pronged, innovative and 360° approach requires a reshaped military strategy that focuses on providing basic security to local communities preyed upon by criminal and insurgents (typically financed by illegal revenues). Indeed, by filling the public security gap and by refocusing the Force’s center of gravity accordingly, governance improves, and alternative, legal livelihoods thrive. As public support and the battle of narratives are won by the Alliance, the outlook of NATO’s success is significantly enhanced, ensuring long-term peace, security and development.

-
1. "A peace support effort designed to assist the implementation of a ceasefire or peace settlement and to help lay the foundations for sustainable peace. Note: Peacekeeping is conducted with the strategic consent of all major conflicting parties." NATO Agreed
 2. Currently deployed within the NATO Kosovo Force (since 10 June 1999)
 3. See AJP-3.22
 4. IPF, "Local police", "Host Nation Police Forces" and "Law Enforcement Agency" are all understood as having the same meaning
 5. 13 November 2000, https://www.un.org/en/events/pastevents/brahimi_report.shtml
 6. MC 362/1 and MC 362/2 infer that civilian law enforcement is not 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"*
 7. NATO Policy for the Protection of Civilians, endorsed at the NATO Warsaw Summit 8-9 July 2016, paragraph 16
 8. A type of threat that combines conventional, irregular and asymmetric activities in time and space. NATO Agreed Term
 9. 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
 10. Straight translation of the French expression *"soldats de la loi"*, which in France directly refers to the gendarmerie
 11. For the purpose of this paper, "gendarmerie" is intended as "a military force performing civilian law enforcement/policing civilians"
 12. "which are the *logical* first choice" for any SP asset, as per AJP-3.21 "Allied Joint Doctrine for Military Police" para 2.6.3



STABILITY POLICING: IS NATO MISSING AN OPPORTUNITY?

Colonel Giuseppe De Magistris
Chief Warrant Officer Stefano Bergonzini
Italian Carabinieri

The North Atlantic Treaty Organization (NATO) is a politico-military international organization, which has constantly applied innovation and transformation to stay fit for purpose. This is a fundamental aspect 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”¹.

Security challenges such as hybrid threats², the crime-war overlap as well as terrorism and insurgency (the so-called irregular activities³), threats to human security and cultural property are currently significant and likely to become more relevant in the future. This can be said also for the “*gray zone challenges, which are unique defense-relevant issues sharing three common characteristics — hybridity, menace to defense and military convention, and profound and paralyzing risk-confusion*”⁴.

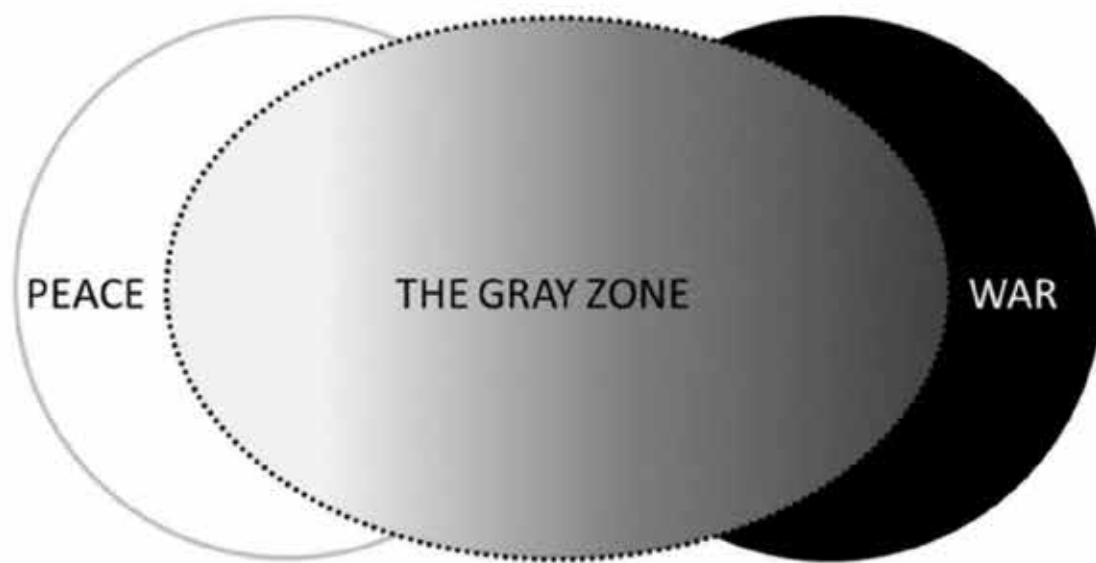
These challenges require innovative approaches and Stability Policing (SP)⁵ represents one of NATO's cutting-edge capabilities, constituting a flexible and adaptive tool, overcoming a rigid combat-only approach and offering innovative and scalable responses by expanding the reach of the military instrument into the remit⁶ of policing and actively contributing to a comprehensive approach.

The “policing gap” and the origins of SP

SP *ante litteram* was born with the deployment of the first Multinational Specialized Unit (MSU) to Bosnia in August 1998⁷ as part of the NATO Stabilization Force (SFOR). At that time, the Alliance realized that neither its military might, nor the local police⁸ 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 MSU, envisioned, designed and led by the Italian Carabinieri with the support of other three Nations⁹, represented the only policing tool within SFOR's military instrument of power, which was flexible and robust enough to fill the law enforcement vacuum in a hostile environment [i.e. the capability/capacity void between the populace's security needs and the inability or unwillingness of the indigenous police forces (IPF – if present), other relevant actors (UN, EU, AU *et similia*) and NATO conventional, combat and warfighting means to properly address these challenges]. Both authors take pride in having served also as MP Officers and it is

an uncontroverted fact that Military Police had already been in existence within NATO and the United Nations. Anyhow, both International Organizations (IO), the latter through the renowned "*Brahimi report*"¹⁰ in 2000, did not pursue an increase, expansion and/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. After 18 years, in 2016, NATO promulgated the "*Allied Joint Doctrine for Stability Policing*" (AJP-3.22), at present the operational level and sole Allied publication on the matter¹¹.

It states that SP can bridge the policing gap through one or a combination of its two missions. The **reinforcement** of the IPF entails intervening on their capabilities¹² and capacity¹³ to raise overall performance to acceptable levels and encompasses monitoring, mentoring, advising, reforming, training and partnering with (MMARTP)¹⁴. The **temporary replacement** of the IPF is the second SP mission and may be required if they are missing or unwilling to carry out their duties. Normally a UN mandate initiates a NAC decision to deploy personnel under an executive policing mandate¹⁵. This might be necesable, willing or ready to intervene. In fact, when a rapid policing intervention is required, especially in a non-permissive environment, NATO SP 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 UNSCR or Host Nation (HN) request. SP can create new avenues of approach 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 non-/less than lethal ones. They are aimed at war, organized and transnational criminals, terrorists and insurgents, and violators of host-nation and international laws. This "*Legal targeting*"¹⁶ creates effects on adversaries by enforcing international and applicable HN law through investigation or arrest, limiting/restricting their mobility and liberty of action, seizing their assets and financial means¹⁷ and dismantling their networks and structures. Dedicated SP Lines of Operation (LoO)¹⁸ or SP elements within established LoOs, can concur to deter, identify, locate, target and engage adversaries or spoilers, disrupt their networks and help attain objectives at tactical, operational and strategic levels in a military campaign. The



The gray zone: a space in which both state and non-state actors participate in competitive interrelationships that fall between the boundaries of traditional war and peace

added benefit of this approach lies, among others, in furthering the reduction in the use of force and decreasing collateral damage besides responding to the security needs of the population. Therefore, it contributes to improved acceptance and legitimacy within audiences from the local to the international level and enhancing mission sustainability. SP furthermore 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. 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 (ROL)¹⁹ system in which individuals, public and private entities, and the state are not accountable to the law, combined with a frail Justice Sector (Police, Judiciary and Corrections) are likely to undermine each other and result in a reduced efficiency and efficacy of local police forces. Such a situation is likely to hamper governance and generate power and enforcement vacuums, which might be exploited by irregular actors such as (war/organized/trans-national) criminals, terrorists and insurgents as well as spoilers and produce considerable levels of insecurity and instability. As a **military capability** that embodies and particularly emphasises a civilian- and populace-oriented approach, SP is a key contributor and natural actor striving for a comprehensive approach. In fact, it fosters and seeks the best possible level of interaction with other (civilian and/or military) IOs, the Host Nation and especially the IPF (regardless of their military or civilian status) and the populace as well as other actors including NGOs.

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

It has been argued that SP cannot contribute to all the three NATO core tasks of collective defence, crisis management and cooperative security because it is framed solely within stability operations to bridge the policing gap, while the availability of an SP asset across the full spectrum of crises – before, during and after conflicts – should encourage an Ally under threat. Is the strength of NATO not to be sought in this mutual support, especially if, when and where one Ally cannot face challenges on its own? The evolving doctrinal framework and parti-

cularly the current review of the 3.2 Series²⁰ contemplates that offensive, defensive and stability operations all encompass stability, enabling, defensive and offensive activities, which could arguably be extended to SP, although by limiting them to the policing remit. Indeed, history shows that SP can and should be conducted throughout the full spectrum of conflict and crisis in all operations themes (from peacetime military engagement to warfighting), before, during and after (armed) conflicts and manmade and natural disasters, because the (fragile) HN and its populace may require help whenever and wherever there are policing gaps. SP contributes to win the war, by creating effects on adversaries and enemies, but also to build the peace, an aspect of fundamental importance and relevance especially in a connected, globalized world.



Projecting stability²¹ is key to prevent and deter crises, including armed conflict and cannot prescind from addressing policing requirements. To this aim, SP is credible, instrumental and complementary to other actor's efforts; this reasoning has been demonstrated oftentimes also in NATO operations and missions.²²

Although "land heavy", SP is not limited to a specific domain, in the same way criminals, terrorists and insurgents are active on land and sea as well as 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 amongst people, and police are often the first responders to these crises, acquiring and using their experience and expertise is and will be more and more 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.²³ In general, a successful interaction between conventional military and policing components will require an appropriate level of interoperability to ensure that they can be ready, available and jointly deployable to both permissive and non-permissive environments. An essential principle about SP states, *“all²⁴ 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, while conducting a military campaign, is even more demanding. Basic SP activities and tasks (for instance, presence patrols, critical site security, election security) can be conducted by any trained, equipped and tasked unit or asset. Higher level SP such as investigating organised crimes, disrupting international terrorist networks or mentoring HN senior leaders require a considerable level of specific expertise, experience and set of skills. In reality, a vast array of forces can and should contribute to SP, including Gendarmerie-type forces, which are the first choice²⁵, MP and other military forces. Under a comprehensive approach, non-military actors may also collaborate in stability policing activities such as: police forces with civilian status, IOs, NGOs, and contractors.²⁶ 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 sets of requirements for SP across the Doctrine, Organization, Materiel, Personnel, Leadership, Facilities and Interoperability (DOTMPLFI)²⁷ framework. This entails that during a force generation process Nations can provide the Alliance with SP contributions that lack police expertise and that SP is not properly acknowledged as capability within the NATO Defence Planning Process (NDPP).²⁸ History shows that SP should be included in the planning process from the very beginning and that lack of expert and

experienced policing personnel in reinforcement or temporary replacement of the IPF can have disastrous consequences.²⁹ Considering dedicated Stability Policing Unit (SPU) requirements during the next NDPP cycle and targeting them to Nations would ensure these capabilities will be available and readily usable during any force generation process. In NATO a concept is an instrument to coherently fill a capability gap, but one has yet to be adopted on SP. There are some inherent difficulties on the path towards an approved SP concept, not lastly because of the differences between NATO Nation's 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. It has been argued that the existence of AJP-3.22 suffices and a dedicated SP Concept is not needed, but Doctrine is only one of the seven DOTMLPFI aspects of a capability.

The NATO Stability Policing Centre of Excellence (NSPCoE)

The NATO Stability Policing Centre of Excellence (NSPCoE)³⁰ is a think-tank that encompasses a Directorate and three pillars, namely 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-103³¹; the Education and Training Branch designs training curricula and hosts courses³² about SP and the Lesson Learned (LL) Branch, that gathers best practises and works the LL cycle to feed experiences garnered in operations and training into a database and ultimately into doctrine. The NSPCoE is indeed the NATO hub of expertise for SP and strives to be the Alliance's interface with IOs and non-NATO institutions in the SP arena. The Czech Republic, France, Greece, Italy, Poland, Romania, Spain, The Netherlands and Turkey contribute to the Centre.

What can SP do for NATO?

SP has been conducted under different names for more than two decades in NA-

THE THREE NSPCOE'S PILLARS



Doctrine and Standardization

Produces and contributes to the revision of doctrine, publications, standards and procedures supporting the operations



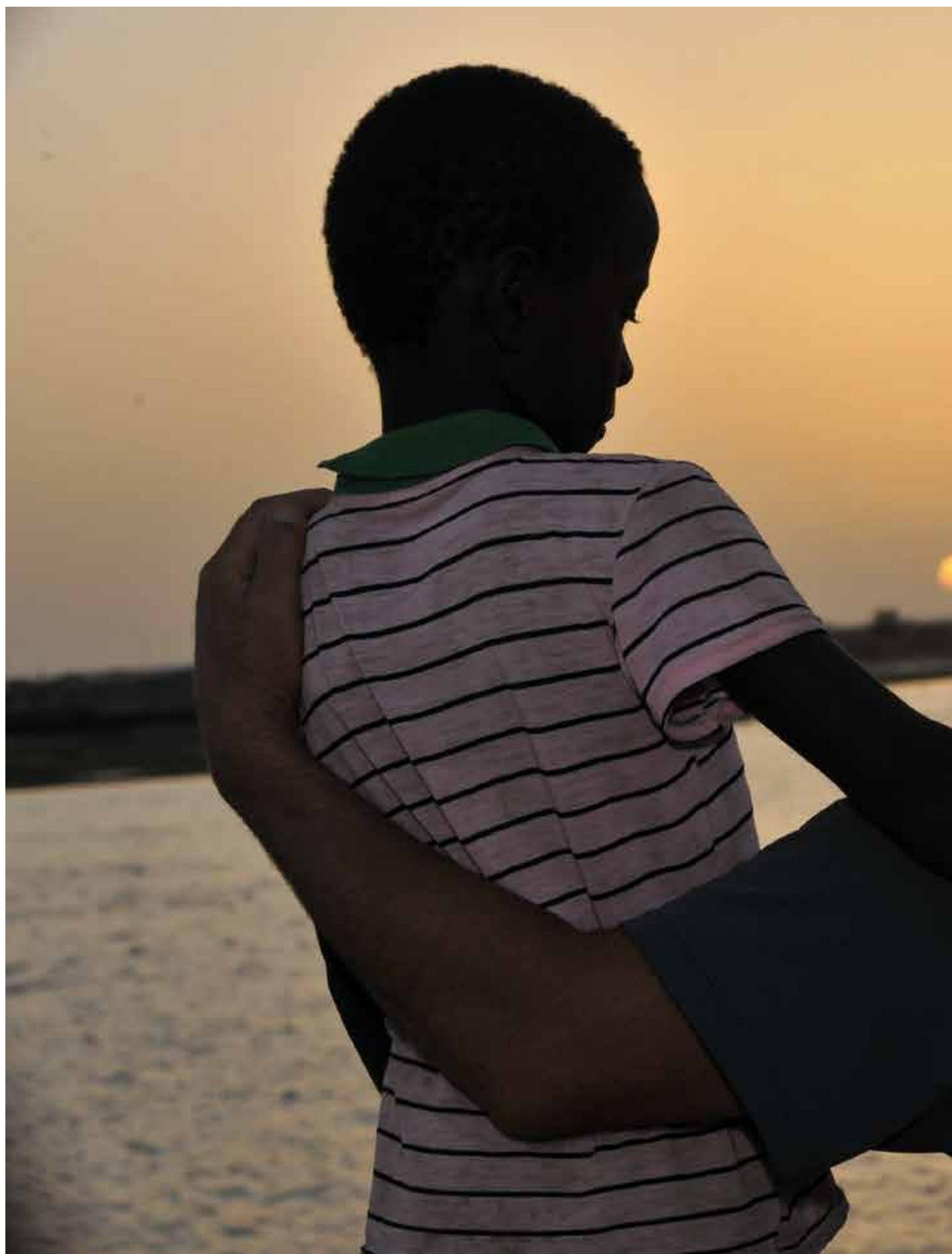
Education, Training & Exercise

Provides SP focused education and training in accordance with NATO standards



Lessons Learned

Gathers, analyses and shares observations, lessons identified, lessons learned and best practices on SP related matters





TO-led operations, often in a very hostile setting. Other IOs, such as the UN³³, the European Union (EU)³⁴, and the African Union (AU), all possible partners for NATO SP, performed and still perform SP operations, albeit under different names and perspectives. Despite this, SP is not yet sufficiently known, understood and adopted even across NATO. Policing the local population or re-/building IPF have not been hitherto an immediate concern of NATO decision makers/commanders. In some instances, they are considered the exclusive remit of other, civilian, organizations and actors; an erroneous belief, especially considering that the latter cannot be deployed in non-permissive environments, which *de facto* 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 disengaging³⁵. The police are the most visible manifestation of any government, being the institution that works within and for the population to provide their security, to enforce the law and to respond to people's requests for assistance on a variety of issues. The lack of an effective, capable and trustworthy police force undermines the credibility of the government, with detrimental effects on its legitimacy and overall stability. This applies especially to fragile states and in crisis or conflict areas, where consequently the International Community, including NATO, may be called to intervene to prevent crisis escalation and/or support peace restoration. NATO military operations benefit from the inclusion of SP as a substantial contribution focusing on the IPF and the local populace. The aim of SP is to support the re-/establishment of a safe and secure environment (SASE), restoring public order and security, and contribute to create the conditions for meeting longer term needs with respect to governance and development (especially through the Security Sector Reform - SSR).³⁶

In the long term the Alliance as a whole (its individuals as well as the structure, institution and processes) would profit from a positive transformation by acquiring a more police-like mind-set. The desired NATO end-state might indeed be better attained by focusing less on the sole conventional defeat of the adversary but by integrating more non-combat-oriented approaches, similarly to what a policing

counterpart would do. This is particularly true in heavily populated environments such as in urban and littoral settings, where the attitude of the vast populace is to be taken into particular consideration and the expertise of policing among civilians is clearly advantageous.³⁷

To protect civilians, as identified by the Policy on the Protection of Civilians (PoC)³⁸, which “includes a Stability policing dimension”³⁹, “all feasible measures must be taken to avoid, minimize and mitigate harm to civilians” and SP can significantly contribute to this purpose. Moreover, Cultural Property Protection is one crosscutting topic within PoC and a remit in which a policing approach is critical to prevent and deter relevant illicit activities. SP investigates related crimes, apprehends the perpetrators and recovers the cultural property and the illicitly accrued wealth for their restitution. Therefore, SP not only deprives the criminals of their funding, but also restores these funds back to the HN economy, supporting overall development. 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 to mention but a few.

In their paper on “Unrestricted warfare” Colonels Qiao Liang and Wang Xiangsui of the Chinese People’s Liberation Army’s, the so-called “Gerasimov’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 SP embodies an innovation

of paramount importance in tackling these crossbreed perils. Cur-

rent conflicts and crises present the “traditional” war fighter with complex challenges including asymmetric warfare, hybrid threats, insurgency, lawfare⁴⁰, 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 the military problem needs tailored responses, one of them being SP. This in turn implies for the Alliance to embrace a tran-

sformation of its military instrument. The Force, in order to acquire this capability, which enhances interoperability, requires a concept to define SP in all its aspects and to enable its full integration. An additional step sees SP enhancing the role of the Alliance within a comprehensive approach 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. SP is often misunderstood and sometimes downplayed if observed from a misinformed, outdated, rigid and exclusively combat-focussed perspective. On the other hand, SP can be an opportunity that should not be missed by the Alliance if it aims at moving forward in unison, remaining fit for purpose and embracing innovation and transformation in a 360° approach. In the words of Col. De Magistris <<once approved, the SP concept will significantly enhance the outlook of the Alliance's success, because the public security gap will be closed since the very beginning of the operation, during the so called "critical golden hour". This is a crucial step that NATO is to take in an effort to transi-

tioning successfully to a follow-on mission, coupled with developing an assessment methodology to identify in advance the potential spoilers of the mission'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>>.

Seizing the "critical golden hour"

This article was completed prior to Russia's illegal escalation of aggression against Ukraine on 24 February 2022. It is a product of the NATO Stability Policing Centre of Excellence and does not reflect NATO policies or positions, nor does it represent NATO in any way.

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1. Verbatim and adapted from NATO Secretary General Jens Stoltenberg intervention on 30 April 2019, <https://atlanticcouncil.org/commentary/transcript/2019-distinguished-leadership-awards-2/>
 2. A type of threat that combines conventional, irregular and asymmetric activities in time and space. NATO Agreed Term
 3. 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
 4. Nathan P. Freier et al., *Outplayed: Regaining Strategic Initiative in the Gray Zone*, Carlisle, PA: Strategic Studies Institute, 2016
 5. Stability Policing "*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.*" NATO Agreed term
 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*"
 7. NATO Press Release M-NAC-1(98)60
 8. 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
 9. Italy, Argentina, the Netherlands and the United States of America
 10. 13 November 2000, https://www.un.org/en/events/pastevents/brahimi_report.shtml
 11. ATP-103 "*Replacement and Reinforcement of Host Nation Police Forces*" is currently under development
 12. "*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
 13. Capacity, for this paper intended as a capability expressed in quantitative terms
 14. As mentioned in AJP-3.22 "*Allied Joint Doctrine for Stability Policing*"; ATP-103 (see footnote 13) seeks to change the framework to (monitoring) generating, organizing, training, enabling, advising, mentoring – (M)GOTEAM in an effort to harmonise non-executive activities the framework established in AJP-3.16 "*Allied Joint Doctrine for Security Force Assistance*"
 15. UNSCR 1244 Kosovo and UNSCR 1272 East Timor
 16. "*Legal targeting, enforce international and applicable HN law to create effect on the adversary*" is not a NATO Agreed term¹⁷. See MCM-0053-2019 "*Capstone Concept – Joint Military Operations in Urban Environment*" for further details
 18. "*LoO, A path linking decisive conditions to achieve an objective*" NATO Agreed Term
 19. 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
 20. AJP-3.2, ATP-3.2.1 and ATP-3.2.1.1

21. NDC Research Paper 1 Dec 2018 *"Projecting Stability: Elixir or Snake Oil?"*
22. *"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 Adv, MOIA, LL Conference at the NATO SP CoE 08.10.2019
23. See MCM-0053-2019 *"Capstone Concept – Joint Military Operations in Urban Environment"*
24. Forces, services, assets, subject matter experts (SME) etc.
25. AJP-3.21 "Allied Joint Doctrine for Military Police" para 2.6.3
26. *"on the basis of the mandate and the environment being permissive"* (AJP-3.22)
27. NATO Agreed Term
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. Special Inspector General for Afghanistan Reconstruction (SIGAR) *"Divided Responsibility: Lessons from U.S. security sector assistance efforts in Afghanistan"*, June 2019 and Special Inspector General for Iraq Reconstruction (SIGIR) *"Learning from Iraq: A Final Report from the Special Inspector General for Iraq Reconstruction"*, March 2013
30. <https://www.nspcoe.org/about-us/history/nato-sp-coe>. The Centre is based in Vicenza
31. The Writing Team for ATP-103 is led by the Doctrine and Standardization Branch of NATO SP COE
32. 6 in-house courses and 3 online, see www.nspcoe.org
33. UN Formed Police Units (FPU)
34. EU and EGF Integrated Police Units (IPU)
35. See the above-mentioned SIGAR and SIGIR reports
36. See AJP-3.22 as above
37. See MCM-0053-2019 *Capstone Concept – Joint Military Operations in Urban Environment*
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. Lawfare is the use of law to wage war
41. *"Criminalized Power Structures: The Overlooked Enemies of Peace"*, edited by Michael Dziedzic, Rowman & Littlefield – 2016

STABILITY POLICING: A VALUABLE TOOL FOR NATO'S HUMAN SECURITY APPROACH

Major Sergeant José Antonio Lorenzo Quiroz
Guardia Civil, Spain

"Human security is 'at the heart of who we are and what we do: an Alliance working together to protect our people and our values – freedom, equality, human rights'... 'Taking a human security approach is the best way to achieve lasting peace and security'."
NATO's Secretary General Jens Stoltenberg, 25 February 2021.

In recent years NATO has taken steps to adapt to the changing nature of conflicts in a post-cold war era. Nowadays, the irregular has become the normal, where many times disputes remain below the threshold of warfare and are conducted via proxies, non-state actors, through cyber means, and/or terrorist actions, still remaining in the grey zone, a space where attribution is often challenging, and accountability therefore neglected. Frequently, victims are amongst the civilian population, which is being leveraged to achieve military objectives. In other instances, such as Russia's war of aggression against Ukraine, the targeting of civilians to achieve military objectives seems more apparent. In either case, NATO's set of common values, i.e., individual liberty, democracy, human rights, and the rule of law, are at risk.

Acknowledging these changes and the paramount importance of Human Security, NATO has emphasised this in the new **NATO 2022 STRATEGIC CONCEPT**, which was adopted by Heads of State and Government at the NATO Summit in Madrid on 29 June 2022. It stated that the **protection of civilians and civilian harm mitigation are central to NATO's approach to crisis prevention and management**. NATO will work and reinforce coordination and cooperation with other international actors to address the broader conditions promoting crisis and widespread instability and contribute to stabilisation and reconstruction¹.

This reinforces the **NATO 2016 Policy on the Protection of Civilians**², which asserts that NATO recognizes that **all feasible measures must be taken to avoid, minimize and mitigate harm to civilians**. When planning and implementing such measures, NATO should consider those groups most vulnerable to violence within the local context. NATO recognizes that, in general, children constitute a particularly vulnerable group during conflict and women are often disproportionately affected by



violence.

This article will focus and explore the **benefits of having Stability Policing** within the NATO's toolbox and how it can provide an **added value to the Alliance** and contribute to the **Human Security** approach, including the protection of civilians, which the organization is now advocating for.

To better understand what Stability Policing is, it is necessary to provide a definition. NATO defines Stability Policing as: *"Police-related activities intended to reinforce or temporarily replace indigenous police forces 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"*.³ It can be identified as the support to or conduct of Law Enforcement functions directed at policing the populace during a NATO-led military intervention.

The NATO 2019 publication, MC 0362/2 NATO Rules Of Engagement (ROE) recalls that civilian Law Enforcement is not a NATO function; however, it acknowledges



Romanian gendarmes patrolling during the pandemic for the security of civilians



Mareschaussee officers mentoring afghan police forces for the restoration of public order and security

that the situation may arise during a NATO/NATO-led military intervention. When this situation results the NATO forces may, under direction of the North Atlantic Council (NAC), and with the agreement of the Host Nation when appropriate, engage in support to or the conduct of civilian Law Enforcement functions. NATO's involvement will then be determined by the political direction given by the NAC and specified in the Supreme Allied Commander Europe's (SACEUR) Operational Plan and Rules of Engagement.

Although Stability Policing is recognised in NATO through the **Allied Joint Publication 3.22 Allied Joint Doctrine for Stability Policing** (dated 2016) and the circumstance that NATO Forces have already been *de facto* performing Stability Policing tasks, similarly to those police activities performed by other relevant IOs (AU, EU, and UN), **since the Balkan Wars in the '90s**, surprisingly it remains highly unknown to many within the NATO community.

In essence, Stability Policing aims at creating a **safe and secure environment** (SASE), restoring, and maintaining **public order, security, and the respect for the law** by strengthening (reinforcing) and/or substituting (replacing) Host Nation Law Enforcement agencies with the long-term objective of contributing to the

establishment of the **Rule of Law**. Stability Policing can be applied throughout the **entire spectrum of conflict** to all NATO Operations, both **Art.5 and non-Art.5** Crisis Response Operations, conducting its activities other than combat, by engaging an adversary that is not a conventional enemy **through tailored-to-the-need procedures, means, equipment, and forces**. SP can be used for conflict prevention and support to civil authorities and to strengthen local Law Enforcement agencies by directing its efforts at establishing a SASE for the population, and to strengthen the indigenous police force. Stability Policing can operate until the transfer of responsibility to national or international Law Enforcement agencies.

The very nature of Stability Policing activities require that its forces have **permanent contact with the local population**, authorities, and representatives of local, regional, national, international community members, and different stakeholders of the criminal justice system (police, courts and corrections), thus making Stability Policing through the conduct of civil-military interaction a key player in Civil-Military Cooperation (CIMIC), which will result in promoting the image of the force and of the Host Nation.

This **people-centred** approach that Stability Policing brings about guarantees a closer contact with the civilian population, turning a **deeper understanding of the human environment** and allows the identification of the specific policing needs of the population, addressing both **preventive and protection-oriented** needs. It is this understanding of the human environment that allows to address specific actions and ensure that civilians are minimally impacted by conflicts and/or disasters.

Stability Policing can contribute to NATO's overall protection of civilians' efforts by **addressing** topics such as **Children and Armed Conflict (CAAC)**; **Cultural Property Protection (CPP)**; **Women, Peace, and Security (WPS)**; **Conflict Related-Sexual Gender Based Violence (CR-SGBV)**; **Trafficking in Human Beings**; **Sexual Exploitation and Abuse (SEA)**; and **Building Integrity (BI)**.⁴

Children have been identified within the civilian population to be an **especially vulnerable** group in armed conflicts, and up to six distinct categories of crimes⁵ have been identified as grave violations against CAAC. Stability Policing efforts in this area can be directed at **identifying and reporting of violations, raising awareness**



Greek officers during ISAF operations in Afghanistan



Turkish Gendarme on duty

amongst Host Nation Law Enforcement agencies and **training Host Nation counterparts to prevent and report** these serious crimes.

Stability Policing activities can contribute to **minimize CR-SGBV by educating and training Host Nation Law Enforcement agencies** on these issues, with the **dual role** of **preventing** internal misbehaviour and **preparing** the local Law Enforcement agencies to perform tasks bearing a **gender perspective**, if not mandated to investigate.

The article "*Serious Transnational Organized Crime: International Actors and Actions to Counter Human Trafficking and Smuggling of Human Beings*"⁶ explains the link between serious transnational organised crime and trafficking of human beings and how this typology of crime could spill over to a conflict area where NATO may be present. As well, it also highlights the fact that **NATO is not a primary responder on Human Trafficking**, and it **could limit its efforts in "not fuelling"** this serious crime (by reviewing its supply chains to ensure no victim of human trafficking is exploited to provide services, and forbidding its troops to engage with victims of trafficking for sexual exploitation) or it could take **a more proactive approach and take measures to "fight" against the trafficking of human beings** by investigating it with the use of **dedicated assets such as the Stability Policing ones**. In the case of an executive mission, when replacing the indigenous police force, Stability Policing could **directly support international Law Enforcement agencies in countering this serious crime**, and, when in a reinforcement mission, it could **improve performances of the Host Nation's responders** support the Host Nation and **serve as bridge** to help **prevent and counter** the trafficking. Another area often overlooked is the **protection of cultural heritage and cultural property protection (CPP)**. This issue is primarily addressed from a perspective of armed conflicts, in The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 1954 and its two protocols. Cultural Property (CP) is significant as it is an important sign of identity not only to a specific nation but to all humanity. CPP "*shall comprise the safeguarding and respect of such property*". Stability Policing can be a crucial player in the fight against criminal activities such as illegal excavations and trafficking of looted antiques, as well as the protection of sacred places and cultural heritage. All these efforts are a key role in the reco-





very and stabilisation process.⁷

During the “**NATO Stability Policing in Cultural property Protection Conference**”⁸, organised by the Centre of Excellence for Stability Policing in Vicenza (Italy) from the 15th to 18th of November 2021, an event which brought together Italian and NATO authorities, representatives from International Organisations, and experts from the heritage sector, **Stability Policing was acknowledged as proactively safeguarding CP**, by - *inter alia* - improving situational awareness, preventing adversaries from obtaining illicit revenues from its trafficking, and promoting Host Nation’s cultural identity.⁹ Until here we have seen that Stability Policing can provide NATO with a policing capacity specialised in addressing the local populace. It has a multifaceted character, capable of delivering tailored-to-the-need procedures, equipment, and forces, which allows Stability Policing to address the above-mentioned cross-cutting topics, which are at the heart of the Human Security approach. **Yet, experience has shown that the civilian policing dimension has been left out of NATO’s planning phase.** In these scenarios NATO has found itself playing catch-up once and time again regarding the policing dimension in NATO operations. The reality of the matter is that, since the Balkan wars in the late 1990’s, the necessity of NATO having to provide policing capacity to replace or reinforce the indigenous police force has surged in Bosnia, Kosovo, Iraq, and Afghanistan.

Regarding this last example, the NATO Stability Policing Centre of Excellence, under NATO ACT’s aegis between the 5th and the 7th of July 2022, carried out a conference - “*Stability Policing in Afghanistan: did NATO miss an opportunity? Lessons from a 20-year campaign*”, during which it was identified that **the Alliance and the International Community did not consider the role that Stability Policing could have played in filling the “public security gap”** between local institutions and the Afghan population. This created a capacitive vacuum, which alienated Afghan National Police and local institutions from the populace, whose basic security needs have been completely neglected. Furthermore, criminal networks, terrorism and insurgency were being combated almost exclusively through the military instrument, rather than also using the police instrument.

This gap could have been bridged by Stability Policing, which *inter alia* could have contributed to the fight against corruption, the protection of ethnic minorities, cul-



Crusader Castle in Byblos, Lebanon

©DELPAT/MPP

tural heritage, and women's rights.¹⁰ The importance of a credible and reliable police force is vital, this was highlighted by Colonel Giuseppe DE MAGISTRIS , Director of the NATO Stability Policing Centre of Excellence, in a recent publication when referring to the opportunity missed in Afghanistan, writing that *"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"*¹¹.

In this regard, NATO Secretary General's Special Representative for Women, Peace, and Security — Dr. Irene FELLÌN — echoing the Warsaw Summit declaration¹², highlighted that there is the need to include a **"Stability Policing dimension"** in the protection of civilians. She also emphasised that the Comprehensive Approach by NATO cannot be separated from the balanced **coexistence of purely military instruments along with additional capabilities and a wider spectrum with a specific focus on populations**. This would include Stability Policing, which fills a clear "gap" in the list of instruments available to the Alliance. Moreover, she drew attention to NATO's Human Security issues and to the role Stability Policing plays in NATO's integrated approach to the management of current and future crises, with a focus on what is happening in Ukraine.¹³

With the Stability Policing Concept¹⁴ currently under revision, it may be a good opportunity to adapt it to the new 2022 Strategic Concept; to determine the necessity of having an expeditionary police assistance capability resourced with sufficient numbers of qualified and trained police assistance experts; and to highlight the contribution that Stability Policing can deliver to NATO operations and support its integration to all phases of planning and execution. Currently the NATO Stability Policing Centre of Excellence is organising a **conference**, to be held in **June 2023**, where relevant experts will examine **"NATO Stability Policing's role in Human Security"** and hopefully raise awareness of the added value that Stability Policing can bring the Alliance in current and future crisis scenarios.



The NSPCOE's logo for the conference on Human Security

1. NATO 2022 STRATEGIC CONCEPT is accessible at <https://www.nato.int/strategic-concept/>
2. NATO Policy for the Protection of Civilians, endorsed by the Heads of State and Government participating in the meeting of the North Atlantic Council in Warsaw 8-9 July 2016, available at https://www.nato.int/cps/en/natohq/official_texts_133945.htm
3. NATO agreed term, can be accessed at <https://nso.nato.int/natoterm/Web.mvc>
4. NATO's Human Security work currently focuses on five areas where the Alliance can be most effective: Protection of Civilians; preventing and responding to Conflict-Related Sexual Violence, combating Trafficking in Human Beings, Children and Armed Conflict, and Cultural Property Protection. This paper will focus on how NATO SP can contribute to these five areas. Likewise, and within the broader approach of the Alliance, SP works to address gender inequality by integrating gender perspectives through the Alliance's three core tasks of deterrence and defence, crisis prevention and management, and cooperative security.
5. The Six Grave Violations Against Children During Armed Conflict 1. Recruitment and use of children 2. Killing or maiming of children 3. Sexual violence against children 4. Attacks against schools or hospitals 5. Abduction of children 6. Denial of humanitarian access.
6. David Ellero (2021) *"Serious Transnational Organized Crime: international actors and actions to counter human trafficking and smuggling of human beings"*, COESPU magazine 2021-3 Edition. <https://www.coespu.org/magazine/coespu-magazine-3-2021>; the author is a Subject Matter Expert in combatting trafficking of human beings, a Senior Officer with FRONTEX and previously having managed projects in this area for EUROPOL.
7. Laurie W. Rush, PhD (2019) *"Cultural Property Protection as A Force Multiplier: Implementation for All Phases of a Military Operation"*, NATO Science for Peace and Security Programme. <https://www.nspcoe.org/the-nato-stability-policing-in-cultural-property-protection/>
8. NATO SP CPP Conference can be viewed at: https://youtu.be/p0g-y_n7dhQ
9. Stefano Bergonzini (2019) *"The role of NATO Stability Policing in Cultural Property Protection"*,

The CoESPU MAGAZINE The online quarterly Journal of Stability Policing 2019-1.
10. <https://www.nspcoe.org/nato-sp-coe-lessons-learned-conference-stability-policing-in-afghanistan-did-nato-miss-an-opportunity-lessons-from-a-20-year-campaign/>

11. Colonel Giuseppe DE MAGISTRIS (2022) "*Stability Policing, the great absence in the Afghan conundrum*", GENDARMERIE IN THE INTERNATIONAL FRAMEWORK - ROMANIAN GENDARMERIE - DECEMBER 2022. <https://www.nspcoe.org/wp-content/uploads/2023/02/SP-the-great-absent-in-Afghan.pdf>

12. See footnote n. 2.

13. From Ms. FELLÌN's speech at the Carabinieri Officers' College in Rome, on the 20 October 2022 presentation of the United States Special Inspector General for Afghanistan Reconstruction report: "*Police in Conflict: lessons from the U.S. experience in Afghanistan*", produced by the United States Special Inspector General for Afghanistan Reconstruction (SIGAR) in collaboration with the NATO Stability Policing Centre of Excellence based in Vicenza (NATO SP CoE). <https://www.nspcoe.org/presentation-of-the-sigar-report-police-in-conflict/>

14. Stability Policing Concept by the two NATO Strategic Commands, Allied Command Transformation in Norfolk, Virginia and Allied Command Operations in Mons, Belgium, aimed at supporting the identification of the requirements needed to develop and implement a coherent Stability Policing capability (draft under revision and pending approval).

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AJP-3.22 Stability Policing

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Laurie W. Rush, PhD (2019) "Cultural Property Protection as A Force Multiplier: Implementation for All Phases of a Military Operation", NATO Science for Peace and Security Programme.

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NATO STABILITY POLICING: AN OPEN CLUB

Colonel Giuseppe De Magistris
Chief Warrant Officer Stefano Bergonzini
Italian Carabinieri

NATO STABILITY POLICING CENTRE OF EXCELLENCE

SPONSORING NATIONS' SERVICES



Koninklijke Marechaussee





The need for a robust policing tool was first recognised by the Alliance in 1998², when a Multinational³ Specialized Unit (MSU) was deployed to Bosnia Herzegovina within the NATO Stabilization Force (SFOR). The Alliance had realized that neither its military might, nor the local police⁴ or the United Nations (UN) civilian police force were able to respond adequately to the policing-related needs of the local population in that destabilized environment. Bridging that so-called “policing gap”, required an innovative military response, later supported by the UN “Brahimi report”⁵.

Both NATO and the UN already had a Military Police (MP) but chose not to pursue an increase or enhancement of that capability. Instead, an original instrument was developed and led by the Italian Carabinieri. NATO Doctrine defined it only in 2016 within the “*Allied Joint Doctrine for Stability Policing*” (AJP-3.22)⁶ as Stability Policing (SP)⁷ “*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*”.

An SP **reinforcement mission** consists in monitoring, mentoring, advising and training as well as reforming and partnering with⁸ the Indigenous Police Forces (IPF) to improve their perfor-

All can contribute to SP, but not everyone can do everything

mance. A **temporary replacement** mission of the IPF could be the only solution, sanctioned by a UNSCR or by a HN request, if the IPF do not exist or are incapable or unwilling to carry out their duties. The UN⁹, the European Union (EU)¹⁰, and the African Union (AU) performed and still perform SP operations under different names and with their own perspectives. An informal SP principle states “*All¹¹ can contribute to SP, but not everyone can do everything*”; hence, any specifically trained, equipped unit or asset can conduct basic SP activities, while higher-level SP tasks require considerable expertise and experience in policing civilians. Allied Nations can thus choose their SP contributions to a force generation process by choosing their most suitable assets that include Gendarmerie-type forces, which are the *logical first choice*¹², MPs, other military forces and even non-military actors like civilian police or contractors¹³. SP

and MP are often used indistinctively; however, the two inherently different terms are easy to distinguish and to be kept separately. MP in fact embraces a set of four traditional functions (mobility support, security, detention and police) and an additional one (i.e. stability policing), as well as the organization and personnel that carry them out. The MP focuses on the force, marshalling the troops, ensuring discipline, providing combat support¹⁴ and conducting enabling tactical activities¹⁵. SP is not a “force”, but are activities to improve capacity and capabilities of the IPF¹⁶ and/or to police the population within a Host Nation (HN). SP is a function for MP (MP can contribute), but not of the MP (exclusively performed by MP). SP expands the reach of the Alliance as a complementary tool within the combat and warfighting instrument of power in all three NATO core tasks¹⁷ and supports the re-/establishment of a safe and secure environment (SASE), thus being pivotal in the restoration of public order and security. SP can be conducted in all operations themes¹⁸, before, during and after (armed) conflicts and manmade or natural disasters. SP is a military capability¹⁹ that can concur to deter, identify, locate, target and engage adversaries also through “legal targeting”²⁰; it can help attain tactical, operational and strategic objectives in a military campaign as well as contribute to create the conditions for meeting longer term needs with respect to governance and development, keeping NATO fit for purpose. It is a multi-pronged, innovative and 360° approach, which requires a reshaped military strategy that focuses on providing basic security to local communities preyed upon by criminal and insurgents (typically financed by illegal revenues). This in turn improves governance, furnishes alternative and legal livelihoods as well as contributes to win public support and the battle of narratives. As a consequence, the local population’s cooperation to counter the so-called spoiler threats tremendously increases, significantly enhancing the outlook of the Alliance’s success. Only by moving forward in unison, indeed “*united by our diversities*”, will we be able to provide the Alliance with a cutting-edge “police-like” in-



*Vicenza, 10 March 2023
United Nations Under Secretary General for Peace operations, Ambassador
Lacroix Jean-Pierre visit to the NSPCoE*

very outset of any mission, during the so called “critical golden hour”, thus filling the public security gap and contributing to ensure long-term peace and development.

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1. Chief Warrant Officer in the Italian Carabinieri, Staff Assistant Standardization and Interoperability Section at the NATO SP COE
 2. NATO Press Release M-NAC-1(98)60
 3. Personnel from Italy, Argentina, The Netherlands and the USA - MSU deployments to Kosovo, Albania and Iraq ensued
 4. 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
 5. 13 November 2000, https://www.un.org/en/events/pastevents/brahimi_report.shtml
 6. ATP-103 “Replacement and Reinforcement of Host Nation Police Forces” is currently under development
 7. NATO Agreed Term
 8. This construct is under discussion within the Writing Team drafting the ATP-103 “Reinforcement and Replacement of Indigenous Police Forces” looking to adopt the Security Force Assistance framework “Generate, Organize, Train, Enable, Advise, Mentor (GOTEAM)”
 9. UN Formed Police Units (FPU)
 10. EU and European Gendarmerie Force (EGF) Integrated Police Units (IPU)
 11. Forces, services, assets, subject matter experts (SME) etc.
 12. AJP-3.21 “Allied Joint Doctrine for Military Police” para 2.6.3
 13. on the basis of the mandate and the environment being permissive” (AJP-3.22)
 14. Fire support and operational assistance provided to combat elements (NATO agreed), see AJP-3.2, para 0167; ATP-3.2.1, para 3006
 15. ATP-3.2.1, Chapter 7, outlines such activities
 16. Adopting a term like “Stability Police” could prevent confusion
 17. Regardless of their military or civilian status
 18. Collective defence, crisis management and cooperative security
 19. Across the full spectrum of operation themes, from peacetime military engagement to warfighting
 20. The reporting code “SP Unit” does not yet establish a capability acknowledged by the NATO Defence Planning Process (NDPP)
 21. Legal targeting, “creating effects on adversaries by enforcing international and applicable HN law” is not a NATO Agreed term
 22. “Spoilers are individuals or parties that by violent and non-violent means have a negative impact on the peace process in two ways, directly or indirectly” working definition, “Summary Report Assessment of Spoiler Threats” NATO SP COE 2020, pag. 22
 23. “Criminalized Power Structures: The Overlooked Enemies of Peace”, edited by Michael Dziedzic, Rowman & Littlefield - 2016

PROTECTION OF CIVILIANS AND RESPONSABILITY TO PROTECT: THE ROLE OF NATO?

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International law and the international community began to actively deal with the events involving the civilian population in conflicts as early as the second half of the nineteenth century. In fact, the first references to the need to adopt rules having as their object the limitation of conflict-related violence and the protection of war victims date back to this period. In this sense, the “Hague Law” and the “Geneva Law”² have been increasingly integrated with each other to form the so-called “International Humanitarian Law”, which was the first legal reference to be used to foster acting directly towards and in favour of the civilian population, considering it as one of the subjects involved in warfare and suffering its consequences. The first and immediate outcome of any conflict is the subversion of the set of freedoms, rights and guarantees that are indicated by the term “human rights”. Therefore, the need arose to dictate some form of regulations in case of war, especially for those aspects of warfare which affect civilian populations. In addition to this, “classic” war, a conflict where the armed forces of two or more States face one another, has become rare. On the other hand, hybrid non-international armed conflict in which regular forces of a state are confronted with non-state armed groups have greatly increased.

In modern, non-linear conflicts, the civilian population almost immediately becomes a victim of violence, both indirectly as a result of armed clashes, but also directly, often being intentionally targeted by belligerents. The protection of civilians in armed conflicts has therefore become one of the major challenges for the international community. The international community has begun to question how to effectively protect the citizens of a state whose human rights are seriously and systematically violated. The result has been a series of documents which reaffirm the need to protect human rights and which seek to identify tools which support the effective implementation of protective actions. At the core of the new concept lies a two-dimensional understanding of State responsibility: the primary role of the state itself; its responsibility to protect its citizens from atrocities, and the responsibility of the international community to prevent and react to massive human rights violations.

Responsibility to Protect

One of the most important developments in world politics over the past decades has been the spread of the twin ideas that State sovereignty comes from accountability, both internally and internationally, and *State sovereignty comes from accountability* that there is a global responsibility to protect people threatened by mass atrocities. For this reason, the primary responsibility for the protection of its population rests with the State itself. And when a State is unable or unwilling to fulfil this responsibility – not to mention if it is the actor itself of the violations – the international community must take action to ensure the safety and security of that State's citizens. The recognition of security of individuals as the ultimate referent object finds its overarching guidelines in the UN Human Security concept, which is the methodology for assisting States in identifying and addressing a wide range of threats to people's survival, nourishment and dignity. This concept requires comprehensive and preventive responses tailored to the single context, aimed at reinforcing the protection of the people³. This concept drives the shift of the attention from a state-centred to a people-centred approach to security; the security of the international community must focus on is the one that allows the population to live free from both fear (of physical, sexual or psychological abuse, violence, persecution, or death) and from want (of gainful employment, food, and health). Human Security therefore deals with the capacity to identify threats, to avoid them when possible, and to mitigate their effects when they do occur. ⁴ After the tragedies in Rwanda and the Balkans in the 1990s, a serious debate led to the formulation of the “responsibility to protect” concept, which contributed to overcoming the protection of a single national interest, in favour of an obligation for States to defend and protect every individual on a global scale. The delicate question of the relationship between respect for the principle of sovereignty and the protection of human rights was addressed by the International Commission on Intervention and State Sovereignty. In the report that followed the work of the commission, the theme of “responsibility to protect” emerged for the first time.⁵



A Turkish Gendarme assisting an elderly woman

This new doctrine is based on the idea that sovereign States are responsible for protecting their population from serious violations of human rights and, in the event that they are unwilling or unable to guarantee it, this responsibility must be taken over by the international community. In addition to this, in 2004 the emerging norm of a responsibility to protect was endorsed by the United Nations General Assembly stating that there is a collective international responsibility “exercisable by the Security Council, authorizing military intervention as a last resort, in the event of genocide and other large-scale killing, ethnic cleansing and serious violations of humanitarian law which sovereign governments have proved powerless or unwilling to prevent”⁶. These conclusions have also received formal recognition and endorsement from the United Nations General Assembly⁷. Since its formal adoption, the doctrine of responsibility to protect has also been repeatedly recalled by the United Nations Security Council and by the General Assembly, which outlined a “three-pillar strategy” (responsibility to prevent, responsibility to react and responsibility to rebuild)⁸, necessary for its progressive development. This tripartite strategy places emphasis on the value of prevention and, when this is not effective, on a flexible response adapted to the specific circumstances of the Individual case.

NATO Protection of Civilians

As noted above, the concept of civilian protection occupied a central position in the concerns of the international community in the late 1990s. Since then NATO has made considerable efforts to integrate civilian protection at the theoretical and doctrinal level, and finally this important principle has been operationalized and institutionalized on the ground. NATO has translated the theoretical and principled indications set out over the years into practice and has encompassed the ideas of various reports and resolutions into key documents that facilitate their application in real-world missions. As an organization committed to peace and security, NATO is deeply interested in the application of international law, particularly with regards to International Humanitarian Law (IHL) and Human Rights (HR). The protection of civilians has been the subject of much attention within the Alliance in the recent past and even more so today,

also because it is clear to everyone that violence against civilians contributes to endless cycles of conflict and instability. Protection of vulnerable groups, individual freedoms, and fundamental human rights have

Protection of civilians within the NATO framework is defined as all efforts taken to avoid, minimize and mitigate the negative effects that might arise from military operations on the civilian population

been areas in which, in recent years, NATO has developed policies and guidelines, which are reflected in the planning and conduct of today's missions. The NATO Protection of Civilians (PoC) Policy was a product of the 2016 Warsaw Summit, and it addresses many of the concerns related to these sensitive issues, while also providing guidelines for the planning and conduct of military operations, within which Stability Policing has a relevant role.

The aim of NATO's PoC policy is to standardize and strengthen NATO civilian protection and harm mitigation efforts, including capabilities to learn from those operations that have affected civilians and to adapt tactics to avoid harm. It encompasses a wide range of activities up to and including the use of force to prevent, deter, and respond to situations where civilians experience or are threatened with physical violence⁹.

Protection of civilians within the NATO framework is defined as all efforts taken to avoid, minimize and mitigate the negative effects that might arise from military operations on the civilian population and, when applicable, to protect civilians from conflict-related physical violence or threats of physical violence by other actors, including through the establishment of a safe and secure environment¹⁰.

The definition is intended to focus primarily on two types of threats the policy seeks to address. Firstly, it seeks to mitigate the negative effects that could result from NATO's own actions. Secondly, it addresses protection from physical harm that can result from the action of others. The Alliance's PoC Policy therefore goes far beyond simple high-intensity military operations, as the policy is integrated across all of NATO's core tasks, regardless of the organization's role as either a lead player, or simply a supporting actor. Interestingly, the Alliance aspires to integrate PoC in all phases of operations, from the earliest planning stages to

transition and redeployment. While NATO intervention can be very invasive and can have great powers of action, this in no way limits or diminishes the primary responsibility of the host State to protect civilians on its territory, and most certainly does not relieve the State from its protection obligations.

Responsibility to Protect vs NATO Protection of Civilians

As we recalled previously, the reason that led to the formulation of doctrine with regards to the “responsibility to protect” must be sought in the apparent failure of the international community to adequately respond to humanitarian disasters. This need to intervene effectively to protect human rights has led to the formulation of the concept that states have a responsibility to protect the human rights of their own people, and that the international community has a responsibility to step in when the state fails to do so¹¹. According to the doctrine of “responsibility to protect”, the State has the main responsibility for the protection of populations from mass atrocities such as genocide, war crimes, crimes against humanity and ethnic cleansing. On the other hand, the international community has the responsibility of assisting States in fulfilling this responsibility and possibly replacing them when their work is inadequate or blatantly contrary to protection efforts, as they themselves are perpetrators of violence against civilians. If a state fails to protect its populations or is even the perpetrator of those crimes, the international community must then be prepared to take stronger measures, including the collective use of force through the United Nations Security Council.

Since Human Rights treaties have not created a true legal obligation for the international community and its member States to guarantee the protection of human rights, the adoption of “responsibility to protect” was a compromise between establishing a real obligation to act and a regulatory status quo. Responsibility to protect is not specific: it is a principle that does not include specific sanctions or strategies and should be adapted to each individual case. Based on its NATO has developed a specific policy on the matter which acknowledges that civilian protection is a cross-cutting topic, equally relevant to the Organisation’s overarching core tasks¹². With this in mind, four overarching

principles form the basis on which the policy was built, namely: NATO's approach to the protection of civilians is grounded on legal, moral and political imperatives; NATO's approach to protection of civilians is to be consistent with and conducted in accordance with applicable legal frameworks, including IHL and HR; NATO's fulfilment of its responsibilities under this policy is subject to the legal basis for the specific NATO operation, mission or activity, and to the specific Council-approved mandate, without prejudice to force protection and collective defence obligations. NATO recognises that all feasible measures must be taken to avoid, minimise and mitigate harm to civilians and that when planning and implementing such measures, NATO should give consideration those groups most vulnerable to violence within the local context. The policy also takes into account the need to protect civilians from the actions of others. This aspect was highlighted as a component of protection of civilians not only out of moral, legal and political considerations, but also very practical ones. It was introduced due to the realization that despite the obligation to protect civilians during armed conflict, certain parties to the conflict have, and continue putting civilians at risk, or even targeting them deliberately in order to achieve their specific aims.

On the issue of protection of civilians from the actions of others the Policy notes that understanding the nature of the threat against civilians is critical to understand if the use of military force can effectively protect the civilian population. Aspects such as the identification of threats, including the varying types of perpetrators, their motivation, strategies and tactics, as well as their capabilities and the outcomes of these variables for civilians, are seen as elements that would enable Alliance planners at all levels to recommend military response options for NATO and NATO-led operations. Protection of civilians also includes not only persons, but also all civilian objects, with particular attention paid to those of importance to the population, such as items of religious and cultural heritage, the natural environment, as well as necessary public services linked to critical civilian infrastructure. To achieve these objectives, three are the elements to be considered. These are distinct, but interrelated thematic lenses focused on key protection of civilian issues and actors: mitigate harm, focused on mitigating harm from own actions as well as mitigating the threat from



Romanian Gendarmerie serving for the security of children and families



perpetrators of violence; facilitating access to basic needs, focused on civilians, civil society and aid providers; contributing to a safe and secure environment, focused on the Host Nation government and institutions¹³. All of these actions are enabled by a sound Understanding of the Human Environment, which is very much based on the UN's Human Security approach, seeking to understand local populations perceived security and developmental risks, as well as identifying key stakeholders, their internal dynamics, and resiliencies of the local population.

NATO Stability Policing: an added value to protect the civilian population

Modern NATO military operations benefit from the inclusion of Stability Policing¹⁴ as a substantial contribution focusing on Indigenous Police Forces (IPF) and the local populace. The aim of Stability Policing is in fact to support the re/establishment of a safe and secure environment, restoring public order and security, and contribute to create the conditions for meeting longer term needs with respect to governance and development. Looking back to its early days, IHL referred only to conventional and symmetrical conflicts, in which the civilian population was usually relatively removed from the fighting. Nowadays, the breadth of its normative provision and its capacity are much weaker in the face of the intra-national, hybrid and asymmetrical nature that characterizes current conflicts, where the populace is the object of violence. There is therefore a concrete possibility that in these contexts, the principles of distinction between combatants and civilians and that of limiting armed attacks to military targets, are systematically and deliberately ignored. It is therefore clear how a tool able to effectively mitigate the effects of violence and abuse on the civilian population in modern contexts of asymmetric and hybrid conflicts is needed. Stability Policing can tremendously contribute to the solution. It is a concept created and developed within NATO which, under a different name, is applied by other international or regional organizations: it is an innovative response that overcomes a combat-only approach, expands the reach of the military instrument into the remit of policing and contributes to a comprehensive approach to win the war while aiming

Stability Policing can tremendously contribute to the solution

at building peace. Stability Policing can in fact address the new emerging threats to civilian population

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. This innovative tool is designed to meet all the needs related to the policing of a State; it is a tool that, by combining the capabilities and flexibility of military assets with the professional and specific ones of the police, expands the intervention capabilities of military missions outside their traditional areas to cover the policing remit as well. By doing so, it significantly contributes to the comprehensive approach necessary to address all issues related to the protection of civilians, as well as provides many of the required relevant tools¹⁵. This is indeed a new model to protect the population, more flexible and close-fitting its needs, which are persistently met by simply delivering basic community policing and empowering members of the civil society. In fact, this new holistic approach sets conducive conditions to prevent and deter conflicts by addressing the root causes of conflicts, by ensuring the protection of civilians and humanitarian assistance, as well as re-establishing the rule of law. The main objective of the responsibility to protect is to prevent genocide, war crimes, serious and persistent violations of human rights, providing greater attention from the international community on preventing violations of human rights. These heinous crimes indeed squarely fall within the remit of Stability Policing. Hence the need to conduct police activities in weak and fragile areas clearly emerges. Crime and violence disrupt the daily life and undermine the norms and institutions that foster stable societies; internal security actors, such as police and law enforcement agencies, are a gateway to the justice system, preventing and investigating criminal activities, helping prosecute suspected criminals, and providing victims with access to justice. This is the courtyard where the added value of Stability Policing is enhanced: wherever the Alliance is bestowed by an executive mandate, it reduces insecurity by addressing IHL and HR violations, widespread violence and criminality, building trust and

This new holistic approach sets conducive conditions to prevent and deter conflicts by addressing the root causes of conflicts

confidence in the local populace. Protecting civilians during a conflict, however, can be very difficult. There

are circumstances, particularly with regards to internal conflicts in which the State is one of the parties involved, and in some cases there is no stable government at all. Additionally, there are theatres where several armed groups are involved, with the danger of the crisis becoming radicalized and escalating into an international conflict. Stability Policing arises as the tool available to NATO with the largest impact on the day-to-day lives of the population: performing effective police tasks and activities starting from the basic community-oriented up to the highly specialized ones – is critical to prevent the escalation of internal violence, maintain the Rule of Law, provide public safety and foster a secure environment in which governance can flourish; furthermore, population-focused police activities ensure security needs for the entire community and bring improvement to the overall security, allowing the conditions for development to take place.

Practical experience and political difficulties in giving prompt solutions have led to the recognition that declarations of political intent and humanitarian action alone cannot protect civilians from the effects of armed conflict and internal violence. Situations of war or high internal crisis, combined with weak or absent institutions allow non-state actors and criminal groups to rage. The result is a security void, the disappearance of the Rule of Law and an intolerable increase in the level of violence and insecurity: such environments favour the impunity of criminals and the uncontrolled proliferation of IHL and HR violations. In such cases, words are not enough. Military actors might be able to enhance the physical protection of the civilian population. They may also be able to contribute to the establishment of a secure environment, conducive to the provision of humanitarian assistance.

Stability Policing is the ideal tool to stem illegal conducts and the indiscriminate use of violence. Its population-centric policing skills enable these assets to prosecute and bring criminals to justice, protecting victims of gross violations and atrocities from persecution, retaliation, and violence. When mandated, Stability Policing also allows furthering the reduction in the use of force and decreasing col-





Italian Carabinieri distributing food and toys to children

lateral damage besides responding to the security needs of the population. Therefore, it contributes to improve acceptance and legitimacy within audiences from the local to the international level and enhancing mission sustainability. Stability Policing in this way helps winning the battle of narratives by showing the populace and the world how a civil-oriented approach, that goes beyond military means, leads to the reestablishment of a safe and secure environment in a less violent and more sustainable way. In PoC-mandated missions the activities to protect civilians are always planned and given a clear end-state. All mission components constantly work to prevent, pre-empt and respond to threats to civilians, and not just react to attacks. Stability Policing is one of the tools that helps creating a credible deterrent posture and supporting national protection capacities and maintaining a constant dialogue and engagement with local key leaders and stakeholders in areas under greatest threat. When called to protect civilians, Stability Policing considers the characteristics of the population within the operating environment throughout the decision-making process, to include their culture, history, demographics, strengths, informal power structures such as religious and non-governmental leaders and influencers, resiliencies and vulnerabilities.


In this regard, one cannot fail to recall again how the Alliance can use Stability Policing assets as a fully suitable and highly effective instrument in the implementation of “responsibility to protect” guidelines and in the protection of the civilian population. Indeed, history shows that Stability Policing can and should be conducted throughout the full spectrum of conflict and crisis in all operations’ themes (from peacetime military engagement to warfighting), before, during and after armed conflicts and manmade and natural disasters, because the Host Nation and its populace may require help whenever and wherever there are policing gaps.

The policing gaps are addressed by envisioning two missions: reinforcing or temporary replacing IPF. Reinforcement consists in intervening on IPF capabilities and capacity, to raise their overall performance; when IPF are missing or unwilling to carry out their duties, they may be temporary replaced by Stability Policing until they can resume their duties or other actors from the international commu-

nity intervene and/or take over as follow-on force. It is also interesting to notice how an essential, albeit informal principle about Stability Policing states, “all can contribute to Stability Policing, but not everyone can do everything”. This means that Stability Policing is a tool that can benefit from the expertise and professional skills of a large number of forces (from Gendarmerie-type Forces to Military Police, from armed forces to contractors). In this vein, NATO’s PoC Policy, which “includes a Stability Policing dimension”¹⁶, states that “all feasible measures must be taken to avoid, minimize and mitigate harm to civilians”: Stability Policing can significantly contribute to this. Security challenges such as hybrid threats, the crime-war overlap as well as the so-called irregular activities¹⁷ and threats to human security are likely to become more relevant in the future. In this vein, NATO Stability Policing strives for building peace by virtue of its expertise in law enforcement within a military framework through the so-called “soldiers of the law”¹⁸, whose additional value lies in their flexibility to deliver a military capability focused on police-related needs of the local population. This innovative approach focuses on providing security to local communities preyed upon by criminals. Indeed, by filling the public security gap governance improves, and alternative, legal livelihoods thrive. As public support and the battle of narratives are won by the Allian-

Stability Policing considers the characteristics of the population within the operating environment throughout the decision-making process

ce, the outlook of NATO’s success is significantly enhanced, ensuring long-term peace, security, and development.

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1. This term refers to the Conventions and Declarations stipulated during the Inter-national Peace Conferences held in The Hague in 1899 and 1907
 2. This term refers to the Conventions and Additional Protocols signed in Geneva between 1864 and 1977
 3. UN General Assembly Resolution 66/290. Follow-up to paragraph 143 on human security of the 2005 World Summit Outcome (A/RES/66/290) and UN Secretary General Report, "Human security" (A/64/701)
 4. UN Development Programme. "Human Development Report", 1994
 5. ICISS, The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty, Ottawa, 2001
 6. Report of the United Nations High-level Panel on Threats, Challenges and Change, 2004.
 7. UN General Assembly Resolution: 2005 World Summit Outcome (A/RES/60/1), para 138. 139 and 140, 2005
 8. UN Secretary General Report, "Implementing the Responsibility to Protect" (A/63/677), 2009
 9. NATO Policy for the Protection of Civilians, para 11
 10. NATO Agreed term
 11. UN Secretary General Report, "In larger freedom: towards development, security and human rights for all" (A/59/2005)
 12. NATO Policy for the Protection of Civilians, para 3
 13. See ACO Protection of Civilians Handbook
 14. A set of 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.
 15. For more on Stability Policing see Allied Joint Publication AJP-3.22 "Allied Joint Doctrine for Stability Policing", 2016
 16. NATO Policy for the Protection of Civilians, endorsed at the NATO Warsaw Summit 8-9 July 2016
 17. 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
 18. Straight translation of the French expression "soldats de la loi", which in France directly refers to the gendarmerie

THE ROLE OF NATO STABILITY POLICING IN CULTURAL PROPERTY PROTECTION

Chief Warrant Officer Stefano Bergonzini
Italian Carabinieri



Temple of Jupiter in Baalbek, Lebanon
©DELPAT/MPP



*The French Army delegation for Heritage Protection visiting Baalbek
(Lebanon)
© Armée de Terre*



*French officers in Mali on the "Tombeau des Askia" site interacting with local
experts
© Ministère des Armées*

Since now Cultural Property Protection (CPP) has regrettably been only sporadically mentioned and partially covered within the NATO doctrinal corpus. This lack of comprehensive, harmonized and actionable documents deprives commanders, planners and practitioners of the needed tools to understand and fully appreciate the significance of Cultural Property and its protection. Within the Alliance CPP is considered a cross cutting topic (CCT) and has finally been addressed in line with the “Policy for the Protection of Civilians”¹, the related Action Plan² and the “Military Committee Concept for the Protection of Civilians”³ through the “NATO Bi-Strategic Command Directive CPP”⁴, which was approved on April 1st, 2019. This directive goes beyond the merely authoritative nature of doctrine and, being prescriptive, it provides direction and guidance regarding CPP in the preparation, planning and execution of NATO and NATO-led operations, missions and NAC-approved activities, as well as training, edu-

Within the Alliance CPP is considered a cross cutting topic

cation, and evaluation. In fact it focuses efforts and recognizes fundamental

international treaties, among which the 1970 “*UNESCO Convention on the Means on Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property*”, which is often overlooked by military practitioners, and relevant United Nation Security Council Resolutions (UNSCR)⁵. Its momentum should be conducive to the mainstreaming of CPP throughout the NATO doctrinal corpus, including the “*Allied Joint Doctrine for Stability Policing*” (AJP-3.22) and the “*Allied Tactical Publication for the Replacement and Reinforcement of Indigenous Police Forces*” (ATP-103), the latter currently being drafted by a Writing Team led by the NATO Stability Policing Centre of Excellence. (NATO SP COE).

The NATO SP COE

The NATO SP COE is a combined-joint multinational military body located in Vicenza (Italy), whose activation was endorsed by the North Atlantic Council on the 9th of December 2015. The Centre represents the Alliance’s hub of expertise for





innovation and transformation in the field of Stability Policing. Italy is the Framework Nation (FN) with the Carabinieri Corps in the lead. The Czech Republic, France, Greece, The Netherlands, Poland, Romania, Spain and Turkey participate as Sponsoring Nations (SN). The Italian Army, Navy and Air force each deployed one representative. Following the economic crisis of 2008 and inspired by the Declaration of the NATO Summit of 2010 in Lisbon and the related Strategic Concept, NATO enacted the *"Smart Defense"*, a *"cooperative way of generating modern defense capabilities that the Alliance needs, in a more cost-efficient, effective and coherent manner"*.⁶ This includes the establishment of Centers of Excellence (COE), in which a Framework Nation offers its expertise in a specific subject matter to the Alliance. The Allied Command Transformation (ACT) in Norfolk that is responsible for innovation and transformation verifies the relevance of the topic and the absence of any overlapping with existing COEs. It furthermore provides general guidance and coordination of the establishment process, which culminates with the accreditation, a formal recognition of the ability of the organization to interact seamlessly with NATO. The commitment for nations in NATO COEs is threefold and consists of appointing Subject Matter Experts (SME) for the different positions, assigning required funds and designating a National Representative within the Steering Committee (SC), the Centre's governing and decision-making board. The Framework Nation designates the Director who, authorized by the Steering Committee, provides the strategic vision, executive guidance and oversight; the FN is also responsible for administrative, logistic and security aspects, mostly within the Centre's directorate and covers the related costs.

The branches develop concepts, draft and review doctrine, provide education and training (E&T) products such as curricula and courses, and operate the lessons learned (LL) cycle. COEs are not part of the NATO command structure or NATO force structure, and their program of work (POW) is approved annually by the SC in response to requests for support (RFS). The required funding is covered by the participating nations as cost-sharing in relation to the number of covered positions. To pursue their goals COEs interact with national and international, military and civilian bodies and institutions, industry and academia.

The NATO SP COE establishment team started operating in March 2013 and the

first SC meeting was held on 14-15 May 2015. In 2018 the quality assurance accreditation was granted by HQ SACT⁷.

NATO Stability Policing

Stability Policing is a concept, developed in 1997 by the Italian Carabinieri and operationalized in 1998 with the deployment of the first multinational specialized unit (MSU) within the NATO stabilization force (SFOR) in Bosnia and Herzegovina, followed by further deployments to Kosovo, Albania and Iraq⁸.

This idea preceded the *“Report of the Panel on United Nations Peace Operations”*, the so-called “Brahimi report”⁹ of 2000, which concluded that *“to save succeeding generations from the scourge of war.” ... “is the most important function of the Organization. Over the last decade, the United Nations has repeatedly failed to meet the challenge”* and formulated *“recommendations focus not only on politics and strategy but also and perhaps even more so on operational and organizational areas of need.”* Recommendations included *“preventive action”... “robust doctrine and realistic mandates”... “on-call list” of about 100 experienced, well qualified military officers” ... “on-call lists of civilian police”... “Member States to establish enhanced national “pools” of police officers and related experts, earmarked for deployment to United Nations peace operations, to help meet the high demand for civilian police and related criminal justice/rule of law expertise”.*

The Doctrinal Framework for SP

It still took NATO 18 years from the deployment of the first MSU and the clear indications of doctrinal requirements and shortfalls within the UN in peacekeeping to achieve the promulgation of an operational-level publication dedicated to SP, notably the *“Allied Joint Doctrine for Stability Policing”* AJP-3.22.¹⁰

An SP Concept has been proposed to the NATO International Military Staff (IMS) aiming at the development of a dedicated capability for the Alliance, a necessary initiative to integrate SP within the NATO conceptual architecture and NATO Defense Planning Process. Stability Policing is defined in this document as *“Police related activities intended to reinforce or temporarily replace the indigenous*



A tactical CIMIC team inspects a local market on the suspicion of illegal trade in cultural artefacts during the military exercise Command Ground 2022.

© Civilian and Military Interaction Command, Royal Netherlands Army

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." The two clearly identified missions of SP are the reinforcement of the indigenous police forces (IPF), should these be incapable of answering the policing needs of the populace, and the temporary replacement, when the IPF are inexistent or unwilling to perform their functions. In accordance with Military Committee Memorandum (MCM) 362/1, *"civilian law enforcement is not a NATO function." ... "The situation may arise, however, where NATO or NATO-led forces, when specifically authorised by the NAC (and agreed with the Host Nation when appropriate), may become involved in support to or the conduct of civilian law enforcement functions."* This statement explains that the Alliance as a politico-military organization does not aim at performing policing activities. Nonetheless, it realizes that circumstances such as the inability for other actors including International Organizations (UN, EU, AU etc.) to intervene promptly might require NATO to shoulder this burden until a (military or civilian) follow on force (FOF), or the host nation (HN) itself can take over. The main objective of SP is bridging the police-related component of the security gap aiming at re-establishing the so-called safe and secure environment (SASE)¹¹. This "policing gap" is the capability/capacity void between the police-related needs of the civilian population in the crisis area on one side and on the other side the inadequacy of the indigenous police forces (IPF), if present, other relevant actors and the "traditional" NATO military instrument of power, to address these challenges properly. SP is not a new concept and NATO nations have been engaged in police stability activities for over two decades under different names. It is not solely a military matter but part of a comprehensive approach to crisis management and is not exclusive to NATO. In fact, it is shared under different names with other international organizations (UN, EU, AU, etc.). SP contributes to all the three NATO core tasks of collective defence, crisis management and cooperative security. It can be conducted throughout the full spectrum of conflict and crisis in all operations themes (from peacetime military engagement to warfighting), before, during and after (armed) conflicts and manmade and natural crises. Although it is "land-heavy", SP applies to all domains. SP can create new avenues of approach to address traditional and emerg-

ing military problems with different, policing means normally precluded to the military instrument. In fact combat and lethal/kinetic tools and procedures are supported, where appropriate, by policing, non-kinetic and non-/less than lethal ones. This “*Legal targeting*”² creates effects on the adversary by enforcing international and applicable HN law including through arresting (war-/organized/transnational) criminals, terrorists and insurgents, seizing and confiscating their means, equipment, infrastructure and funds and disrupting their networks. In this sense, SP expands the reach of the Alliance operating in the remit of police, hitherto neglected by NATO. Dedicated SP lines of operation (LOO) or SP elements within established LOOs, can concur to deter, identify, locate, target and engage adversaries or spoilers and create effects aiming at reaching Decisive Conditions

Allied Joint Doctrine for Stability Policing AJP-3.22

(DC) and helping attain objectives of the Allied military campaign at tactical, operational and strategic levels. The added benefits of this approach lie, among others, in promoting the reduction in the use of force and decreasing collateral damage as well as responding to the security needs of the population. This in turn will contribute to the improvement of the acceptance and legitimacy of the Alliance, within stakeholders from the local to the international level including NATO nations, enhancing mission sustainability.

New Threats – new solutions

Conflicts and crises present the “traditional” war-fighter with increasingly complex challenges including asymmetric and urban warfare, hybrid threat, lawfare¹³, war-crime overlap, use of ambiguity, unconventional means, covert activities by state and non-state actors, strategic communication (StratCom – media, Information, PsyOps, battle of the narratives etc.), and cyber threats, which cannot be effectively addressed solely by combat means. This evolution of the (military) problem requires tailored responses, one of which is represented by SP, which generates two major implications for the Alliance; the transformation of the military instrument (the force) in order to acquire new capabilities, such as SP to face these threats on one hand and on the other enhancing the role of the Alliance



*Brussels, February 2023
NSPCOE's Director, Colonel Giuseppe De Magistris and CWO Stefano Bergonzini
having a speech during the conference on
"Cultural Property Protection and NATO: Experiences, Practices and Trends"*



within a comprehensive Approach (CA) by taking advantage of the existing expertise, experience and networks in the field of policing.

Since the Alliance will be called to operate among civilians, the established expertise of policing among civilians is clearly advantageous and would encompass less focus on the conventional defeat of the enemy in favour of the integration of more fitting, hence preferable non-combat-oriented approaches.

The SP Actors

An important, not yet codified, but universally accepted principle concerning the SP actors stipulates “All can contribute to SP, but not everyone can do everything”. SP focuses on the HN populace and the IPF (regardless of their civilian or military status); hence gendarmerie-type forces (GTF)¹⁴ are the best suited to perform it, since they possess the necessary police expertise, the civilian-policing experience and the required civilian-oriented mind-set. They have been historically and are currently operating in urban environments and among civilian populations in their nations. Their dual nature deriving from the military structure and the focus on the policing of civilians endows them with a unique flexibility in operating within a military force but at the same time, to address the necessities of the civilian population properly. Actors that can validly contribute to SP are the military police¹⁵, beyond its traditional role of “policing and enabling the force”, other military forces, if trained and equipped, as well as civilian and private entities including contractors when practicable.

Why does CPP matter?

There are a number of reasons testifying to the importance of CP and its protection and, although an exhaustive listing lies outside the scope of this paper, among the fundamental ones the following cannot be omitted due to their impact on military campaigns.

CPP is a legal obligation under the law of armed conflict (LOAC) and not protecting CP can result in legal consequences including as war¹⁶ and common crimes, the destruction of cultural heritage funds terrorism¹⁷, CPP influences force protection (FP)¹⁸, and situational awareness(SA)¹⁹. CPP impacts the battle of the narrative

positively if it is conducted well²⁰ or negatively if not or badly performed.²¹ It should be part of the military decision making (MDM) process, contribute to Education, Training, Exercise and Evaluation (ETEE) also in relation to HN and IPF capacity building and would likely improve results in the remit of interoperability if duly considered.

The Threats to CP

There are three broad categories of threats that affect CP, namely force majeure such as earthquakes, tsunamis, volcanic eruptions and floods, which have an indirect impact on policing activities, mostly focused on post-event requirements.

Natural processes and effects such as the influence of light and humidity, parasites, aging, physical, chemical and organic changes to the components, have a marginal influence on policing, notably in relation to due diligence, and finally anthropogenic ones, which

have a direct, often severe impact on policing. The latter include (war-/organized/transnational) criminal ac-

Promoting the reduction in the use of force and decreasing collateral damage as well as responding to the security needs of the population

tivities, terrorism, insurgency, vandalism, theft, robbery, forgery and counterfeiting, looting, illegal excavating, smuggling and fencing as well as logical threats such as cyber-terrorist and cyber-criminal attacks such as ransomware.²²

NATO SP within CPP

The author repeatedly experienced CPP as being perceived within NATO as a burden, sometimes leading to a rather passive, reactive-only attitude. The knowledge about the significance of CPP was often vague and frequently only focused on the

The knowledge about the significance of CPP was often vague and frequently only focused on the LOAC aspect

LOAC aspect (sometimes referred to simplistically as a “LEGAD²³ issue”). At times the nexus between CPP and lo-

gistic considerations (building infrastructures and military installations), the environment²⁴ and, more frequently with no-strike lists (NSL) was highlighted proper-

ly. Only in few occasions outside CPP-focused gatherings were populace-centric aspects, heritage and cultural identity as well as HN development mentioned in the discourse; the possible policing role for NATO forces in CPP was a rare consideration.

Nonetheless, SP has relevant contributions to military campaigns also within the protection of cultural property, through its reinforcement²⁵ activities, i.e. building police capabilities and capacity where they are lacking and/or the temporary substitution of the Host Nation (HN) Police Force (HNPF).²⁶ The current annex A in AJP-3.22 does not specifically list CPP as a SP task, however many listed tasks include and impact on CPP such as criminal investigations and police intelligence, searches and seizures, critical site security and biometrics, crime scene management and forensics. SP within CPP encompasses, among others, recognizing cultural property in the local context and contributing to geo-/locating it, feeding no-strike lists (NSL) and allowing to develop priorities in *safeguarding and respecting*²⁷ items, sites, people (e.g. artefacts and relics, museums, monuments, and ruins, archaeological digs, digital archives, collection curators and directors of museums). Furthermore, SP identifies, collects and analyses police and crime-related information regarding CP, its threats and the related actors, to feed the intelligence cycle. By producing law enforcement intelligence (LEINT)²⁸, SP improves the, understanding of the operational environment (OE) and generally the force situational awareness (SA) also focusing on CP.

Through the determination of the *modus operandi* (MO) and the identification of CP sources and origins, trafficking and smuggling ends, ways, means and routes, SP seeks to identify, locate and arrest perpetrators for their prosecution by HN, international or hybrid²⁹ courts. Identifying, collecting, preserving and analyzing crime scenes and their evidence and by ensuring the chain of custody, SP can supply the forensic corroboration for the judiciary to make informed decisions. By recovering cultural property for its restitution, SP advances the perception of the Allied Force in the battle of the narratives, favourably influencing audiences ranging from the local populace, to NATO nations' and the international environment. In our globalised and connected world, this contribution to the Strategic Communications (StratCom)³⁰ effort aims at eroding consent for NATO's oppo-

nents. At the same time, it seeks to foster acceptance, the benevolence and the active support of the HN and its population, which are conducive to improved Force Protection (FP). SP can detect and intercept flows of CP-related illegal revenue to seize, confiscate and redirect these resources to the HN and its populace, with economic and development benefits, which transcend the sheer economic value of the items. Investigating these money trails does not only deprive irregular actors of a source of funding, but allows penetrating their networks, singling out prime movers and leaders for legal targeting. Attacks on CP, due to its pivotal significance for the collective memory and community identity, may be good indicators for the security situation or the instability, since they frequently precede genocide, ethnic cleansing and a plethora of crimes of violence. Fielding SP assets and operators specialized in CPP such as the members of the Carabinieri Headquarters for the Protection of Cultural Heritage (TPC)³¹ offers several contributions in the prevention, deterrence and fight against these criminal activities. It can de facto provide competent enforcement of applicable international and HN legislation, facilitate the liaison with and provide advisors to relevant authorities, public and private actors as well as within the allied force. To trigger or improve the ability of the IPF in addressing CP-related policing needs of the populace and HN it is essential to assess their existing capabilities and capacity (DOTLMPFI-I)³², extant threats and challenges. Then the gaps can be determined to subsequently devise ways to fill them by establishing planning, resourcing and enforcement priorities. In fact, in their non-executive policing role, the aforementioned SP CPP specialists contribute with their expertise to the reinforcement of the IPF and in part of the HN Judiciary and governance actors with activities including monitoring, mentoring, advising and training as well as partnering with and reforming.³³

The principle of local ownership should be applied whenever practicable

The principle of local ownership should be applied whenever practicable; this means leaving the IPF and HN acting as primary responsible, support them if and where necessary and only when not otherwise practicable, replacing them for the shortest time possible. An easy example could be represented by NATO SP guarding a museum, while the training of a (dedicated) IPF asset is on-



Brussels, February 2023

Participants at the Conference on “Cultural Property Protection and NATO: experiences, practices and trends”



going. This would be followed by an advising phase, in which the SP operators would counsel local personnel, who in the end take over the task altogether. Developing capable, accountable, legitimate, efficient and effective IPF and, where required, the whole Justice Sector (including judicial and corrections institutions), is essential to answer the justice needs of the HN. It is key that the population they are to serve, if they have to stand a chance at achieving long-term sustainability, accept them. This in turn is facilitated by improving their skills, capabilities and performance but most importantly, their attitude and behavior, especially about corruption and human rights abuse. The extant adaptation-inspired approach relegates SP to the remit of stability activities. A more innovative, possibly audacious perspective, also considering the ongoing reviewing process of the Allied Joint and Tactical Publications of the 3.2 series could instead envision SP performing stability operations. This would expand the SP remit to include the performance of offensive, defensive and enabling³⁴ activities to achieve effects on criminals, insurgents and terrorists. Their willful participation in an overarching warfighting or hybrid warfare strategy, possibly as proxy forces for a third (state) party, may indeed imply a change in status to that of enemies. As a result, their being subject to legal targeting in the context of offensive³⁵ or affirmative lawfare³⁶, would mean that SP *"fights the enemy with other means"*, addressing the war-crime overlap and complementing the "traditional" war-fighting instrument.

Conclusions

The evolution of the (military) problem requires NATO to integrate tailored responses to a plethora of diversified threats in a comprehensive approach; the Alliance cannot afford to play down the relevant role of Stability Policing also in protecting cultural property. SP is a military tool that contributes with policing activities to reaching the objectives of the military campaign. Since it concurs to de-escalate the use of force, hence reducing collateral damage, SP influences local, national and international audiences favorably, therefore contributing to winning the StratCom battle of narratives. SP engages adversarial stakeholders including criminals, insurgents and terrorists threatening and endangering cultural property. Through legal targeting, SP disrupts their networks and associated flows of illicit

revenues.



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1. PO(2016)0477 NATO Policy for the Protection of Civilians endorsed at the Warsaw Summit dated 10 June 2016.
 2. PO(2017)0055 Action Plan for the Implementation of the NATO Policy for the Protection of Civilians dated 06 February 2017.
 3. PO(2018)0227-AS1, Military Committee Concept for the Protection of Civilians, dated 21 June 2018.
 4. Bi-SCD 086-005 Implementing Cultural Property Protection in NATO Operations and Missions, dated 01 April 2019
 5. UNSCR 2347 dated 24 March 2017, although not specifically mentioned in the BiSC, is of fundamental importance, being the first UNSCR exclusively focused on CPP.
 6. https://www.nato.int/cps/ua/natohq/topics_84268.htm
 7. <http://www.nspcoe.org/about-us/history/nato-sp-coe>

8. The MSU in Iraq was not a NATO mission.

9. <https://undocs.org/A/55/305>

10. AJP-3.22 was promulgated on the 14th of July 2016 and is currently under review. One of the suggested improvements is to specifically mention Cultural Property Protection as task for SP.

11. Safe and Secure Environment (SASE) *"In a SASE, the population has the freedom to pursue daily activities without fear of persistent or large-scale violence. Such an environment is characterized by a local norm of public order¹¹, physical security, territorial security, a state monopoly on violence and protection of civilians. A SASE allows other S&R activities to proceed."* Not a NATO Agreed term, the suggested text is derived from the *"Allied Joint Doctrine for the Military Contribution to Stabilization and Reconstruction"* (AJP-3.4.5).

12. *"Legal targeting, enforce international and applicable HN law to create effect on the adversary"* is not a NATO Agreed term, but a definition suggested by the author

13. *"Lawfare"* can be defined as *"using the law as weapon/to conduct warfare"*. Adapted from Andrés B. Muñoz Mosquera and Sascha Dov Bachmann, Understanding Lawfare in a Hybrid Warfare Context, NATO Legal Gazette, Issue 37, October 2016.

14. NATO agreed term: An armed force established for enforcing the laws and that, on its national territory, permanently and primarily conducts its activities for the benefit of the civilian population. NATO Agreed

15. *"Military Police, designated military forces with the responsibility and authorization for the enforcement of the law and maintaining order, as well as the provision of operational assistance through assigned doctrinal functions."* is a NATO Agreed term.

16. Ahmad Al Faqi al Mahdi judgement and sentence: <https://www.icc-cpi.int/Pages/record.aspx?docNo=ICC-01/12-01/15-171> and Pavle Strugar: <https://trialinternational.org/latest-post/pavle-strugar/>.

17. CTC Sentinel Feb.15 Digging In and Trafficking Out: How the Destruction of Cultural Heritage Funds Terrorism, by Brig.Gen.(Ret.) Russell Howard, Marc.Elliott, and Jonathan Prohov.

18. Dr. Laurie W. Rush, 160805 presentation DUK Summer Uni *"CPP as a force multiplier: implementation for all phases of a military operation"*.

19. Developments in Cultural Property Protection (CPP) Dr. Laurie W. Rush US Army Fort Drum, NY, DUK Summer Uni.

20. CBSNEWS, 04 November 2011, *"Expert:NATO raids spared Lybian antiquities"* Hamed Walda, http://www.cultureindevelopment.nl/index.php?id=125&sub_id=1384

21. *"US Reportedly Damaged Ancient Babylon; Museum Claims Military Caused Substantial Damage,"* MSNBC News, accessed 3 May 2018, <http://www.msnbc.msn.com/id/6829036/> (site unavailable).

22. *"Ransomware" from "ransom and software", " a form of malicious software, that locks and encrypts a victim's computer or device data, to demand a ransom to restore access."*, adapted from <https://us.norton.com/internetsecurity-malware-ransomware-5-dos-and-donts.html>, also Stefano Allegrezza Università degli Studi di Bologna (Campus di Ravenna) La salvaguardia degli archivi digitali: criticità e soluzioni CIVILPROTECT 2018 Bolzano, 24 marzo 2018.

23. *"LEGAD, legal advisor"* NATO Agreed.

24. The *"AJEPP-2 Environmental Protection Best Practices and Standards for Military Camps in NATO Operations"*, featuring only an Annex I *"Cultural Property Protection"* is to date the most comprehensive, although somehow superficial doctrinal publication about CPP in NATO.

25. For this paper the terms *"reinforcing"* and *"building police capabilities and capacity"* and conversely *"substitution"* and *"replacing"* are understood as having the same meaning.

26. For this paper, the terms *"Indigenous Police Forces (IPF)"* and *"Host Nation Police Forces (HNPF)"* are understood as having the same meaning.

27. Articles 2-4 of the The Hague Convention of 1954 define CPP as *"safeguarding and respecting"*.

28. *"LEINT Law Enforcement Intelligence, further than police intelligence, LEINT is related to the wider conceptual remit of law enforcement"* not a NATO Agreed term.

29. In the (partial) absence of HN courts, the International community might step in as replacement.

30. *"Strategic Communications is the coordinated and appropriate use of NATO communications activities and capabilities in support of Alliance policies, operations and activities, and in order to advance NATO's aims. These activities and capabilities are Public Diplomacy, Public Affairs, Military Public Affairs, Information Operations and Psychological Operations."* NATO Agreed term. Note of the author: PsyOps are significantly different from the other elements of StratCom and consideration should be given to properly highlight this.

31. <http://www.carabinieri.it/multilingua/en/the-carabinieri-tpc>.

32. DOTMPLFI-I Doctrine, Organisation, Training, Materiel, Personnel, Leadership, Facilities, Interoperability Information.

33. The extant "Monitoring, Mentoring, Advising, Reforming, Training and Partnering (MMARTP)" construct for SP reinforcement activities is currently under discussion within the WT for drafting the ATP-103 and the adoption of the Security Force Assistance (SFA) framework "Generate, Organize, Train, Enable, Advise, Mentor (GOTEAM)" is being proposed, also aiming at harmonization and coherence.

34. The NATO Agreed term for "enabling" is not applicable, in the COED *"enable, give (someone) the possibility or means to do something"*. In a simplified approach, SP enables the HN and IPF; they should not be considered as "enabling forces" of the Allied force, such as the MP.

35. *"Offensive Lawfare"* term by the author in doctrine comments, private notes.

36. See footnote and Andrés B. Muñoz Mosquera and Sascha Dov Bachmann, Understanding Lawfare in a Hybrid Warfare Context, NATO Legal Gazette, Issue 37, October 2016.

IS THERE A ROLE FOR NATO STABILITY POLICING IN ENVIRONMENTAL PROTECTION?

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What is Environmental Protection (EP)?

The Concise Oxford English Dictionary¹ defines “*the environment*” as “*the natural world, especially as affected by human activity*”, identifying the fundamental relation linking deeds by humankind with their effects on nature. Human beings as individuals or members of a group may endanger and attack the environment, but they may also play a positive role resulting in the prevention, mitigation and the proactive contrasting of threats, violations, as well as damages and destruction. Two fundamental aspects can therefore be considered in EP, namely the compliance, when abiding to rules and norms, and its contrary (i.e. the non-compliance), when violations, transgressions and crimes are committed. The latter perspective encompasses law enforcement and therefore it is also a NATO Stability Policing's concern, both when reinforcing and/or temporary replacing indigenous police forces (IPF).

Environmental Protection Global Players

The United Nation Environmental Programme (UNEP)² is the most significant global initiative encompassing the United Nations Environment Assembly and Governing Council, the world's highest-level decision-making body on the environment scene³. Seven broad thematic areas include climate change, disasters and conflicts, ecosystem management, environmental governance, chemicals and waste, resource efficiency, and environment under review; all topics abide to an overarching sustainability.⁴ UNEP also hosts the secretariats of many critical multilateral environmental agreements and research bodies, bringing together nations and the environmental community to tackle some of the greatest challenges of our time.⁵

Other active International Organizations (IOs) include the European Union (EU), INTERPOL and NATO. The EU has a significant body of EP initiatives, including Article 3 of the Treaty on the European Union⁶ and Articles 11 and 191–193 of the Treaty on the Functioning of the European Union.⁷ Within the EU, key environment topics are related to actions.⁸

The EU has a range of laws to improve environmental standards for Europeans

and protect their quality of life and it ensures that national governments correctly implement these environmental laws.⁹ Another global player in EP is the International Criminal Police Organization (INTERPOL), which dedicates one of its remits exclusively to combating environmental crimes.¹⁰ Its website proclaims that borders do not restrict environmental crimes, which indeed range from ivory trafficking and overfishing of protected species, to illegal logging and the dumping of hazardous waste. Smuggling wildlife often follows routes used to trafficking weapons, cultural property, drugs and people, while environmental crime often occurs hand in hand with other offences. Unlike other illegally traded goods, natural resources are finite and cannot be replenished in a lab, hence there is a sense of urgency to combat environmental crime.¹¹

EU ENVIRONMENT TOPICS AND ACTIONS

Air to improve air quality and reduce air pollution.

Chemicals to ensure chemicals are safe, for health and the environment.

Circular economy transition to a circular economy with a focus on green growth.

Industry to make industry more sustainable and reduce industrial emissions.

Marine and coastal environment to protect Europe's coasts, seas and oceans.

Nature and biodiversity on environmental conservation and protection.

Noise to reduce environmental noise pollution.

Plastics on plastic production and pollution to contribute to a circular economy.

Soil and land for the sustainable use of soil and land.

Sustainable development commitment in Europe and worldwide.

Urban environment to promote the sustainability of European cities.

Waste and recycling on waste management, treatment and recycling.

Water on water issues, to protect water.

Environmental Protection within NATO

The protection of the environment is primarily a responsibility of Nations, often enshrined in their constitution¹², due to their function as overarching entity endowed with rights and duties combining politics, population and territory. NATO, as a political and military organization was established¹³ to defend its signatories and recognizes that climate change has a demonstrable impact on Allied security and shapes the security conditions under which NATO and its adversaries operate. In 2014, NATO adopted the Green Defence framework, which aspires to reduce the environmental footprint of its military operations and improve NATO's resilience by investing in green technologies that reduce fuel consumption, energy dependencies, mission footprints and long, vulnerable supply lines.¹⁴ In this regard, NATO defines environment as "The surroundings in which an organization operates, including air, water, land, natural resources, flora, fauna, humans, and their interrelations."¹⁵ Neither the Washington Treaty¹⁶ establishing the Alliance, nor the NATO Status of Forces Agreement (SOFA¹⁷ or the Paris Protocol¹⁸ mention EP. But the Wales Summit Declaration mentions "*Key environmental and resource constraints, including health risks, climate change, water scarcity, and increasing energy needs will further shape the future security environment in areas of concern to NATO and have the potential to significantly affect NATO planning and operations.*"¹⁹ Moreover, NATO acknowledges the need to step up many environmental challenges and climate change. In particular, the Alliance is working to reduce the environmental effects of military activities and to respond to security challenges emanating from the environment.²⁰

NATO's current activities related to the natural environment include protecting the environment from damaging effects of military operations but also promoting environmentally friendly management practices in training areas and during operations as well as adapting military assets to a hostile physical environment. It encompasses preparing for and responding to natural and man-made disasters, addressing the impact of climate change, educating military officers on all aspects of environmental challenges as well as supporting partner countries in building local capabilities, enhancing energy efficiency and fossil fuel indepen-



*Nature Protection Service
Spanish Guardia Civil Unit (SEPRONA)*



NATO's current activities related to the natural environment include protecting the environment from damaging effects of military operations but also promoting environmentally friendly management practices

dence and finally building environmentally friendly infrastructures. All these activities fall under two broad categories, namely **Environmental protection**, consisting in protecting the physical and natu-

ral environment from the harmful and detrimental impact of military activities on one side, and **Environmental security**, which addresses security challenges emanating from the physical and natural environment, on the other.²¹ Furthermore, the Military Committee established NATO's military EP principles and policies in support of all NATO-led military activities.²² In particular, it defined the responsibilities of NATO Commanders, Commanders of units from all participating NATO Nations and non-NATO Troop Contributing Nations, for EP during the preparation for and execution of military activities.²³ In operations, the conundrum between operational imperatives and EP principles will result in the primacy of the former²⁴, while in exercises EP policies normally prevail.

EP standards may vary during missions and require an Environmental Management System.²⁵ The minimum EP standard is to hand back areas used by NATO in no worse environmental condition than they were received.²⁶ Further Allied EP publications cover EP best practices and standards for military camps in NATO operations²⁷, EP during NATO-led military activities²⁸, NATO environmental file during NATO-led activities²⁹, environmental sampling protocols³⁰ and best environmental protection practices for sustainability of military training areas.³¹ These land-oriented NATO standards are mirrored by Allied Maritime Environmental Protection Publication (AMEPP from 1 to 9). NATO commanders and their staff should rely upon their LEGAD and environmental specialists to know the applicable environment protection laws and standards, to understand environmental issues, and recommend appropriate solutions. In order to implement EP properly, it should be incorporated in the commander's policy and guidance, planning and the actual conduct of an exercise of NA5CRO.³² Disregarding EP may lead to unnecessary environmental damage that might impact civilian populations, create

bad publicity (i.e. jeopardize the Alliance's battle of narrative) and lead to loss of public support of the mission.³³ NATO Secretary General Stoltenberg on the 17th of September of 2020 participated in a NATO seminar on security and the environment jointly organized by the delegations of Italy and the United Kingdom linking climate change and the security environment, NATO planning and operations. NATO Allies agree on the need to adapt to future threats and challenges over the next decade and beyond, issues that are part of the Secretary General's NATO 2030 reflection process. Climate change is already addressed by the Alliance in its 2010 strategic concept, which highlights it as one of the factors that will "shape the future security environment in areas of concern to NATO and have the potential to significantly affect NATO planning and operations".³⁴ Moreover, during his address at the Human Security conference held on 25 February 2020, he stated that NATO will continually update its standards to better recognise the full range of threats and risks to populations, words that might equally be directed to dangers derived from or impacting on the environment as these directly influence populations.³⁵

What is NATO Stability Policing?

Stability Policing (SP) is a concept developed within NATO³⁶, but applied also by other International Organizations³⁷, responding to the policing-related needs of a Host Nation's population, if no other HN or external actor (IPF, IO etc.) is present or can intervene timely and/or effectively³⁸. Overcoming a combat-only approach to crisis response, SP expands the reach of the military instrument into the policing remit.³⁹ Thereby it contributes in a comprehensive approach to win the war while aiming at building peace.

The "*Allied Joint Doctrine for Stability Policing*"⁴⁰ 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*" and envisions two missions. The **reinforcement**⁴¹ of the IPF, consists in intervening on their capabilities⁴² and capacity⁴³ to raise overall performance. 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.

A substitution⁴⁴ mission is likely to co-exist with a Police Capacity Building (PCB) one, to allow a disengagement of forces external to the HN. Executive SP missions require a North Atlantic Council (NAC) decision⁴⁵ endowing SP assets with an executive policing mandate.⁴⁶ In such a case, SP elements enforce international and applicable HN law to create effects on the adversary, conducting the so-called “*legal targeting*”. This may include the investigation or detention/arrest of irregular actors⁴⁷ such as war, organized and transnational criminals, terrorists and insurgents. It could consist in limiting their mobility and restricting their freedom of action, seizing their assets and financial means⁴⁸ as well as dismantling their networks and structures.

SP can be performed in all three NATO core tasks (collective defence, crisis management and cooperative security), within all operations themes (from peacetime military engagement to warfighting) and before, during as well as after (armed) conflicts and manmade or natural disasters. It is normally encompassed within NATO stability operations and consists of the performance of stability, enabling, defensive and offensive activities in the remit of policing.

Since irregular actors operate on land, sea and in the air, in cyberspace as well as in the information environment, SP does likewise, but it is generally “*land - heavy*”.

A key, if not formalised, SP principle proclaims, “Everybody *can contribute to SP, but not everyone can do everything*”.⁴⁹ This allows the Alliance to select the best suiting participants and to draw from a multitude of force providers from Allied Nations. SP actors include Gendarmerie-type forces, which are the first choice⁵⁰, the Military Police and other military forces; under a comprehensive approach, also non-military actors including police forces with civilian status, IOs, NGOs, and contractors.⁵¹ Any trained and equipped unit or asset can conduct basic SP activities and tasks, while higher-level standards must be applied when considerable policing expertise and experience are required, e.g. for investigating international crimes and terrorism or advising the senior HN leadership. Policing is very different from soldiering, but urban challenges may progressively



Romanian Mountain Gendarmerie



Italian Carabinieri for the Protection of the Environment in Djibouti during "MIADIT 10" mission visiting schools for environmental protection sensibilisation campaigns



blur police and military responsibilities; in fact, military operations in densely populated areas will require military personnel to have policing-like skills.⁵² NATO Stability Policing contribution to Environmental Protection The SP contribution to EP may

Policing is very different from soldiering, but urban challenges may progressively blur police and military responsibilities

consist in both the IPF reinforcement and/or temporary replacement in the specific remit. SP aspects concerning EP may contribute to an overall re-establishment of the Rule of Law (ROL)⁵³, support a frail Justice Sector (Police, Judiciary and Corrections) and improve the HN governance by following a number of Lines of Operation.⁵⁴ All executive law enforcement endeavours can and should be mirrored by suitable and HN-tailored capability/capacity building initiatives within the HN. Experience showed that planning, preparing, resourcing and executing PCB should as much as practicable respond and abide to HN requirements and culture. Co-designing is likely to yield positive results by wedding the HN local knowledge and understanding with outside expertise and innovative solutions.

There is a host of evidence⁵⁵ linking crimes against the environment to organized criminal groups. Also other irregular actors in fragile states may take advantage from the HN government's reduced law enforcement action, capabilities and capacity, not only to expand their illegal activities, but also to spoil any stabilization, peace or development process. As such all these actors become adversaries for Stability Policing, which, when deployed, seeks to support stability before, during and after crises or conflicts, to foster peace and contribute to creating the conditions for social, cultural and economic improvements. This may take two avenues of approach, in accordance with the SP missions, namely replacing and reinforcing the IPF.

In performing executive law enforcement in the field of EP, SP tasks may fall within five activities. Within these broad remits, specific tasks are accomplished in support of EP. In fact, SP assets, may patrol seeking to gather information about sites generating, stocking and treating waste, with a particular attention to hazardous or toxic materials. Surveillance of these locations might help develo-

ping an understanding of the modii operandi of criminal individuals, organized groups and networks. The analysis of such law enforcement information generates law enforcement intelligence that can be used by the whole Allied force to acquire a better situational awareness and to improve its common operating picture. If significant criminal activity is suspected, an intelligence-led policing approach can determine where and how to act best. Placing a cordon might in fact ensure the critical site security for a water purification plant or protect people from coming in contact with pollutants, toxic substances or radiations; it might also allow to conduct a search to seize evidence. If the presence of contaminants or poisons is documented, a crime scene investigation is conducted to determine the level of hazard for the surrounding populace. Immediate dangers might determine an evacuation, an escort to a safer area and in general operate a control of movement of populations, refugees, and IDPs to keep them safe.

SP assets furthermore collect and ensure the custody of evidence, while forensic activities at the spot or at a deployed laboratory can reveal further information about the culprits. Biometrics can help uncloaking them from anonymity and lead to their detention/arrest also in support of war-crime tribunals and international courts. Trafficking waste, including toxic and radioactive, within countries but also across one or more national and even continental borders, can be validly contrasted by SP only through effective criminal investigations. Following and tracking the goods allows to identify the source, transit and destination areas or countries, but also means, ways and operating methods. Analysing the resulting illicit monetary flows generates information about white-collar actors, corruption, money-laundering and other related financial crimes. It furthermore allows to seize this sources of illegal revenue, depriving criminal organizations of these resources, which in turn is conducive to their dismantling. Should criminals pose a severe threat, high risk arrests can be executed by robust, specialised SP assets. If irregular actors such as terrorists or insurgents utilise improvised explosive devices in combination with biological, chemical or radiological agents, SP can support weapons intelligence teams with their technical expertise and authority as law enforcement operators. Conducting interviews, questioning, interrogation and recording voluntary statements, SP can collect and document grievances and testimo-

nies. During traffic policing and implementing SP checkpoints, SP operators can control people and goods also to ascertain if and how dangerous materials, waste and pollutants are moved and by whom. By controlling public establishments, SP assets verify their safety and abidance to environmental parameters or may detect and tackle administrative violations.

In a non- executive mission. SP performs 7 activities.

In practise, monitoring might imply SP assets inspecting an IPF compound to verify their abiding to established emission levels (noise in a shooting range), observe the actions of IPF personnel within a training unit to acquire an understanding of their waste management or conducting a survey among EP inspectors to measure their professional background. In an interview, questions about EP policies may establish the current status of HN organizations, while audits may help identifying financial and budgeting perspectives also in relation to EP. Analysis and writing a report result in elaborating and transmitting data for further action. In generating forces, budgeting aspects should include the reduction of waste, recruiting could include EP specialists and experts and the selection of candidates might enhance environmentally sound individuals over EP-indifferent ones. The vetting process should include background checks for violations and crimes against the environment. In organizing, SP personnel might include EP subject matters in the analysis of training requirements and training needs, while designing and developing formation offers should include a general awareness about EP for all personnel and specific products for EP specialist and EP investigators. In the implementation and evaluation of trainings, EP-specific matters and courses need to be included in theory and practice, at individual and collective level, including in exercises. Enabling the IPF and HN might include developing EP policies, doctrines as well as tactics, techniques and procedures, provide specific services such as internship programmes or personnel exchange, build, rebuild and maintain facilities and infrastructure abiding to EP norms and principles, but also EP-specific ones, such as including recycling areas. Managing equipment and material delivery and maintenance should foster minimizing the production

of waste and maximise the collection, reprocessing and reuse of resources. Sharing information about EP threats supports creating awareness, helps preventing wrong actions by HN personnel, but also protects them and the environment from hazards and dangers. Advising encompasses informing about EP best practises, but also recommending proper courses of actions and liaising to ensure a correct flow of information. Mentoring could mean coaching a police station commander to become more EP sensitive, but also guide his superior in presenting the topic correctly to his subordinates enforcing corrective measures for transgressions but also rewarding useful initiatives and actions. Developing an investigator's skill in updating his professional knowledge in air or water sampling but also influencing his attitudes and views may foster self-improvement and enhance professional abilities. In certain cases, supporting IPF operators or governance personnel through funding, transportation or secure communication can mean the difference between their success or failure.

NATO Stability Policing Environmental Protection Teams

Specialized SP EP teams (SPEPT) can be deployed as part of a NATO Stability Policing Unit (SPU), to prevent and investigate the whole range of EP-related violations, transgression and crimes, including war crimes and crimes against humanity. With an extensive background acquired in years of focused EP law enforcement in their own countries and abroad their expertise and qualifications encompass international and national legal instruments and a "culture" of environmental protection. SPEPT members often possess further degrees in environmental and other sciences such as geology, topography, ecology, chemistry, zoology and social or atmospheric science. Trained and equipped to identify, understand, locate (GIS verification) and guarding Natural Heritage sites⁵⁶ or sites of EP significance, they may acquire EP and crime-related information to feed the intelligence cycle about environmental hazards. These specialists can contribute to the prevention, deterrence and investigation of EP-related crimes, terrorist and insurgent attacks, and identify and seize illicit revenue from trafficking waste or toxic materials. They may concurrently participate in EP-related capacity building of IPF and, if mandated, other actors within the HN. Creating an EP awareness is key and

may involve political actors at all levels, members of the HN governance but should also be conducted holistically in civilian and military education and training facilities. Showing children and teaching pupils correct behaviours and involving them in practical activities, including games may have extremely rewarding results. In different bilateral engagements, personnel of the *Comando Carabinieri per la Tutela dell'Ambiente* (Carabinieri Command for the Protection of the Environment)⁵⁷ conducted EP enforcement and capacity building endeavours. Some major successes were registered in Djibouti, where a police capacity building activity trained 12 gendarmes as EP specialists in a newly established unit. At the same time, lessons to local school children resulted in the Minister of Education's interest and appreciation, leading to the introduction of a nation-wide monthly "day of the environment". The Palestinian Authorities also required a similar training action. These activities were widely publicized by social, local and national media⁵⁸, contributing to the further dissemination of the EP message.



Carabinieri for the Protection of the Environment in Palestine in "MIADIT 11" mission



Carabinieri for the Protection of the Environment in Djibouti in "MIADIT 10" mission


Conclusions and Key Takeaways

Current and future conflicts and crises may be caused by threats to and from the environment or affect the latter and require holistic approaches, which cannot disregard the contribution by law enforcement. Stability Policing can be a flexible and adaptable instrument to address capability and capacity gaps of HNs, particularly the IPF, but also the Judiciary and Corrections, as well as other institutions of governance including in the remit of EP. Absence of or inadequacies in law enforcement may therefore be filled by SP reinforcement and/or temporary replacement activities and tasks. These seek to identify, prevent and punish EP violations, transgressions and crimes by irregular actors, including by HN forces and foster a widespread culture of respect for limited natural resources and heritage. The deployment of SP EP specialists may provide the crucial expertise and experience necessary to defy threats and create HN capabilities and capacity improving resilience and contributing to sustainable and peaceful development.

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1. Chief Warrant Officer in the Italian Carabinieri, serving in the Doctrine Branch of the NATO SP COE.
 2. The NATO Terminology Directive PO(2015)0193-AS1 of 16 April 2015 identifies the Concise Oxford English Dictionary (COED) as the official basis for English NATO Terminology
 3. <https://www.unep.org/>
 4. [https://www.unep.org/environmentassembly/about-united-nations-environment-assembly?_ga=2.848 26969.199290943.1614184477-1095729201.1614184477](https://www.unep.org/environmentassembly/about-united-nations-environment-assembly?_ga=2.848%2026969.199290943.1614184477-1095729201.1614184477)
 5. <https://www.unep.org/about-un-environment/why-does-un-environment-matter>
 6. <https://www.unep.org/about-un-environment/why-does-un-environment-matter>
 7. Article 3 ‘high level of protection and improvement of the quality of the environment’
 8. Articles 11 “Environmental protection”, “policies, activities”, “sustainable development” “objectives:” preserving, protecting and improving the quality of the environment”, “combating climate change.”
 9. https://ec.europa.eu/environment/topics_en
 10. [Directive 2005/35/EC on ship-source pollution and on the introduction of penalties for infringements and EU law against environmental crime: EU law against environmental crime: SUMMARY OF: Directive 2008/99/EC – protecting the environment by means of criminal law](#)
 11. <https://www.interpol.int/Crimes/Environmental-crime>
 12. <https://www.interpol.int/Crimes/Environmental-crime/Our-response-to-environmental-crime>
 13. Art. 9 of the Constitution of the Italian Republic states “The Republic promotes the development of culture and of scientific and technical research. It safeguards natural landscape and the historical and artistic heritage of the Nation.”
 14. The North Atlantic Treaty was signed on the 04th of April 1949
 15. NATO United for a New Era, 25 November 2020
 16. NATO Agreed term
 17. https://www.nato.int/cps/en/natolive/official_texts_17120.htm
 18. Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces, signed 19.06.1951, London.
 19. Protocol on the Status of International Military Headquarters set up pursuant to the North Atlantic Treaty, Paris 28 August 1952
 20. https://www.nato.int/cps/en/natohq/official_texts_112964.htm?mode=pressrelease
 21. https://www.nato.int/cps/en/natohq/topics_91048.htm
 22. Adapted from https://www.nato.int/cps/en/natohq/topics_91048.htm.
 23. MC 469/1, NATO Military Principles and Policies for Environmental Protection (EP), 14 October 2011
 24. MC 469/1, paragraph 4

25. NATO Environmental Policy Implemented: on Land, at Sea and in the Air *by Lieutenant Colonel Ben Valk, NATO Legal Gazette, Issue 40, page 46.*
26. See AJEPP-3 Environmental Management System in NATO Operations
27. See AJEPP-3
28. AJEPP-2
29. AJEPP-4
30. AJEPP-6
31. AJEPP-6.1
32. AJEPP-7
33. Non Article 5 crisis response operations, also include peace support operations.
34. NATO Environmental Policy Implemented: on Land, at Sea and in the Air *by Lieutenant Colonel Ben Valk, NATO Legal Gazette, Issue 40, Conclusion page 54*
35. https://www.nato.int/cps/en/natohq/news_178028.htm?selectedLocale=en
36. https://www.nato.int/cps/en/natohq/opinions_181806.htm
37. Derived from the Multinational Specialized Unit (MSU) designed and led by the Italian Carabinieri and deployed to Bosnia in August 1998 within the NATO Stabilization Force (SFOR).
38. EU, AU, UN, use different taxonomy and dedicated ways and means
39. This capability/capacity vacuum is often referred to as “security” or “*policing gap*”.
40. 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*”
41. AJP-3.22 was promulgated in July 2016
42. SP activities: monitoring, mentoring, advising, reforming, training and partnering with (MMARTP); ATP-103 “*Replacement and Reinforcement of Host Nation Police Forces*” being drafted, seeks to adopt the MGOTEAM framework: monitoring generating, organizing, training, enabling, advising, mentoring
43. “*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
44. Capacity, for this paper intended as a capability expressed in quantitative terms.
45. Substitution i.e. replacement.
46. That may follow a UNSCR or an invitation by the HN
47. See UNSCR 1244 Kosovo and UNSCR 1272 East Timor
48. 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
49. See MCM-0053-2019 “*Capstone Concept – Joint Military Operations in Urban Environment*” for further details.
50. “All” may refer to forces, services, assets, Subject Matter Experts (SME) etc

51. AJP-3.21 "Allied Joint Doctrine for Military Police" para 2.6.3
52. AJP-3.22 "*on the basis of the mandate and the environment being permissive*"
53. See MCM-0053-2019 "*Capstone Concept – Joint Military Operations in Urban Environment*" for further details.
54. 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
55. LoO "A path linking decisive conditions to achieve an objective" NATO Agreed Ter
56. <https://www.europol.europa.eu/crime-areas-and-trends/crime-areas/environmental-crime>, <https://www.internationalcriminelawjournal.com/2018/01/01/environmental-crime/>, <https://www.fbi.gov/newsroom/speeches/fbi-environmental-crime>, <http://www.laterradeifuochi.it/eng/index.asp>
57. 1972 UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage
58. The *Carabinieri Nucleo Operativo Ecologico (NOE)* founded in Italy on 01.12.1968 is the first police unit in the world specialized in EP, in 1988 the Spanish Guardia Civil established the *Servicio de Proteccion de la Naturaleza (SEPRONA)*
59. E.g. La Nation, Djibouti, 11.12.2018, page 3 and Il Corriere della Sera, 23.12.2018, page 11



S.T.O.G. : ACTORS AND ACTIONS TO COUNTER HUMAN TRAFFICKING

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Introduction

In one way or another, globalization has had an impact on our lives. The world nowadays is definitely smaller: cheap travel, a very developed transport infrastructure and an unprecedented efficiency of the communication networks, has brought a series of positive developments in the day-to-day life of people world-wide.

The best example of a globalized world is probably the European Union (EU), which, along with its shared values, has created a vast array of rules which commonly apply to all its Member States, covering aspects of our day-to-day life which go, to name but a few, from Agriculture and Rural Development to the Defence industry, Economic and Financial affairs and Competition and so on: there are little or no aspects of European life which are not covered by European policies, fully or in part. The Union has been built on the principles of the free movement of goods, services, labour and capital; of equal rights for all citizens before European law; of equality among the member-states; and of significant financial transfers from richer regions to poorer ones. These pillars of EU integration, enable most EU citizens to live where they like, work where they like and commute freely, effectively carrying on with their lives as if the EU as a whole was their country. Looking at the Schengen area, which currently includes 26 European countries totalling 420 million people, approximately 1.7 million people reside in one country while regularly working in another: this is definitely a "new normal".

Unfortunately, as it often happens, the great benefits and opportunities offered by globalization have also benefited — amongst others - organised crime, which however has an edge: whilst, as I explained above, in many instances the world is small and often borderless, different countries still bare different legislations, juridical cultures, languages and even organisational structures of the competent Law Enforcement (LE) authorities. This in turn has created a "waterbed" effect, by which criminals tend to displace their activities over numerous different countries, exploiting national differences, favourable legislation, and the fact that LE and judicial authorities, often tied down by complex national caveats and different competing priorities, struggle to cooperate in a faster and more efficient way.

The great benefits and opportunities offered by globalization have also benefited — amongst others — organised crime

This represents a serious challenge which is cross cutting to almost all crime areas, and just by listening to the news anyone can understand the concept that, nowadays, cases

with no international aspects are becoming quite rare: the opposite is true for cases involving Organised Crime Groups (OCG) which are now regularly operating across borders and in multiple jurisdictions.

Some crimes are particularly likely to develop an international dimension, Human Trafficking and Smuggling are definitely two good examples.

Human Trafficking and Human Smuggling, what is the difference?

Before looking into the actors and the actions useful to fight these serious crimes, it is important to underline the differences between the two. Too often, in fact, the two are mistakenly confused, and even in the course of high level events it is not uncommon to sit through presentations on Human Smuggling sold under the heading of Human Trafficking: this may seem as a petty mistake, but unfortunately it is not, and can bring to very dire consequences that are sometimes under the eyes of everyone, with victims of Human Trafficking mistakenly confused with migrants and returned to their country of origin, or being incarcerated without having been provided the protection foreseen in the main international legal instruments, which advocate for a "victim-centred" approach to this crime.

Delving into the legal aspects of both crime areas falls outside the scope of this article, however it is worth citing the main legal instruments which deal with the definitions. The United Nations Convention against Transnational Organized Crime (UNTOC), adopted by General Assembly resolution 55/25 of 15 November 2000, and entered into force on 29 September 2003, is the main international instrument in the fight against transnational organized crime. The Convention is supplemented by three Protocols, which target specific areas and manifestations of organized crime: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; the Protocol against the Smuggling of Migrants by Land, Sea and Air; and the Protocol against the Illicit Manufacturing of and Trafficking in

Firearms, their Parts and Components and Ammunition. Clearly the first two protocols are topical for this article and are particularly important for its purposes because they provide a definition of the crime areas that can then help the reader to understand the issue at stake. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, defines this serious crime as "(...) the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery, or practices similar to slavery, servitude or the removal of organs (...)". This is the first global legally binding instrument with an agreed definition on trafficking in persons, and has paved the way for harmonizing national legislations, stepping-up international cooperation in investigating and prosecuting this serious crime, whilst protecting and assisting victims of trafficking in persons, putting their interest at the centre of any intervention. Similarly, the Protocol against the Smuggling of Migrants by Land, Sea and Air, for the first time provides an agreed definition of the crime in a global international instrument, which is "(...) Procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident (...)". In the words of the United Nations Office on Drugs and Crime (UNODC), the Protocol aims at preventing and combating the smuggling of migrants, as well as promoting cooperation among States parties, while protecting the rights of smuggled migrants and preventing the worst forms of their exploitation which often characterize the smuggling process. The two definitions can already provide the reader with the main differences between these two serious crimes, which can be summarized as follows:

- As for the act itself, whilst traffickers may transport and transfer people even within the same Country, without crossing a border, smugglers require the irregular crossing of an international border;



A Civil Guard Officer patrolling with the Senegalese Gendarmerie along the Senegal River to control irregular migration and strengthen the borders of Mauritania and Senegal to prevent cross-border crimes.

- Traffickers will use the means listed in the above mentioned definition, which normally include deception or one or more elements of coercion, whilst smugglers will have effectively been asked to provide a service, albeit illicit;
- Whilst the purpose of trafficking is always exploitative, this is not necessarily part of the smuggling process.

Clearly the boundaries set by the above-mentioned definitions are sometimes blurred, in the sense that often smuggled migrants are exploited to pay off their debts and end up trafficked, or are victims of human trafficking from the start, but regard themselves as migrants paying for a service, effectively not even realizing they are in fact illegally exploited. The two key learning points to keep in mind are therefore that the two crime areas are clearly distinct, and that, for this reason,

they require a very different approach. For example, whilst Human Trafficking

The two crime areas are clearly distinct, and that, for this reason, they require a very different approach

routes are important to know, but not essential (the important aspect is the exploitation phase rather than "how" the victim reached its destination), Smuggling routes are indispensable to plan any successful counter strategy.

International actors

It should not come as a surprise that trafficking and smuggling, more often than not, bear a transnational angle, and this is what really provides an edge to the criminals involved and many (unnecessary) headaches to the national competent authorities. There are so many different aspects to the fight against these two serious crimes, ranging from trafficking victims' protection to prevention and prosecution, asylum seeking legislation, migration laws and all the human rights, safety and logistic burdens that are under the eyes of the world when masses of migrants desperately attempt to reach their country of destination. For this reason, listing them all and providing a brief explanation of their portfolio would require a book to be written rather than an article, I therefore invite all those interested to visit the websites of the main international organisations which can be easily found on the internet. Furthermore, many countries have an international cooperation cell, normally at ministerial level, which provides assistance to those in need to establish a channel of cooperation to progress an investigation and may advise on the favourite option.

I would like, however, to provide a brief explanation of the issue at stake here: if this article is about actors and actions, I would in fact focus on the latter and then let the reader figure out, with some hints from myself, who to approach when faced with an international investigation on either of these serious crimes. Because of the target audience of the magazine, I will clearly focus on international LE cooperation, reminding the first, however, that smuggled migrants and victims of human trafficking should always be placed at the centre of any effective strategy, especially in the case of trafficking, with a clear primacy over the investigation

itself, which should never harm the interest of the victim.

Actions to counter Human Trafficking and Smuggling of Human Beings

As I mentioned, the actions here are looking at the LE side of the fight against these serious crimes, but being the two very different from one another, the actions also may differ in some aspects.

One essential aspect which is common between the two, however, is the need to cooperate transnationally. International organisations such as Interpol, Europol, Selec, Afripol, Ameripol, Frontex, to name but a few (and in no particular order of importance), are directly involved in supporting, each within their remit, and providing a value which is linked to their specific mandate. The same goes for all those LE Liaison Officers posted throughout the world. The need to cooperate is essential, and is self-explanatory, but just for the sake of simplicity, it's easy to imagine the case of a LE officer stumbling across a possible trafficking victim in the course of an investigation: very often the victim itself is unaware of being a victim. Thinking of a detection at a border crossing, it could well be the victim has been provided with a fake contract of employment, and when asked, is genuinely thinking of a legitimate job as a server, secretary or dancer. The victim may be accompanied, as it often happens, by a suspect involved in the case. How will the investigator be able to detect the trafficking case, if not cooperating with LE from the source and/or transit countries? Clearly this is a simplification, but assuming not all readers are trafficking experts, it should answer the question on the "business need" to cooperate.

The situation however is much more complex than this, and just thinking of the investigation side (adding victim protection clearly adds complexity, and therefore will not be covered in this article), it is easy to imagine how many countries may be involved at the same time in a single case. Just by analysing the financial transactions that certain key individuals are connected to (middlemen, "passeurs" or any other offender involved in the process) may prove extremely challenging. A single individual can be connected to transactions in numerous countries (I witnessed twelve in a single case I encountered years ago), and this often causes the issue to be labelled as "too difficult to take care of" and just not investigated. Bi-

lateral cooperation is simply not sophisticated enough, and the simple exchange of

The need to cooperate is essential, and is self-explanatory

information is often obsolete. What is needed is an in-depth analysis of the data emerging from on-going cases, taken care of at international level. Agencies such as Europol are well placed in the international scene to do this, especially because all data collected across all crime areas falling within its mandate end up in the same analytical database, which can therefore be used as a unique platform to make sense of this large volume of entities. Another example can be the tele-



Officers of the Royal Netherlands Marechaussee engaged in operations related to human trafficking

phonic data linked to all those facilitating migration, which normally counts hundreds of thousands of entities connected to dozens of countries (which normally reflect the smuggling routes followed by the migrants) in a single case: no single country can make this intelligence operational on its own, but combining it through analysis provided by a dedicated platform may support investigators in "making sense" of the data, identifying useful investigative leads and prioritising them over other less remunerative ones.

To summarize what I have attempted to explain, the most important action that must be taken when facing serious and organised crime of a transnational nature is international police cooperation. Whilst bilateral cooperation has many merits and often gets the job done, the complexity and scale of current cases, due to the progressive globalization of organised crime, makes it indispensable to step up the fight and cooperate in an integrated and efficient way.

What about NATO

Whilst organisations such as the ones listed above have the fight against serious and organised crime as a core responsibility, others have not such a primary role. Writing from the NATO Stability Policing Centre of Excellence, I find it interesting to highlight what NATO is doing at the moment, and whether the latter should actively pursue a more prominent role. Conflict has clear linkages with both crime areas, as it constitutes a "push factor" for those who actively seek a better and secure life outside their country of origin, and fall easily for deceptive offers, but also a "pull factor" for those who are driven to areas where they are trafficked into sexual or labour exploitation. In the field of fighting Migrant Smuggling, NATO definitely plays an important role, also in cooperation with the EU, as clearly stated in the 2018 Joint Declaration on EU-NATO Cooperation. As an example, during his visit to Greece in October 2019, NATO Secretary General underlined that NATO's presence in the Aegean helps counter illegal human smuggling by providing real-time information to coastguards, and by helping to address the instability and violence at the root of the migrant crisis by working with partners in the Middle East and North Africa. The contribution of NATO from this point of view, alt-

though not focussed on the investigation side of Human Smuggling, is clear and self-explanatory. In the field of Human Trafficking, however, the role is more difficult to define. Let us not forget that trafficking is a form of modern-day slavery, but very often needs to be investigated thoroughly to be detected. As an organisation, NATO is firmly committed to address Human Trafficking, and has a zero-tolerance policy in place, which was endorsed at the Istanbul Summit in June 2004. The policy, which is currently under review, commits NATO member countries and other troop-contributing nations participating in NATO-led operations to reinforce efforts to prevent and combat such serious crime. Whilst NATO is not a primary responder on Human Trafficking, its role could go two ways: the Alliance could continue "not fuelling" this serious crime, by, for example, keep thoroughly reviewing its supply chains to ensure no victim of human trafficking is exploited to provide services, and keeping forbidding its troops to engage with victims of trafficking for sexual exploitation, or the Alliance could take a more active role and "fight" against this serious crime by, for example, investigating it with the use of dedicated assets. And this however brings us to the next paragraph.

What about Stability Policing

Although the need for Stability Policing has been identified by NATO since 1998, when a Multinational Specialized Unit (MSU) was deployed to Bosnia Herzegovina within the NATO Stabilization Force (SFOR), the Alliance has defined it in a NATO Doctrine fairly recently, in 2016, with its "Allied Joint Doctrine for Stability Policing" (AJP-3.22). This doctrinal document defines it 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". Whether Stability Policing is employed in a reinforcement mission, which may consist in monitoring, mentoring, advising and training as well as reforming and partnering Indigenous Police Forces (IPF) to improve their performance, or in a temporary replacement mission, this capability brings a typical LE dimension in a Theatre of Operations since it implies an executive mandate, and is a precious tool in the hands of the Mission's Commander.

This is very important for the purpose of this article, because, especially in the case of replacement missions, Stability Policing may be the only asset available in theatre to investigate these serious crimes, which are both listed as tasks under annex A of the above-mentioned doctrine, and to offer an indispensable support to LE world-wide. As an example, who, in fact, would a European LE Agency contact if, debriefing a suspect, a series of contacts would lead to a Country which is lacking functioning LE, but is a theatre where NATO Troops are deployed? Stability Policing would be the obvious solution, either taking the burden on its shoulders, or acting as a "bridge" with what is left by the local competent authorities. Given that war, civil unrest, poverty and a lack of perspectives are all clear push factors for both trafficking and smuggling, it is highly likely that the countries of origin will



Guardia Civil dealing with the trafficking in human beings

be subject of international assistance missions. When the situation on the ground is prohibitive, NATO would most likely be the instrument of first choice to stabilize the area, hence the important role that may be played by Stability Policing assets.

Conclusions

This article is titled "Serious Transnational Organized Crime: International actors and actions to counter Human Trafficking and Smuggling of Human Beings", I therefore made an effort to define both, highlighting differences and similarities, identified the business need behind international cooperation as well as some of the actors that may play a role in curbing these crimes, and provided some easy-to-understand examples of what kind of challenges LE may face. I then moved on and, working out of the NATO Stability Policing Centre of Excellence, tried to find a role, if any for the Alliance as a whole and for Stability Policing as a specific capability. The main conclusion is, therefore, that in this globalized world no single country can face these forms of crime in isolation and must cooperate effectively to find globalized solutions to globalized challenges.

This is followed by a second conclusion, which is that, thankfully, the international environment provides for a series of organisations that support investigators faced with the difficult task of progressing transnational cases, often linked to thousands of entities located in numerous jurisdictions. When these jurisdictions happen to be located in prohibitive areas of the world, it may be that a NATO Mission is in fact endowed with the task of substituting or reinforce the IPF: in this case the Alliance could prove that, not only through its "zero tolerance" policy it does not wish to fuel crime, but that it can take an active part in fighting it, also offering itself as a reliable partner for LE Agencies in the countries of destination, wishing to identify contacts in the countries of origin or transit.

WHAT ROLE CAN STABILITY POLICING PLAY IN TOTAL DEFENCE AND BUILDING RESILIENCE

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Nature and characteristics of modern threats to peace, security, and stability

Usually, when total defence and resilience are approached, there is a tendency to examine and consider only the military and economic aspects, neglecting an existing and tried instrument that can greatly impact and improve the chances of success, namely NATO Stability Policing.

Our analysis is based on first-hand professional experiences garnered during numerous deployments overseas since 1998, through desk research and institutional analysis, and through the participation, since 2014, in a number of research and development, conceptual and doctrinal, as well as education and training events. We will draw from this background and expertise to demonstrate how Stability Policing is a perfectly suitable tool for integrating the military and the civilian worlds in a total defence perspective, being furthermore capable of supporting and facilitating social resilience.

Although Stability Policing has been a NATO-agreed term with a dedicated Allied Joint Doctrine since 2016 and has been applied since 1998 by NATO and other international organisations (albeit with different taxonomy and different approaches), this instrument is still not widely known, hence applied with delay, discontinuity, and insufficient resources, unduly limiting the achievement of the best possible results. The significance of law enforcement through Stability Policing as a unique military capability within military operations, enlarging the reach of the Alliance and contributing to countering hybrid threats as well as to improving total defence and to supporting resilience will be explained throughout the paper and will form a fundamental basis for final conclusions.

Indeed, to showcase how Stability Policing can contribute to total defence and to building resilience, an introduction to modern threats and their actors is required. Menaces to stability and to safety, to public order and security, to societal cohesion, to the Rule of Law, but also to human rights have inter-connected and severe implications not only for the physical and structural security of a nation, but also for its peace, internal stability, its civil society and may extend to a wider region and globally.

With the end of the Cold War, the dimension and perception of security threats has shifted from the previous focus directed mainly towards military might and politics



Czech Military Police in action

to the frequent use of non-military instruments, practices, and approaches. Indeed, historical analysis, study of current crises, and projections into future scenarios indicate that means (tools) and ways (conduct) put in place to threaten the security, stability and integrity of a state have mutated and are morphing, often favouring those of a non-military nature. In effect, an increasing tendency of resorting to a diversified panoply involves economic and social phenomena amongst others, and related shocks are weaponised. As an example, a single piece of fake news by the Syrian Electronic Army acting as Associated Press falsely reported attacks on the White House with injuries to the then President Obama. This caused a 100-point drop at the New York Stock Exchange, and the Standard & Poor's 500 to lose \$136.5 billion.

Current crises and the new approach to waging war introduce us to a multi-sourced, multi-faceted, multiple-level, and multi-domain reality providing simultaneous and concurrent use of leveraged tools, and which has simultaneity as its focal point. The latter is the ability to create effects across the military and civil sectors at the same time by implementing different actions, which can be carried out gradually or randomly. The effectiveness of this approach lays in the effects that triggering different actions in a complex system of systems with extremely interconnected domains produces way greater results than approaches confined to a single one.

Threat Actors

Proxies, state-sponsored terrorism, organised and trans-national crime, and even ethnic or linguistic minorities are among the actors in current, indiscriminate wars and elements through which foreign powers may conduct a vast range of attacks. All can lead to the degradation of a state and its structures to the point of rendering it unable to function.

An external actor could initiate putting pressure on a state fostering such a conflict by conducting disinformation campaigns, instigating separatism, supporting secessionists, staging provocations, or exploiting an ethnic group and its cultural background.

Unstable or fragile states, in which law enforcement and the rule of law are wea-

kened, will inevitably attract criminal enterprises, often of transnational reach. Also, terrorists and insurgents may target the values, institutions, and interests of a country through acts aimed at causing maximum disruptive impacts. National institutions, military, security and law enforcement personnel, and the population may therefore be hit with spectacular, and indiscriminate or, conversely, very focused and extremely brutal assaults, seeking to generate fear, a sense of helplessness and to break the social pact by blatantly demonstrating the state's inability to fulfil its first and main task, namely protecting its citizens.

While terrorists are ideologically motivated (politics, religion, ethnic motives, etc.), criminals are driven mainly by economic reasons and monetary gains. Cor-

ruption, coercion, including of judges, local police, and politicians, as well as fights with competitors, and their actions to shape the

Current crises and the new approach to waging war introduce us to a multi-sourced, multi-faceted, multiple-level, and multi-domain reality providing simultaneous and concurrent use of leveraged tools

environment aim to enhance the generation of their revenue. Terrorists, insurgents, and criminals, i.e., who in NATO are called irregular actors, exploit and flourish in environments in which governmental control is absent or weakened, law enforcement and border controls are lax, regulatory systems are feeble, contracts go un-enforced, where public services are unreliable, corruption is rife, and the state itself may be subject to capture.

Why Total Defence

After the collapse of the Soviet Union, Western, particularly European nations reduced military and defence spending as well as their defence apparatuses considerably. Crisis response operations became a prevalent approach that did not require large standing and conscription-based armies, but most significantly changed the relation between different actors within the defence arena. The more recent increasing threat posed by peer and near-peer opponents, not to mention the recent Ukraine–Russia war, often employing hybrid means, requires revisiting previously consolidated, holistic approaches in which the state and its institu-



Italian Carabinieri providing riot control training in Iraq

tions, the armed forces, private enterprises and law enforcement, the media and civilian defence entities all seek to collaborate towards a common goal, namely improving the overall defence performance. Since most, if not all, branches of a society and nation are and need to be involved to have a chance of success, the term total defence is particularly fitting. As hybrid threats and unconventional means of war cover all major societal functions, the defence against them must be comprehensive, including areas that are not traditionally associated with warfare.

Why resilience

The essence of the modern way to conduct a war is “total,” which implies that the above-mentioned threats may materialise at a very short notice, propagate rapidly also due to increased connectedness, and that they cannot entirely be prevented. Wishing to resist, to prepare against all possible sources of harm would prove an

impossible task, resulting in wasting resources and, consequently, in lesser protection.

Therefore, a practicable approach may seek to devise coping mechanisms to lessen harmful effects on the state and its population, an approach creating cohesiveness, fostering synergies, championing common values, and garnering all possible contributions to focus them on innovative and unforeseen menaces: building resilience. NATO's Warfighting Capstone Concept suggests that success in addressing modern challenges to security and peace requires, amongst others, anticipating such threats, operating within domains but also across domains, and defending in a multi-domain approach as well as utilising a layered resilience. The NATO-agreed definition of resilience is "the ability of an entity to continue to perform spe-



NSPCoE leadership with Mr. Ovidiu Raetchi, president of the Euro-Atlantic Resilience Centre

cified functions during and after an attack or an incident.” Applying another perspective, resilience may be the amount of disturbance a state can absorb and still remain the same, how much the state is capable of self-organisation, and the degree to which the state can build and increase the capacity for learning and adaptation. The principle of resilience is anchored in Article 3 of the Alliance’s founding treaty: “In order more effectively to achieve the objectives of this Treaty, the Parties, separately and jointly, by means of continuous and effective self-help and mutual aid, will maintain and develop their individual and collective capacity to resist armed attack.” In this view, people, institutions, and societies need to become faster in identifying, adapting, and reacting to unconventional attacks including with means and ways of a non-military nature. Capable, resilient states with strong, legitimate structures of governance will better prevent the collapse into conflict, facilitate sustainable recovery from violence, and reduce the level of uncertainty.

The definition of Stability Policing, its two missions and the “blue lens”

Stability Policing consist of activities aimed at improving capacity and capabilities of the law enforcement agencies within a host nation and/or to police its population temporarily until they or a follow-on force can take over that responsibility. Doing so, Stability Policing expands the reach of the Alliance as a complementary tool within the combat and warfighting instrument of power in all three core tasks, namely collective defence, crisis management and cooperative security. It supports the re-/establishment of a safe and secure environment, thus being pivotal in the restoration of public order and security. Stability Policing can be conducted in all operations- themes, before, during and after (armed) conflicts and manmade or natural disasters as well as in all domains, land, sea, air, cyber, and space. As a military capability focused on the policing of civilians, it can concur to deter, identify, locate, target, and engage adversaries and enemies also through “legal targeting.” Thus, it applies a deployable policing approach or “blue lens” to emerging military problems and can help attain tactical, operational, and strategic objectives in a military campaign as well as contribute to creating the conditions for meeting longer-term needs with respect to governance and development. It is a multi-

pronged, innovative, and cutting-edge instrument which fosters a reshaped military strategy that focuses also on providing basic security to local communities preyed upon by criminals, terrorists, and insurgents (typically financed by illegal revenues). This, in turn, improves governance, empowers the host nation, and provides alternative and legal livelihoods, thus contributing to winning public support in the battle of narratives.

How Stability Policing contributes to total defence and to building resilience

A state's strength can be measured in its ability to respond to the defence, police, and justice-related needs of its populace, including physical security, legitimacy of its political institutions, management of its economy, and the provision of social welfare. Clearly not all these elements can be guaranteed and protected by the military instrument alone. Indeed, "military problems cannot be solved by military means alone", to paraphrase US President J.F. Kennedy.

Stability Policing roles are manifold and include expanding the reach of the Alliance beyond the combat-only approach, using policing means and tools, thereby enlarging the range of capabilities to counter an extended range of threats. It is no wonder that it was a Gendarmerie-Type Force, the Italian Carabinieri, that generated and championed the Stability Policing concept, since it could draw from its own historically established traditions and background, as well as from its consolidated centrality as an entity concurrently serving and connecting the populace, the state and its government, the armed forces, and law enforcement agencies, bringing together the military, civil and civilian sectors. This unifying domestic role of the Carabinieri can be well applied abroad by Stability Policing forces, focusing on rooting out the causes of instability, and advancing people-centred solutions that are locally driven, comprehensive, and sustainable. Stability Policing acknowledges that, as a result of downturns such as conflicts, economic and financial crises, people are faced with sudden insecurities and deprivations. These not only undo years of development but also generate conditions within which grievances can lead to growing tensions that can be exploited by malign actors. Therefore, in addition to its emphasis on human well-being, Stability Policing is driven by values relating to security, stability, and sustainability of development gains.

- Stability Policing champions how modern societies can be and become more resilient by playing this unifying role to improve defence performances in countering threats. By the use of lawfare and legal targeting, in fact, by aggregating legal rules, actions, processes, and institutions, including both their normative and physical manifestation, it is utilised to achieve effects against enemies and/or adversaries also within the context of a hybrid campaign.
- Rather than viewing the law as a method of rational order-making, lawfare looks for ways to use legal advantages to influence targets by delivering the effects of defeat, deterrence, or defence via legal means.
- Stability Policing allows national defence to add an arrow to its quiver: legal targeting. This may be described as the technique of manoeuvring to gain legal superiority by using domestic and international laws to gain the political initiative or even military advantages.

The presence on the international scene of states acting through third parties to influence and employ hostile measures against others is not a new phenomenon and it encompasses several benefits, including non-attribution, plausible deniability, and keeping actions below the threshold of war (i.e., armed conflict). An external actor who wants to interfere without resorting to the military tool may choose from a broad range of legal tools to support a hybrid threat campaign, including exploiting legal thresholds, normative gaps, complexity and uncertainty, circumventing own legal obligations, avoiding accountability, leveraging rule-compliance by the targeted state, exploiting the lack of legal inter-operability among targeted nations, using own regulatory powers under domestic law, and utilising the law and legal processes to create narratives and counter-narratives. All these tactics lead the external aggressor to influence the life of a state; while traditional military means can hardly compete, the use of Stability Policing ways and means allows to counter the aggressor with instruments of the same nature. Although apparently unrelated to an attack, even criminal organisations with operations and networks in the target state are a very useful entity for foreign state activities in an asymmetric context. Exploiting criminal organisations could include utilising established smuggling networks, the ability to provide forged documents, financial crime schemes, or simply their ability to threaten, intimidate, pressure or



Italian Carabinieri in Afghanistan training and mentoring indigenous police forces



harm strategically important corrupt individuals or groups in a specific situation for political purposes. If viewed through this “blue lens”, external aggressions in non-traditional contexts can be dealt with more effectively with the use of policing tools and means, of which Stability Policing is the spearhead and military version, the latter being a particularly useful aspect in degraded, non-permissive environments.

Stability Policing does not only deter, stop, and counter the illegal actions of attackers, which could hardly be stopped only with military instruments, but at the same time delegitimises them in the eyes of the public opinion. In fact, Stability Policing and the use of police tools in total defence are also useful and effective in the field of STRATCOM, both to convey the image of a strong and efficient state and to demonstrate the wickedness of the actions of opponents. The effects are magnified by the size of the audiences to whom they are disseminated to.

This “war of narratives” is particularly relevant and aims at influencing audiences to support one’s cause to the detriment of the adversarial one. A targeted Stability Policing activity can easily support messaging that highlights the positive results in the remits of public order, security, and social peace, also boosting the perception of the host nation. Showcasing the greater efficiency of a nation in protecting its civilian population and in ensuring a quiet and safe daily life can be a powerful psychological tool that contributes to strengthening social resilience and undermines the security of the enemy. Stability Policing personnel habitually operate throughout the host nation’s territory keeping close contact with the civilian population and “feeling its pulse” by gathering information that can be used both for legal targeting and for military purposes, feeding the intelligence cycle of the Allied Force. Although police units usually report directly to the Ministry of Interior and are responsible for preventing, countering, and investigating criminal acts, Stability Policing assets can also use and address those investigations to counter non-state actors or proxies, and to collaborate effectively with defence forces. This may include anti-terror operations, countering political extremism, radicalisation, recruitment by irregular actors, but also counterintelligence, measures against all sorts of illicit trafficking and assisting in the implementation of preventive security measures.

When investigating corruption phenomena, Stability Policing can contribute to total defence by fostering accountability and, therefore, the trust in institutions by unmasking any infiltrators or adversarial supporters who aim to weaken the democratic structures of a country or to guide and influence its political choices. Embedded Stability Policing personnel in partnering activities within indigenous police forces' assets seek to demonstrate correct and reduce corrupt or predatory behaviours.

Conclusions

Drawing on both their military background and the ability to police civilians lays the foundation for the special nature of Stability Policing forces allowing them to be a unique bridge between government, civil law enforcement, military institutions, and the populace. If properly considered from the very first planning steps of military operations and adequately resourced, these police units who possess the know-how to operate among the host nation population by answering to its needs, are at the same time military entities apt to inter-operate within and jointly with conventional military units. This endows them with unique flexibility, robustness, and a set of skills no other military asset or civil entity can muster. In a nutshell, "their troops may be described as having policemen's minds in the bodies of soldiers," solving military problems like no other unit may, in particular, utilising law enforcement means and ways for total defence ends and contributing to improving societal resilience. Some aspects of threats to security and stability may in fact be better answered by non-combat and non-kinetic means, preferring instead Stability Policing solutions. First and foremost, this will require more thorough awareness about Stability Policing within NATO Nations and a revision of the security and total defence concepts aiming at wider and more thorough inclusion and use of Stability Policing, both as a concept and as an instrument to open up new perspectives and possibilities in countering actions of malign actors. Robust, deployable Stability Policing elements, bringing together the military, civil and civilian sectors, if properly employed and resourced, can greatly expand the response capacity of nations. They can contribute to improving their resilience in a strengthened and more redundant total defence approach. Acting within or re-

acting to hybrid campaigns requires solutions beyond “traditional combat means,” and Stability Policing can operate in the policing remit. Stability Policing contributes to deterring, stopping, and countering illegal actions of attackers through legal targeting, with the added benefit of utilising non-lethal and non-kinetic means, thereby limiting collateral damage and improving the standing of the force with audiences from local to international levels, also within the battle of narratives. This and the continuous, intense interaction with the host nation government, security actors, and the populace are conducive to ameliorated resilience and therefore to enhanced chances for success in the remit of total defence.

THE CONTRIBUTION OF STABILITY POLICING TO EXPLOSIVE ORDINANCE DISPOSAL

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During the last decades warfighting and conflicts have shifted into a grey area where the thresholds of conflict are blurry, the enemies are more and more difficult to distinguish, and the battles have become asymmetrically fought. An example can be seen during the more recent conflicts in Iraq and Afghanistan, where the strategic and effective use of improvised explosive devices (IED¹) by terrorists and insurgents has triggered within NATO Allies the reaction of their explosive ordnance disposal (EOD²) capabilities which necessarily evolved to tackle or at least mitigate this phenomenon by countering, neutralising and the technical exploitation (TE) of the device.

However it is not only the use of IEDs by NATO adversaries that has to be dealt with but also the presence of unexploded explosive ordnances (UXO³) which often appear in the field in the aftermath of a conflict that have to be managed, securing the local population and own forces until EOD units render safe an area.

Likewise occurs with remnants of war, small arms, and ammunitions, abandoned and unexploded ordnances that may be located and which suppose a threat to the local population and that could easily find their way to the illegal market. These issues must be addresses through disarmament, demobilization and reintegration (DDR) efforts ensuring that these elements will not end in the hands of criminal organisations or terrorist / insurgent networks.

While establishing a safe and secure environment (SASE⁴) NATO Stability Policing (SP) capability may effectively support the EOD capability, and contribute to NATO's desired end state both in theatre of operations by preserving the host nation population from the EOD effects, as well as through the thorough collection and handling of evidence, which can serve in judicial procedures either locally or abroad at a later stage.

The notion of stability policing within NATO has been defined by NATO as being *"Police-related activities intended to reinforce or temporarily replace indigenous police forces 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."*⁵ These activities are to be conducted in the course of an operation in fragile states, before, during and post conflict/crisis with the aim of establishing a SASE.⁶ In this regard and relating to the SP contribution to EOD, some SP units deployed

may have the capability to perform EOD activities autonomously; however, this is a most unlikely scenario. In practice EOD will be carried out by specialised EOD units, military engineering (MILENG), and supported by force protection (FP), medical support, electronic warfare (EW), military working dogs (MWD), logistics, weapon intelligence teams (WITs), boarding teams, military search, mine clearance measures (MCM), CBRN defence, military police (MP), communications, and of course by SP.⁷ In the field, it is highly probable that SP elements at some point come across an explosive device, *inter alia*, either during a patrols, attending a public security incident, a search and seizure mission, surveillance activities, during the course of a criminal investigation, whilst providing security to a critical site, during a counter-terrorism or organised crime operation, or during the course of community policing duties, to mention but a few... As first responders it is critical for SP to take a series of measures to ensure the safety of the population whilst not disregarding their own personal safety. Moreover, depending whether the operational environment is permissive or not, SP can take immediate measures. These can include but are not limited to confirming the presence of the UXO or the IED, clearing and evacuating the danger area of personnel and casualties, reporting the incident through their chain of command providing as much and detailed description of the UXO/IED as possible, securing the incident area through an effective cordon and by controlling relevant entry points, preventing access to non-authorised personnel. Authorised entry should be fully identified and through a secure entry/exit corridor; indeed, it is essential that the crime scene remains as untouched as possible, in order to avoid its "*contamination*".⁸ While awaiting the arrival of the specialised EOD operators, the SP elements should redirect traffic and select a safe rendezvous point and inform the relevant parties. Furthermore, any witness should be identified and debriefed taking notes of the information acquired. Upon its arrival, the EOD specialised element is to be fully briefed on the incident and on the content of witness statements. Likewise, witnesses are to be accessible to EOD specialists too, for the latter require the best picture possible of the blast/incident. The UXO/IED device (or suspected device) is only to be manipulated by specialised EOD operators. Only upon neutralising the device and rendering the area sa-



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fe, should the crime scene examination begin. This should include the thorough examination and detailed recording of the crime scene to search and collect evidence, which can include biological evidence, latent print evidence (fingerprints, palm / foot prints etc..), shoeprints, tire track evidence, trace evidence (fibres, soil, vegetation), CCTV footage, witness statements, victims identification. Sketches and photography / video footage of the crime scene should be recorded. The identification and location of evidence which is recovered should be labelled and tagged, as well as the identification of who and where each piece of evidence was recovered. By the same token, the chain of custody records should be crystal-clear and maintained for all recovered items.

Types of evidence that may be found could include remains of safety fuses, remains of detonators, wires, fragments of containers,

It is critical for SP to take a series of measures to ensure the safety of the population whilst not disregarding their own personal safety

fragments of batteries, samples of explosives, just to name a few. Through biometric analysis fingerprints or DNA samples may be retrieved, a technical analysis of the structure of the explosive device may lead to identifying the bomb maker, etc... The material used to fabricate the IED may lead us to know if it was fabricated locally or not, if the support of an external supplier was necessary in order to obtain the components. In general terms, this may provide us with a wider picture of our adversaries' criminal network and enable to pursue this network through law enforcement efforts.

In the case of the appearance of an UXO it is of interest to the investigation to determine if it is attributable to our adversary, if it is considered as prohibited by the "*Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects*" and if there may be issues of accountability for breaches of international humanitarian law and laws of armed conflict. These should be investigated and documented for possible legal procedures. Likewise the origin of the UXO may permit NATO to discover hidden alliances, for example a state may be supplying certain weaponry to another state (or non-state armed group) in con-

flict in an effort of support, whilst publically it denies these actions. A discovery of this nature could justify a diplomatic intervention against the concerned state (embargo, sanctions, *et similia*) aimed at deterring it from supporting an opponent in an ongoing conflict. The above-mentioned actions above can be carried out by SP elements in support of EOD capabilities and are of vital importance as they ensure the admissibility of the battlefield evidence (BE)⁹ retrieved in future legal procedures, either within the area of operations or abroad. Despite being amongst the oldest type of weapons, during recent conflicts the use of IEDs by terrorist or insurgents has become more and more frequent. There are many explanations of why this choice of weaponry. These reasons could range from their cost-effectiveness, accessibility, their strategic role (limits mobility of security forces), the psychological effect produced on the population, and or the diminishing of the credibility of governments / international organisations.¹⁰ However, probably the most important reason may be a combination of the above summed to the fact that their calculated use can tip the balance in an asymmetric war and requires NATO to undergo vast efforts to restore stability.

During the wars in Iraq and Afghanistan, the use of IEDs has been so effective for terrorists and insurgents that it comes as no surprise that they have been called "*weapons of strategic influence*".¹¹ For the duration of these conflicts, IEDs have been strategically used by terrorist and insurgents to block NATO or local forces from in an area and/or preventing their advance in a determined direction during counterinsurgent operations. Terrorists and insurgents have also used these weapons to fix NATO or local forces to an area before other forms of attacks were carried out (ambushes, sniper attacks, etc. ...).¹²

In order to counter the use of IEDs, NATO Allies have engaged and enhanced WITs for TE¹³ efforts to produce technical intelligence (TECHINT).¹⁴ These WITs are defined for C-IED¹⁵ purposes as a pool of specialists who investigate IED events when tasked. Their main task is to gather, analyse, collate and distribute technical and tactical intelligence and forensic potential evidence for exploitation. To do so the WIT capabilities are structured on various levels, ranging from on the scene, in theatre technical / tactical level to an out of theatre with advanced technical analysis and intrusive exploitation.¹⁶ WITs allow NATO to direct its ef-

forts not only against the device but also against the IED network (i.e. the opponents' capabilities).¹⁷

In this regard, NATO SP can contribute with specialised assets for forensics and biometric activities within these WITs as well as further exploiting available TECHINT to develop law enforcement intelligence (LEINT).¹⁸ Through the use of forensic science techniques it is possible to identify actors that otherwise are indistinguishable from the general population. TECHINT & LEINT permit network analysis which provides information on bomb designers / makers – triggermen and also identifies techniques and materiel. This could then lead to the identification of suppliers, financiers, trainers, leaders, and of patterns and trends, and serve as forensic evidence as it establishes the linkage between persons, places, things and events. All in all, this allows NATO decision makers to take timely resolutions and the provision of countermeasures and/or supports the targeting of these networks through law enforcement apparatuses, thus enabling the reestablishment of the rule of law by backing prosecutions and consequently strengthening the overall Security Sector Reform's efforts.¹⁹

However not only is this LEINT valuable in the theatre of operations but also abroad, as it is also necessary to manage at the domestic level emerging threats, which are originated by the return of foreign terrorist fighters (FTFs).²⁰ The matter of the returning FTFs has been addressed by the United Nations Security Council in various resolutions²¹ and many nations have already adapted their domestic legislation to comply with these UNSC Resolutions. The measures that have been implemented aim at facilitating information exchange and collaboration between nations and organisations. However the admittance of BE in national proceedings is not always a straight forward issue as it is not always available or admissible.

In this sense there is a need to have a close co-operation between civilian and military authorities to secure the BE and make it available for court procedures. This was highlighted during the *“workshop on the conduct of criminal trials against, and the prosecution of foreign terrorist fighters, including returnees and relocators”* which was held in Madrid on 11-12 June 2019.²² Once again, it was pointed out that the dominant key to a successful prosecution in any jurisdiction

is the availability of admissible evidence.

In an attempt to secure the admissibility of BE in legal procedures, the United Nations Security Council Counter-terrorism Committee Executive Directorate has set a series of guidelines, which were published in 2019, providing military personnel deployed under a UN mandate with direction in the collection of BE.²³

From the Alliance's perspective, BE has become one of its current counter-terrorism priority areas of work and NATO has approved TE and a BE policy in 2020.²⁴ Furthermore NATO has offered Battlefield Evidence Collection training programmes in conjunction with International Criminal Police Organization (INTERPOL) and the European Union at the NATO Stability Policing Centre of Excellence (NATO SP COE) in Vicenza (Italy), where more than a hundred Iraqi officers received this training during the period of 2019/2020. Currently, thanks to a US grant and under NATO International Staff's aegis, four further iterations are planned to be conducted during 2021/22 to train MoD/Mol personnel from the Mediterranean Dialogue, Istanbul Cooperation Initiative and eligible G5 Sahel partner Countries.

All of these multilateral efforts share the common objective of establishing a set of best practices to ensure that BE is handled in accordance with international standards in order to guarantee its admissibility in future legal proceedings. EOD incidents and their exploitation are an utmost valuable source of BE and LEINT in the area of counter-terrorism, thus the importance of emphasizing this issue throughout the whole of this paper.

NATO Supreme Headquarters Allied Powers in Europe (SHAPE) and INTERPOL's cooperation goes beyond, having signing of a memorandum of understanding in December 2020, by which a framework for cooperation between both organisations is set. As a consequence, this will include the sharing of information on non-military illegal activities including terrorism-related activities.

An example of this information sharing could be INTERPOL's Project "*Watchmaker*", a programme which uses fingerprints retrieved from IED components, weapons and smartphones to help identify, locate and arrest terrorists. This programme will facilitate the data flow from the NATO Military/SP forces on the ground to the relevant hotspots via official police channels.



Technician Specialist in Deactivation of Explosive Artefacts (TEDAX)



The “*MI-LEX*” project (also led by Interpol), which aims at delivering military-police information exchange, declassifying information for investigative and prosecution purposes, whilst ensuring the chain of custody and respecting data protection is also of high importance as it has been pointed out in the “EUROJUST Memorandum of Battlefield Evidence.”²⁵

This very report highlights that the use of BE in national jurisdictions has increased in the past years, rendering successful convictions. However, it is to be noted that, although the use of BE is not excluded under national laws, its admissibility is subject to guaranteeing the right to a fair trial, the respect of human rights in its obtainment, chain of custody and continuity, just to list a few conditions that must be met. In this sense, NATO SP provides a unique capability as it counts with specially trained and experienced assets in complex investigations, which can ensure the correct handling of BE derived from EOD exploitation to secure its admissibility in both local and national legal procedures.

A further area in which NATO SP can contribute to EOD efforts although in an indirect manner is through its cyber capability as it can monitor this domain to detect contacts between the network and suppliers SP elements can also carry out open source intelligence (OSINT) on social media by recognising, tracking and monitoring threat networks, tracking of cyber activity, IT communications, geolocation, media monitoring (video, audio, etc...)²⁶

SP also plays an important role in any DDR process too, by safeguarding the surrendering of weapons, their registration, weapons tracing, and dynamic surveillance of storage sites, securing destruction sites, advising and training of host nation law enforcement bodies as well as of former combatants for their reintegration. Through these activities SP can cut the supply of weaponry for home-made explosives for terrorist and insurgents, whilst at the same time preventing the arms trafficking of these remnants of war. Thus all contributing to the establishment of a SASE.

The main focus of this paper has been to the role of NATO SP in a substitution (replacement) mission with full executive powers; however, NATO SP role is not only limited to this. It has already been described above that the NATO SP COE is carrying out efforts to deliver to relevant stakeholders training in BE; this is di-

rectly linked to crime scene management and a crucial part to EOD/IED incident management.

a “culture” of environmental protection

Additionally, during a strengthening (reinforcement) mission SP can orientate its activities towards providing training to prepare the local law enforcement agencies to operate in an EOD/IED environment, whilst simultaneously providing mentoring, advising, and training in the conduct of the activities described throughout this article (crime scene management, BE collection, TE, law enforcement intelligence and exploitation), enabling local law enforcement bodies to combat the EOD/IED network through law enforcement activities.

In summary, in many cases NATO SP will be the first responder, the SP element may have the capability to accomplish the handling of the EOD/IED incidents in an autonomous manner, or as more likely the case, it will contribute by handling the crime scene, preserving and securing the area to prevent further casualties, the tampering or contamination of evidence. Furthermore, SP can contribute by leading the crime scene investigation, obtaining and registering and exploiting evidence which can later be admissible in legal proceedings and serve as well for tactical / operational leads.

NATO SP has the capabilities to contribute both to TE and BE collection as it counts on experts in forensic and biometrical sciences experienced in dealing with legal proceeding and with providing timely support to their chain of command during ongoing operations. These have been identified as key areas in modern day conflicts both for operational matters in the battlefield or judicial procedures in courtrooms be it domestically or abroad.

As seen, efforts carried out by SP in the area of DDR contribute to establishing a SASE and additionally prevent or pursue arms trafficking and proliferation through law enforcement instruments.

Stability Policing is without a doubt an added value to EOD/IED incident management and can increase the likelihood of success in the achievement of the mission mandate by contributing to address the grey area of conflicts through law enforcement mechanisms, whilst supporting local law enforcement bodies in becoming autonomous. This in turn improves governance and alternative livelihoods, thus



Turkish gendarmerie anti-terrorism unit in action



tremendously supporting the Alliance in winning public support and the battle of narratives as well as contributing to long-term peace and stability.

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1. IED: *"A device placed or fabricated in an improvised manner incorporating destructive, lethal, noxious, pyrotechnic or incendiary chemicals and designed to destroy, incapacitate, harass or distract."* NATO agreed term
 2. EOD: *"The detection, accessing, uncovering, identification, mitigation, rendering safe, recovery, exploitation and final disposal of explosive ordnance, regardless of condition."* NATO agreed term
 3. UXO: *"Explosive ordnance that has been primed, fuzed, armed or otherwise prepared for action, and that has been fired, dropped, launched, projected or placed in such a manner as to cause harm to operations, installations, personnel or material and remains unexploded either by malfunction or manufacturing defect or for any other cause."* NATO agreed term
 4. SASE: *"The surroundings and conditions that are sufficiently protective for long-term security and stability to develop and where the population is served by a functional, legitimate, self-sustaining and resilient government."* NATO agreed term
 5. NATO AJP-3.22 *Allied Joint Doctrine for Stability Policing*
 6. NATO AJP-3.22 *Allied Joint Doctrine for Stability Policing*, AJP-3.4.5 *Allied Joint Doctrine for the Military Contribution to Stabilization and Reconstruction*
 7. NATO ATP-3.18.1 *Allied Tactical Publication for Explosive Ordnance Disposal*
 8. NATO AEODP-13 *Allied EOD Publication. EOD Roles, Responsibilities, Capabilities and Incident Procedures When Operating With Non EOD Trained Agencies And Personnel*
 9. *There is no agreed definition for battlefield evidence, however for the NATO defines for the purpose of the drafting of its BE Policy as: "the information or material derived from NATO operations, missions and activities, shared or transferred to support law enforcement purposes and legal proceedings for Allies, Partners and/or Host Nations."* AC/342-WP(2020)0001 (INV), NATO Battlefield Evidence Policy
 10. NATO AJP-3.15 *Allied Joint Publication for Countering Improvised Explosive Device*
 11. *"Understanding the Enemy. The Enduring Value of Technical and Forensic Exploitation". 2014, Thomas B Smith & Marc Tranchemontagne*
 12. *"Countering the Afghan Insurgency: Low-Tech Threats, High-Tech Solutions". PIERRE CLAUDE NOLIN (CANADA) SPECIAL RAPPORTEUR - 2011*
 13. NATO AIntP-10 defines Technical exploitation as: *"A process using scientific methods and tools to derive data and information of potential intelligence or operational value from collected data, information, materiel and materials"*
 14. TECHNICAL INTELLIGENCE: *"Intelligence concerning foreign technological developments, and the performance and operational capabilities of foreign materiel, which have or may eventually have a practical application for military purposes."* NATO agreed term
 15. C-IED: *"The collective efforts to defeat an improvised explosive device system by attacking networks, defeating devices and preparing a force."* NATO agreed term
 16. NATO ACIEDP-02 *NATO Weapons Intelligence (WIT) Capabilities*
 17. NATO AJP-3.15 *Allied Joint Publication for Countering Improvised Explosive Device*

18. NATO ATP-103 *Reinforcement and Replacement of Indigenous Police Forces*, Lexicon (Draft). Law enforcement intelligence (LEINT): *"The product resulting from the directed collection and processing of law enforcement information regarding the environment and the capabilities and intentions of actors, in order to identify threats and offer opportunities for exploitation by decision-makers"*
19. *Understanding the Enemy. The Enduring Value of Technical and Forensic Exploitation*. 2014, Thomas B Smith & Marc Tranchemontagne
20. Foreign Terrorist Fighter: *"individuals who travel to a State other than their State of residence or nationality for the purpose of perpetration, planning or preparation of or participation in, terrorist acts or providing or receiving terrorist training, including in connection with armed conflict."* UN Security Council Resolution 2178
21. UNSC Resolution 1373 (2001), UNSC Resolution 2178 (2014), UNSC Resolution 71/19 (2016), UNSC Resolutions 2322 (2016), UNSC Resolution 2396 (2017)
22. Co-organised by the Council of Europe, the Ministry of Justice and the Ministry of Foreign Affairs of Spain.
23. *"Guidelines to facilitate the uses and admissibility as evidence in national criminal courts of information collected, handled, preserved and shared by the military to prosecute terrorist offences"*, UN SC CT Executive Directorate. 2019
24. AC/342-WP (2020)0001 (INV), NATO Battlefield Evidence Policy. AC/343-WP (2020)0001-REV1, NATO Technical Exploitation Policy.
25. *"Eurojust Memorandum on Battlefield Evidence"*, EUROJUST. Sept. 2020.
26. NATO AJP-3.15 Allied Joint Publication for *Countering Improvised Explosive Device*



CYBER: A NEW DOMAIN FOR STABILITY POLICING?

Colonel Aldo Rosa
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Introduction

At the NATO Warsaw Summit in July 2016, Allied Heads of State and Government recognised cyberspace as a *domain* of operations: it was a crucial step in recognising that NATO must defend itself as effectively as it does in the Air, on Land, at Sea and in the Space.

It was at the same time a crucial step in elevating Cyber at the same level of the *traditional* threat (both conventional and nuclear) and requiring a significant shift in thinking about military operations.

This also supported a relevant change from the previous idea of *battlefield* to a more evolved and comprehensive concept of *battlespace*.

This article aims to provide a basic understanding of the *Cyber Threat* through some key definitions related to the actors and how they operate; how NATO is rapidly progressing to adapt to the new challenge; finally, it will spark some considerations more specifically related to Cyber from a Stability Policing perspective.

The cyber threat fundamentals

First and foremost, to prevent any conceptual misunderstanding, we should focus on some basic definitions related to Cyber in order to better define the threat and its specific environment.

According to the NATO glossary, cyberspace is *the global domain consisting of all interconnected communication, information technology and other electronic systems, networks and their data, including those which are separated or independent, which process, store or transmit data*. This completely supports the concept of a (virtual) space able to conduct a full spectrum of activities defined by the Alliance as *cyberspace operations: actions in or through cyberspace intended to preserve own and friendly freedom of action in cyberspace and/or to create effects to achieve military objectives*.²

This immediately leads to a relevant consideration: cyberspace is not only computers. This is a full environment including networks, technology, and data (and the people behind all of this should be not discounted).

Once defined the operating environment (or, more appropriately, the domain), the threat should be identified and defined. There does not exist a NATO agreed defini-



tion; however, one of the most common definitions of Cyber Threat is *any circumstance or event with the potential to adversely impact organizational operations (including mission, functions, image, or reputation), organizational assets, individuals, other organizations, or the Nation through an information system via unauthorized access, destruction, disclosure, modification of information, and/or denial of service.*³

The threat definition once again confirms that the Cyber perspective cannot be limited only to the “computers’ world” and is required a new approach to military operations.

A key factor of Cyber threat (and consequently of Cyber Operations) is represented by the virtual world: the absence of any “physical” boundaries is not supporting an easy distinction between what is the “military” part of the threat and the “civilian” portion of it, and elevating the Cyber Threat to the role of one of the most relevant ingredients of the Hybrid Threat. Erosion of distance, speed of interaction, low cost and difficulty of attribution are characteristics making the Cyber domain unique compared to the “traditional” domains.⁴

As previously mentioned, Cyber is not only computers and *the actors* traditionally play a relevant role behind the threat itself.

One of the most comprehensive definitions of Cyber actors is *states, groups, or individuals who, with malicious intent, aim to take advantage of vulnerabilities,*

*low cyber security awareness, or technological developments to gain unauthorized access to information systems in order to access or otherwise affect victims' data, devices, systems, and networks. The globalized nature of the Internet allows these threat actors to be physically located anywhere in the world and still affect the security of information of the target system(s).*⁵

Cyber threat actors have a different gradient of capability and sophistication and may operate on their own or as part of a larger organisation (notably state and state-sponsored groups or organised crime groups). From this perspective, sophisticated actors frequently put into practice any possible initiative in order to make it difficult for defenders to attribute the activity (so called *obfuscation* and *false flag* techniques).⁶

State and state-sponsored groups are generally considered to be the most sophisticated actors, with relevant resources and personnel, accurate planning and coordination and frequent links with private sector entities and organised crime groups (this is an additional factor in increasing the difficulties for attribution).

One of the most complex, sophisticated and dangerous “structured” threat in use by state and state-sponsored actors is defined as ***Advanced Persistent Threat (APT)***: the most common definition of an APT is *an adversary with sophisticated levels of expertise and significant resources, allowing it through the use of multiple different attack vectors (e.g., cyber, physical, and deception) to generate opportunities to achieve its objectives, which are typically to establish and extend*



*footholds within the information technology infrastructure of organizations for purposes of continually exfiltrating information and/or to undermine or impede critical aspects of a mission, program, or organization, or place itself in a position to do so in the future; moreover, the advanced persistent threat pursues its objectives repeatedly over an extended period of time, adapting to a defender's efforts to resist it, and with determination to maintain the level of interaction needed to execute its objectives.*⁷

An excellent example about the complexity of an APT is offered by the model produced by Lockheed Martin and defined *The Cyber Kill Chain*.⁸ a seven-step approach clearly illustrating the need for the Adversary to put in place a sum of actions that requires a comprehensive approach not limited to the “*computer world*”, as recently demonstrated by massive *online foreign influence* campaigns that seek to impact domestic events like an election, census, or public health.

Finally, Cyber Threat actors can be categorised by their motivations and by their sophistication. In general, each type of Cyber Threat actor has a primary motivation: Nation state Cyber Threat actors are usually geopolitically motivated, Cyber-criminals are generally financially motivated, and Hacktivists and Terrorist groups are often ideologically motivated.

NATO and the cyber-domain

As a consequence of the cyber-attacks against Estonia's public and private institutions in 2007, NATO Defence Ministers agreed that urgent work was needed in this area. As a result, NATO approved its first Policy on Cyber Defence in January 2008. In the summer of the same year, the conflict between Russia and Georgia demonstrated that cyber-attacks have the potential to become a major component of conventional warfare.

Since 2014 cyber defence has been recognised by NATO as an essential element of the Collective Defence⁹ and NATO has affirmed the principle that international law applies in cyberspace as well.

NATO's main focus in cyber defence is to protect its own networks (including operations and missions) and enhance resilience across the Alliance: at Warsaw NATO Summit in July 2016 cyberspace has been recognised as a *domain* of operations

in which NATO must defend itself as effectively as it does in the Air, on Land, at Sea and in the Space.

Following this crucial decision and recognising that cyber defence is as much about people as it is about technology, Allies also made a Cyber Defence Pledge in July 2016 to enhance their cyber defences, as a matter of priority. Since then, all Allies have upgraded their cyber defences and reinforced their capabilities for cyber education, training and exercises, including the creation of a dedicated Centre of Excellence, the NATO Cooperative Cyber Defence Centre of Excellence in Tallinn, Estonia.

Allies are committed to enhancing information-sharing and mutual assistance in preventing, mitigating, and recovering from cyber-attacks

Allies are committed to enhancing information-sharing and mutual assistance in pre-

venting, mitigating, and recovering from cyber-attacks and since 2016 NATO and the European Union (EU) are cooperating through a Technical Arrangement on Cyber Defence. In the light of common challenges, NATO and the EU are strengthening their cooperation on cyber defence, notably in the areas of information exchange, training, research and exercises. At the same time, NATO is intensifying its cooperation with industry through a dedicated initiative, the *NATO Industry Cyber Partnership (NICP)*.

In 2018 a further crucial step was taken in setting up a new Cyberspace Operations Centre as part of NATO's strengthened Command Structure, making possible that NATO Cyber Rapid Reaction teams are on standby to assist Allies, 24 hours a day. The NATO *Computer Incident Response Capability (NCIRC)* based at SHAPE in Mons, Belgium, protects NATO's own networks by providing centralised and round-the-clock cyber defence support. This capability is expected to evolve on a continual basis and maintain pace with the rapidly changing threat and technology environment. In addition, NATO can now draw on national cyber capabilities for its missions and operations.

In parallel, the appropriate doctrinal and legal framework has been established through several initiatives and a significant step forward has been taken at the Brussels Summit in June 2021, when the Alliance acknowledged the changing

The background of the slide features a complex, abstract pattern of overlapping blue and white lines that form a series of concentric, irregular shapes, resembling a stylized globe or a network diagram. In the lower right corner, a hand is visible, with the index finger pointing towards the text.

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threat landscape, recognising that cyberspace is continually contested. In addition,

To promote a free, open, peaceful and secure cyberspace

Allies endorsed a new Comprehensive Cyber Defence Policy to support NATO's three Core Tasks mentioned before, as well as its overall deterrence and defence posture to further enhance the Alliance's resilience and making possible for Partner Nations to be constantly committed to employing the full range of capabilities to actively deter, defend against and counter the full spectrum of Cyber Threats.

Cyber defence has also been integrated into NATO's *Smart Defence* initiatives. *Smart Defence* enables countries to work together to develop and maintain capabilities they could not afford to develop or procure alone, and to release resources for developing other capabilities. The *Smart Defence* projects in cyber defence currently include the *Malware Information Sharing Platform* (MISP) and the *Smart Defence Multinational Cyber Defence Capability Development* (MN CD2) project.

Finally, from a comprehensive approach perspective, including the reinforcement of the international legal framework at the NATO Summit in June 2021, Allies reaffirmed their commitment to act in accordance with international law, including the UN Charter, international humanitarian law and international human rights law, in order to promote a free, open, peaceful and secure cyberspace and to further pursue efforts to enhance stability and reduce the risk of conflict.

The evolving threat landscape, recognising that cyberspace is continually contested, requires a constant analysis of Cyber Threats, a close collaboration between incident response teams and the exchange of good practices concerning the cyber aspects and implications of crisis management. Since 2021 a new Comprehensive Cyber Defence Policy is supporting the above-mentioned NATO's three core tasks. According to expectations, the NATO Summit in June 2022 will be one more opportunity to reinforce the notion of Cyber as one of the major threats to the collective security and the new Strategic Concept will be possibly the opportunity to further consolidate *Cyber* as a priority.

Is it time to think in terms of cyber-Stability Policing?

Traditionally considered part of the Land Domain and conducted by Land-oriented forces, Stability Policing (SP) for NATO is defined 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*.¹⁰

In fact, the definition does not exclude at all any different approach required to include the Cyber Domain as part of the *SP Battlespace* and the existing NATO doctrinal framework does not *close the door* to cyber in Stability Policing.

As briefly pointed out in the previous paragraphs some basic ingredients of the Cyber Threat perfectly fit the Stability Policing environment and are rapidly emerging as a reality that cannot be further ignored or under-estimated as part of the evolution of the Stability Policing vision and the related capabilities.

More specifically, some considerations support the need to dedicate more attention to the Cyber Domain from the Stability Policing perspective:

First: thinking only in terms of “computers” could be a critical error; Cyber is no longer an activity for “practitioners” and ignored by the rest of the Force. *Commanders* at any level should start thinking in terms of possibly conducting SP activities also in the Cyber Domain and they should be properly educated to do so by having *Cyber* as part of their basic set of skills. It is not only matter of giving them technical skills as they have to enter into a virtual dimension with no-boundaries and have the ability to rapidly shift from the traditional Land dimension to the virtual dimension of the Cyber Domain.

Second: Cyber is at the same time a substantial ingredient of the Hybrid Threat. Both Cyber and Hybrid are characterised by the absence of physical borders (as previously pointed out), consequently there is very little (or no) distinction between a purely military context and a civilian environment, clearly creating room for *SP* as one of the tools to effectively operate in a Joint, Inter-agency, Inter-governmental and Multinational response to the resolution of the complex challenges of a crisis offering innovative and scalable options by expanding the reach of the military instrument.

Third: Establishing and maintaining a *Safe And Secure Environment* (SASE) and

Freedom Of Movement (FOM) is a paramount in a *SP* mission: it is probably time to consider the option to think in term of a *cyber-SASE* and a *cyber-FOM* from the perspective of a comprehensive approach. *Understanding the Operating Environment* and *Understanding the Threat* are by doctrine¹¹ two essential elements of the *Planning Considerations* in support of a *SP* mission. Nowadays *Cyber* can be undoubtedly considered as a relevant part of the *threat* and an essential ingredient of the Operating Environment, therefore by syllogism *Cyber* cannot be ignored in a *SP* mission.

Fourth: Law Enforcement (LE) has an important role to play in support of the Host Nation, particularly when it comes to domestic defensive cyber operations¹²: the frequent *obfuscation* of the adversary has relevant legal implications, potentially involving Host Nation's legal authorities, and States are called to seek additional innovative updates to laws that will allow LE to take appropriate measures. In addition, it should also be considered that *SP* Assets (when mandated) can conduct a LE activity in Cyber Domain as part of the *Temporary Replacement* mission within fragile states.

Police Capacity Building is a key role to develop and improve the police capabilities in fragile states and *SP* can offer a relevant contribution also to deter the development within fragile states of *cyber-sanctuaries* having the ability to harm the security of the Alliance and its member states.

Finally, there is a serious risk to have "*Stone Age commanders*" in a highly sophisticated operating environment and to face an evolved adversary putting in place an evolved threat if we do not rapidly change our mindset and expand the *SP* perspective as part of a comprehensive approach vision.

Part of the solution could be the *virtuous cycle* sustained by NATO through CoE's systemic approach: the "*past*" properly processed by the Lessons Learned loop can generate useful inputs to be developed by the Concept Development & Experimentation Pillar, to be captured and consolidated through the Doctrine Development & Standards component, and finally transferred to the *operational world* by the Education and Training Pillar.

A prompt change of mindset is required due to a big risk of being "*left behind*" by the rapid evolution of the threat; a significant effort should be made to con-

stantly maintain the operational advantage against the enemy, thus avoiding a dangerous “*chase the (cyber)-threat*” approach.

Cyber-instability is progressively becoming a reality: consequently, the need for *cyber-stability* cannot be ignored.

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1. AAP-06 NATO Glossary of terms and definitions (ed. 2021)
 2. AAP-06 NATO Glossary of terms and definitions (ed. 2021)
 3. US National Institute of Standard and Technology (NIST) – Computer Security Resource Center (CSRC)
 4. Joseph S. Nye Jr., The end of Cyber Anarchy. Foreign Affairs, Jan-Feb 2022
 5. Canadian Centre for Cyber Security: An Introduction to the Cyber Threat Environment. <https://cyber.gc.ca>
 6. Obfuscation refers to the tools and techniques that threat actors use to hide their identities, goals, techniques, and even their victims. In order to avoid leaving clues that defenders could use to attribute the activity, threat actors can use either common, readily available tools and techniques or custom-built tools that covertly send information over the Internet. (FireEye Cyber Security at <https://fireeye.com>)
Sophisticated threat actors can also use false flag, whereby an actor mimics the known activities of other actors with the hope of causing defenders to falsely attribute the activity to someone else. For example, a nation-state could use a tool believed to be used extensively by cybercriminals. (FireEye Cyber Security at <https://fireeye.com>)
 7. US National Institute of Standard and Technology (NIST) – Computer Security Resource Center (CSRC)
 8. Lockheed Martin. Gaining the Advantage. Applying Cyber Kill Chain Methodology to Network Defense. 2015
 9. Collective Defence, Crisis Management and Cooperative Security are the three Core Tasks identified by the NATO Strategic Concept adopted in 2010 at the Lisbon Summit
 10. AAP-06 NATO Glossary of terms and definitions (ed. 2021)
 11. Allied Joint Publication AJP 3.22 – Allied Joint Doctrine for Stability Policing
 12. America’s Cyber-Reckoning. Sue Gordon and Eric Rosenbach – Foreign Affairs Jan. – Feb. 2022



STABILITY POLICING IN SUPPORTING FRAGILE COUNTRIES' RESILIENCE

Captain Marco Codispoti
Italian Carabinieri

"It is not the strongest of the species that survives, nor the most intelligent, but the one most responsive to change."

C. Darwin 1809

What is Resilience?

Resilience, in common parlance, has at least a double meaning. If referred to toughness, resilience is the capacity to recover quickly from difficulties while when referred to elasticity it is the ability of a substance or object to spring back into shape. In ecology, resilience means *"the capacity of an ecosystem to respond to a disturbance by resisting damage and recovering quickly"*. Social sciences have produced a growing body of literature on the social dimensions of resilience showing, for example, that a society's resilience rests on the capability of its citizens: healthy, empowered people are more able to cope with all manner of crises, from crop failures to hurricanes. Although resilience's meaning may slightly differ depending on the context, the takeaways from the natural world can teach how to strengthen societies' preparedness and capacity to respond to crises such as modern conflicts or pandemics; therefore, based on the context, different definitions of resilience exist. One of these comes from the UN Office for Disaster Reduction, that defines resilience as *"The ability of a system, community or society exposed to hazards to resist, absorb, accommodate to and recover from the effects of a hazard in a timely and efficient manner, including through the preservation and restoration of its essential basic structures and functions"*³. If considered under a sociological perspective, resilience has a more complex meaning. Indeed, a community, in order to survive the occurrence of an emergency, both of natural and man-made origin, must in advance organize itself to cope with and resolve, reduce and mitigate the effects of a crisis, while ensuring, at the same time, the continuity of control by central bodies. This characteristic also takes the name of "resilience"; in this case it is defined as the ability of a society, exposed to dangers, to resist, absorb, meet, adapt, transform and recover in a fast and efficient way, including the conservation and restoration of its essential structures and functions. In addition, regardless to the security environment, the resilience of the populace can vary according to its country's level of fragility because of its weak institutions, poli-

tical fragmentation, ethnic divisions, as well as low level of trust between population and government.

The NATO perspective and the seven baseline requirements.

Under NATO perspective, resilience is a national responsibility and a core element of collective defence, anchored into the art. 3 of the 1949 Washington Treaty. While during the Cold War, in case of crisis or wartime, NATO could easily take control of critical infrastructures controlled by a member State, today *“the delivery of forces and military capabilities that NATO needs in order to uphold collective defence or to project forces beyond its territory relies on civilian resources”*, which can be vulnerable in particular to hybrid attacks. To this regard, the concept of *“civil preparedness”* refers to the ability to withstand the functions vital to society or, in other words, the action of governments and agencies to enable a nation to survive either enemy attacks or a pandemic and to contribute to the common effort, to achieve resilience. It also means that the civilian sector in Allied Nations would be ready to provide support to a NATO military operation. The development of resilience through civil preparedness notably constitutes a central aspect of *“total defence”*, intended as a security approach involving the *“all of society”*, under the democratic control of political authorities, and through an institutional collaboration between these authorities, the armed forces, civil administrations, law enforcement, the private sector and the public. To this regard, at the 2016 Warsaw Summit, NATO adopted seven baseline requirements in strategic sectors to serve as yardsticks for national self-assessments. They constitute *“the backbone of NATO’s approach towards Resilience through civil preparedness”*, applicable *“to the entire crisis spectrum, from an evolving hybrid threat or a pandemic all the way up to the most demanding scenarios”*. Yet NATO continuously updated them over time in light of new challenges, such as the 5G communications standard and, most recently, the response to the coronavirus pandemic. Notably, in 2021, the North Atlantic Council endorsed the NATO Warfighting Capstone Concept (NWCC), which paved the way on how to develop the Alliance’s Military Instrument of Power (MIoP) and what it must look like to maintain warfighting advantage for the next twenty years. Among the five warfare imperatives proposed, the Alliance included



Royal Netherlands Marechaussee Officers investigating on war crimes in Ukraine

the Layered Resilience, intended as the ability to withstand immediate shocks to supply lines of communications, as well as attacks in the cognitive domain over long periods.

Can Stability Policing support resilience in a fragile country?

During the last years, a series of tasks, falling under the heading of the SP remit, have proved to be crucial to enhance the resilience of the population also during the COVID-19 pandemic like, for example:

- *Crowd and riot control:* LE dealt with riots in prisons (like in Italy and United States, for example) and there is no reason to believe this could be different in areas where SP assets might be deployed (the same applies also for the support to judicial and correction institutions);
- *Restoration of public security and public order:* in case of social unrest as consequence of food shortages or sickness in theatre of operations or as a consequence of the application of COVID-19 restrictions, all over the world;



- *Counter-organized crime:* with particular attention to shark loans/usury and computer crimes;
- *Traffic control:* by supporting local authorities in enforcing lockdowns or other emergency like natural or manmade disaster;
- *Counter Terrorism:* by providing specialized and dedicated investigative units and tools with specific police skills, expertise and civil-oriented mind-set to contrast terrorist organizations by judicial means (criminal investigations, arrests...).

Among other important SP tasks, fighting corruption, as part of Building Integrity efforts, plays also a pivotal role in building the civil preparedness and the resilience of local police forces, whose accountability is fundamental to achieve efficient and sustainable results in the recovery period. For the same reason, the Cultural Property Protection effort plays an extraordinary role in preserving the community's identity and resilience, keeping social, ethnic and religious identity more cohesive and stronger. The same goes for Protection of Civilian, since the security of critical civilian infrastructures and the continuity of essential services fall under the SP heading tasks. Besides the above tasks, SP assets proved to be able to support population by a large number of additional, non-strictly police related activities, as for example delivering medicines, incomes, assistance, protect citizens as it is still in place in NATO operations in the Balkans.

Lessons from Kosovo

NATO doctrine recognized the prominent role played by LE actors in the context of military contribution to peace support and military contribution to stabilization and reconstruction, praising the concept of Multinational Specialized Units (MSU), especially in support of a fragile or unstable country, after the collapse of institutions and LE, neither able nor willing to contrast threats and deal with the security crisis. In this situation local LE can provide the capability to establish RoL only if the security environment permits to do it. In Bosnia and Kosovo crises, with security conditions compromised, restoring the RoL and grant the protection of Human Rights, which are enabler factors to the resilience of the population and to reach

the SASE, was possible only by the deployment of MSU Regiment, which contributed to ensure SASE in the operational area, through proximity/community police methodology, characterized by information gathering, public order and public security management, and by listening and supporting local population needs in the framework of countering crime. The latter example clearly showed that SP assets, when engaged in a fragile or unstable context, could play a crucial role in developing the resilience of the population by providing critical sites security, the rapport building with population and authorities, the protection of people (especially vulnerable groups) and properties, the traffic control and community based policing. In fact, SP lies on the principle of working in partnership with the local, regional, and national communities and authorities. Improving community organization – defined as ‘the density of interpersonal ties and the prevalence of shared expectation for collective action’ – is an obstacle to organized-crime groups and the terrorist groups to control territory and reduce the benefits of coercive violence while increasing protection from any tentative of citizen’s exploitation. In this vein, Community-based Policing becomes a tremendous opportunity for SP assets to represent the link between local populace and the NATO mission, by the accomplishment of everyday patrolling and promoting interaction with civilians. Population-focused policing aims at ensuring the security needs of all groups in a particular community through its partnership and interagency approach. In this way, the police can facilitate the access to justice, regardless of people’s social or economic status. Addressing local needs, while combating crimes, improves overall security and allows the conditions for development to take place. SP efforts must be synchronised at all levels of intervention (local, regional, and national) and must be coordinated with all Stability & Reconstruction (S&R) efforts in order to avoid jeopardising the efforts of all the actors involved. This concept was stressed by Mr. Kazuyoshi Umemoto, in the context of the adoption of the first UN stand-alone resolution on the Security Sector Reform (SSR) *“If the military and the Police were not seen as inclusive enough in the eyes of local people, that mistrust could easily lead to a relapse of conflict”*.

SP and Community Policing perspective.

One of the major outcomes of the NATO SP concept development workshops was the necessity of being aware of cultural sensitivities and local population's values, stressing that the core of a successful SP mission depends on the ability of establishing a deep communication with civilians through a community-based policing approach. *"SP specialists are pivotal for achieving the goals of the mission. To enhance their effectiveness, they must have very good relationships and communication with local population, creating to the best extend possible a positive, trustworthy environment"*. Under NATO SP CoE's perspective, Community Policing refers to *"the systematic use of partnership and the implementation of collaborative effort between the deployed SP assets, the local Police, when existing, and the community, to effectively and efficiently identify, prevent and solve problems of crime, the fear of crime and social disorder, in order to contribute to establish a SASE. It includes proximity policing instruments"*. While the main purpose of Community Policing aims to reduce low-level crime, the broken windows' theory (an un-repaired broken window is a signal that no one cares, and so breaking more win-



Italian Carabinieri in Kosovo (KFOR)



Turkish Gendarmerie rescuing civilians during a severe snowstorm

dows costs nothing) proposes that this can reduce serious crimes as well. It is a philosophy of policing, which encourages the public to become partners with the police in controlling and preventing crime. It does this by demonstrating to the public that police are prepared to respond to their security concerns, value their advice, and will act in a fair, honest, and impartial manner. While immediate effect of policing on crime may be limited, community-oriented policing, complemented with intelligence-led policing, may help the host nation police forces in long-term crime reduction, thus enhancing the resilience of the population and of institutions to other threats. Increased sharing of intelligence beyond the limits of the law enforcement may also enable local authorities, aid agencies and health and educa-

tion assistance programmes to have a greater potential to impact on a wider range of crime causal factors. As correctly argued in the Community Policing framework concept *“Community Policing is not a mere instrument that the SP assets can actually take advantage of, while a fundamental component of the SP strategy to achieve the mission. It is also the most challenging part of an SP mission, as it requires a comprehensive approach, which means not only interacting but also working, relating and collaborating with civilians, private sector, civil Host Nation Institutions and communities as well as civil International Organizations and non-Governmental Organizations. Community Policing puts the military and the civil societies in close partnership to reach together the common good of a SASE. This requires mutual understanding and respect. The specific role of SP assets in this regard varies accordingly with the stage of the S&R process and with the mission assigned to the SP assets themselves”*.

Trust in building resilience

Trust and social cohesion are overlooked factors in building resilience. In the essay *“Collaboration for Resilience”* Bruce Evan Goldstein's analysis showed that resilience depends on the community's ability to reconnect the bonds and connections. When trust falls between the elements of a system, in the middle of a critical event, lack of confidence hampers cooperative strategies and collective solutions, especially if these require a high degree of coordination between many actors. Collaboration in building resilience might be as well an important factor whether referred to Allied Countries or in case of unstable environments. In both cases, the civilian population can be the target and/or the main victim of the majority of risks and vulnerable to armed conflict, hybrid warfare, large-scale violence or other instability, including the inability to deal with transnational threats or other significant similar challenges. At the same time, the civilian population, if properly prepared, can transform in the first line of defence against any threats, as revealed during the COVID-19 pandemic. Indeed, the effectiveness of the coronavirus response depended primarily on citizens' acceptance and respect of the measures set out by authorities. Thus, both within stable and unstable/fragile countries it is crucial for local LE, and/or SP assets when engaged, to place citi-

zens at the heart of resilience-building efforts. To this regard, LE are able to provide a feeling of security through proximity to the local population only if the security environment permits to do it, in order to constantly reaffirm and strengthen ties between citizens and their democratic values and institutions. *“Building, rebuilding, and fortifying trust remains critical to creating durable resilience in the face of hybrid threats that acutely imperil the security at the state and societal levels. Trust-building within and across communities ought to be the linchpin of efforts to neutralise hybrid warfare and threats”.*

Conclusions

Recent experiences showed that the pure use of military force was less effective than non-military means to achieve political and strategic goals. This is due to the unpredictable number of subjects and disparate asymmetrical actions, characterized by *a combination of military and non-military as well as covert and overt means, including disinformation, cyber-attacks, economic pressure, deployment of irregular armed groups and use of regular forces*, through which these threats can arise, while, in principle, facing these menaces requires the involvement of the whole LE existing in a fragile country to mitigate the effects of an attack, while ensuring, at the same time, the continuity of control by central bodies. At the same time, trust between the population and LE has also demonstrated to be a key factor for a country to be resilient. As matter of fact, like in a synchronized natural mechanism, there is an interdependence among different factors such as civil preparedness, community policing, physical proximity and resilience of the population, which are inter connected and complementary. Ultimately, the integration among the above elements of such mechanism works in synergy to spread social cohesion and mutual trust between population and institutions. Under these circumstances, LE's main task remains to ensure the continuity of control by central bodies not only by enforcing traditional policing but also by enhancing awareness on population needs, reducing community disorder, helping to mitigate residents' fears about crime, solving problems, and caring for victims. Recognition of mutual interdependence becomes a factor of credibility between the population and between the population and the institutions and turns into social confidence by in-

creasing community resilience. For the same reasons, building resilience matters also whenever SP supports S&R activities and/or the host nation local Police's Capacity building efforts. By reinforcing or temporarily replacing LEAs, SP brings about a more police-like mind-set, aimed at reaching the end-state also through non-combat-oriented approaches instead of focusing solely on the conventional military defeat of the adversary.



NEW APPROACHES TO MILITARY OPERATIONS: STABILITY POLICING IN COLLECTIVE DEFENCE

Colonel Giuseppe De Magistris
Italian Carabinieri

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, 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, Russia 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), 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





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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. The second step of the NATO strategy has been the deployment of Battlegroups based in Poland, Estonia, Latvia and Lithuania. However, the Alliance's response so far is still a very conventional military one, focusing 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", 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) warfare, hybrid threats, insurgency, threats to human security, lawfare, 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.

Modern conflicts and crises present complex challenges

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, 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, *In modern conflicts, it has become increasingly important to defend population's rights and freedom, the economy and the effective functioning of*

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 the recent 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 effective 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 which military enemies may be enmeshed with adversaries, 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, which is the right answer to tackle illegal disruptive situations caused by modern conflicts. Provided 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. Indeed, 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". 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

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

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 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 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 affirmative law-fare 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, 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

In modern conflicts, it has become increasingly important to defend population's rights and freedom, the economy and the effective functioning of democratic institutions

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 Civilians (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 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 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 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 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.

Conclusions

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

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

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 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 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 .





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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 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.

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MONITORING, MENTORING, ADVISING AND TRAINING IN PEACEKEEPING OPERATIONS

Chief Warrant Officer Stefano Bergonzini
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The North Atlantic Treaty Organization (NATO) is a politico-military international organization, which has come a long way since its inception in 1949¹ applying innovation and transformation to stay fit for purpose. One significant such progress, determined by the necessity to address requirements also within *Peace Support Operations (PSO)*², involved the expansion of the military instrument into the remit of policing³. *Stability Policing (SP)* is in fact the military instrument to reinforce indigenous police forces and/or temporarily replace them and consists, among other activities, of *Monitoring, Mentoring, Advising and Training*. The following intends to depict a general doctrinal picture of SP within NATO and PSOs with a focus on reinforcement activities and some connected subject matters.

Born to “*guarantee the freedom and security of its members through political and military means*”⁴ the North Atlantic Alliance “*promotes democratic values and enables members to consult and cooperate on defence and security-related issues to solve problems, build trust and, in the long run, prevent conflict*”. “*NATO is committed to the peaceful resolution of disputes. If diplomatic efforts fail, it has the military power to undertake crisis-management operations*.” These are fundamental aspects of “*the most successful alliance in history because through the decades its members kept the commitment to protect and defend one another and adapted as the world around them changed*”.⁵

In fact, changes and adaptation in NATO included the deployment of the first Multinational Specialized Unit (MSU) to Bosnia in 1998 within the Stabilization Force (SFOR). At that time, the Alliance realized that neither its military might, nor the local police⁶ or the UN civilian police force were able to answer the security and policing-related needs of the local population adequately. The MSU, designed and led by the Italian Carabinieri, represented the only policing tool within the military instrument of power, which was flexible and robust enough to fill the described enforcement vacuum⁷. This so-called “policing gap” can be bridged through a combination of different approaches: through the temporary replacement of the Host Nation (HN) police force (HNPF) and/or by intervening on their capabilities⁸ and capacity⁹, by raising their performance to acceptable levels. AJP-3.22, the *Allied Joint Publication for Stability Policing*¹⁰, envisions precisely these two SP



Guardia Civil Officer operating in Afghanistan mentoring the local police forces



Italian Carabinieri in Afghanistan providing training to local police forces

missions, namely the reinforcement and/or the temporary replacement of the Indigenous Police Forces (IPF). Their aim is to *“contribute to the restoration and/or upholding of the public order and security, rule of law, and the protection of human rights”*.¹¹ This operational level ground-breaking publication defines the SP doctrinal framework and specifies that: *“Reinforcement is required when the indigenous police are existing and reliable but their effectiveness is limited and training, monitoring, advising, mentoring and sustainment are required. NATO stability policing assets will not be entitled to executive police powers, as these are retained by the indigenous police, and their tasks will consist of providing assistance. The ultimate goal is to enhance the indigenous police self-sufficiency and effectiveness in performing the assigned tasks”*.¹²

A number of factors can weaken the performance of the IPF in fragile states, including past, present and developing conflicts, manmade or natural disasters as well as corruption in governmental and administrative structures. A weak or missing Rule of Law (ROL) system in which all individuals, public and private entities, and the state are not accountable to the law and a frail Justice Sector (Police, Judiciary and Corrections) are likely to undermine each other and result in a reduced efficiency and efficacy of the police forces. Such a situation can hamper governance and generate power and enforcement vacuums, which might be exploited by irregular actors such as (war/ organized/trans-national) criminals, terrorists and insurgents and produce considerable levels of insecurity and instability. Often the response of the International Community consists in the deployment of forces in the framework of a Peace Support Operation; in NATO this occurs within the core task of Crisis management. SP reinforcement activities can be conducted across all operations themes¹³, hence also within the framework of a PSO; they directly contribute to address the shortcomings of the HN police and the wider Justice and ROL systems through Monitoring, Mentoring, Advising, Reforming, Training and Partnering (MMARTP).¹⁴

A dedicated SP publication subordinated to AJP-3.22, ATP-103 *“Replacement and Reinforcement of the Indigenous Police Forces”*, is currently being drafted in order to address SP tactical-level aspects. Inspired by the principles of coherence, clarity and non-duplication, it suggests to modify the extant, above-mentioned

Monitoring. *Consists of observing, assessing and reporting (to the competent authority) on the performance of indigenous police forces, in order to ensure compliance with the human rights and best international police practices;*

Mentoring. *Activities assisting the Host Nation by providing continuous guidance and counsel to specific individuals, teams or units until they are capable to function independently. Mentoring is normally focused on developing personnel in leadership and command positions;*

Advising. *Activities assisting the Host nation by providing subject matter expertise and advice to local forces. Advising activities are applicable from the tactical to the strategic level and in support of individuals or groups;*

Training. *This includes all initiatives that contribute to education and training of the local force, both at the individual and collective level. A comprehensive training program should align with all stakeholders to ensure a coordinated approach. Annex B provides further information*

Partnering. *Consists of activities/involvement from different contributors, in terms of resources or practices.*

Reforming. *Consists of driving, supporting and favouring a strategic transformation process aimed at enhancing capacities and integrity at both institutional and individual levels. Such activity can consist in:*

Restructuring. *Internal reorganization of the concerned indigenous police, management, internal processes and administrative system for the purpose of making it more efficient and able to fulfil its mandated functions;*

Rebuilding. *Establishment or re-establishment of indigenous police; and*

Inspecting. *Examining closely the performance of a task, as well as an asset, checking the compliance with a pre-determined set of standards.*

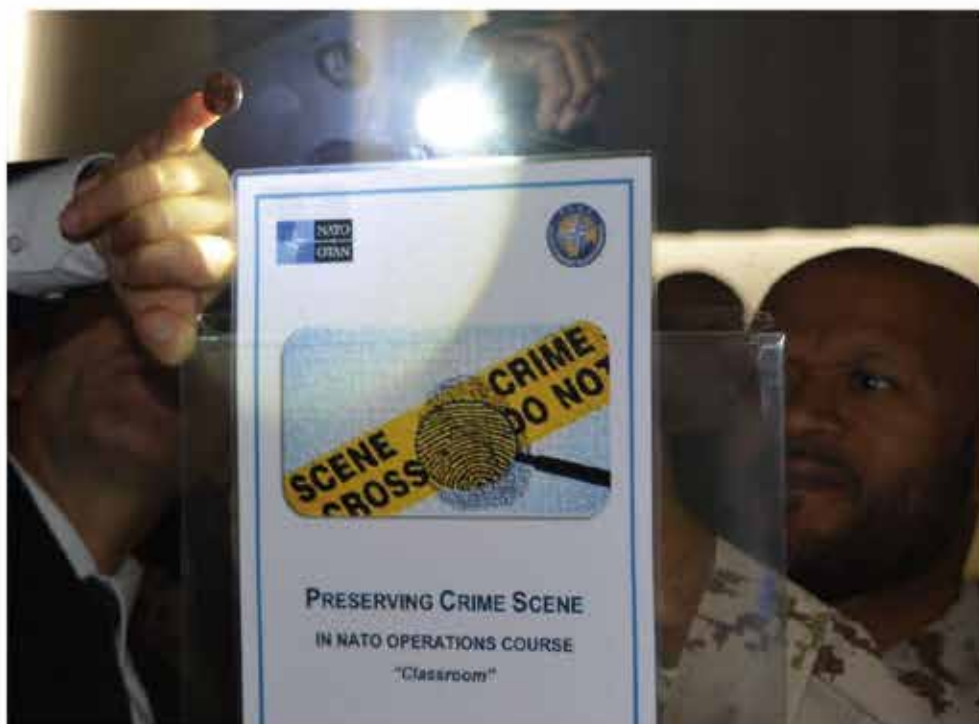
reinforcement framework (MMARTP), adopting instead the (M)-GOTEAM¹⁵ format. This acronym, standing for Monitor, Generate, Organize, Train, Enable, Advise and Mentor, is inspired by the Security Force Assistance (SFA)¹⁶ concept¹⁷ and Joint Publication¹⁸.

While SFA, focuses on the development, improvement and support of non-NATO military security forces¹⁹, SP reinforcement is primarily centred on the IPF and secondarily on other related institutions including the Judiciary, Corrections and HN government.

There is a connection between SP and SFA, since both are addressing capacity building of local security forces. Therefore, they should be conducted concurrently and in coordination, while adopting the same framework intends to facilitate a common approach.* The *International hub for Stability Policing* in Vicenza hosts also the NATO Stability Policing Centre of Excellence, which encompasses three




Mentoring and training sessions provided to Afghan Police Forces



NSPCOE's subject matter experts providing training on preserving a crime scene

pillars: Doctrine and Standardization, Education and Training and Lesson Learned (LL). While the first develops concepts and contributes to improving the NATO doctrinal corpus with SP inputs, the second designs training curricula and hosts courses about SP (see pictures); the latter gathers best practises and works the LL cycle to feed experiences garnered in operations and training into doctrine. The NATO SP COE is the NATO hub of expertise for SP including for Monitoring, Mentoring, Advising and Training also in Peace Support Operations.

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1. https://www.nato.int/cps/en/natolive/topics_67656.htm
 2. The broader term “Peace Support Operation” was preferred to the more limiting “Peacekeeping”.
 3. 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”*.
 4. <https://www.nato.int/nato-welcome/index.html>
 5. Verbatim and adapted from NATO Secretary General Jens Stoltenberg intervention (via video) on 30 April 2019, <https://atlanticcouncil.org/commentary/transcript/2019-distinguished-leadership-awards-2/>
 6. For this paper, the terms “*local police*”, “*Indigenous Police Forces (IPF)*” and “*Host Nation Police Forces (HNPF)*” are understood as having the same meaning.
 7. See also the Brahimi Report <https://undocs.org/A/55/305>,
 8. 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.
 9. A capability expressed in quantitative terms.
 10. AJP-3.22 was promulgated on the 14th of July 2016 and is currently under review.
 11. “Stability Policing definition: 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.
 12. AJP-3.22 paragraph 0220.
 13. Peacetime Military Engagement, Peace Support, Security, Warfighting (AJP-3)
 14. AJP-3.22 paragraph 0229.
 15. AJP-3.16 Allied Joint Doctrine for Security Force Assistance (SFA) envisions only the GOTEAM structure; pursuing a tendency of harmonization, it might be beneficial to drop “Monitor” as a SP activity, listing it instead as a SP task.
 16. Security Force Assistance (SFA) includes all NATO activities that develop and improve, or directly support, the development of local forces and their associated institutions in crisis zones. Local forces comprise indigenous, non-NATO military security forces and will be defined by the North Atlantic Council (NAC).
 17. MCM-0034-2014 as amended on 18 Mar 2014
 18. AJP-3.16 Allied Joint Doctrine for Security Force Assistance (SFA)
 19. AJP-3.16 Allied Joint Doctrine for Security Force Assistance (SFA) para 0101.



WAS THE PANDEMIC A STRESS TEST FOR LAW ENFORCEMENT?

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"[...] the end of the law is, not to abolish or restrain, but to preserve and enlarge freedom. For in all the states of created beings capable of laws, where there is no law there is no freedom. For liberty is to be free from restraint and violence from others; which cannot be where there is no law: and is not, as we are told, a liberty for every man to do what he lists. (For who could be free when every other man's humour might domineer over him?). But a liberty to dispose, and order as he lists, his person, actions, possessions, and his whole property, within the allowance of those laws under which he is, and therein not to be the subject of the arbitrary will of another, but freely follow his own." ¹

JOHN LOCKE 1632-1704

Introduction

With "rule of law" (RoL) we clearly refer 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 right norms and standards.

The current pandemic, with its dramatic consequences on the population and the economy, requires a profound reflection on the organisation and resilience of our societies. In this globalised world such emergencies can spread more quickly and recur much more frequently than in the past and provoke further pandemics, such as "hunger pandemic", "inequality pandemic" and a "pandemic of authoritarian rule".

The emergency constituted an unprecedented challenge with very severe socio-economic consequences² and further exacerbated state fragility, **acting as a multiplier of force for pre-existing vulnerability factors**, not to mention threats to vulnerable groups, domestic violence, civil disturbances and riots, looting, cybercrime and – due to the deteriorating security environment – any form of trafficking and counterfeiting.

The sum of these threats poses a number of challenges for the Law Enforcement (LE)³, in the entire world, based on the assumption that the concept of RoL is something to achieve for all states, without distinction from stable or fragile/unstable⁴ ones. Ultimately, Law Enforcement Agencies (LEAs)⁵, besides their daily routine tasks, are requested also to enforce sometime unpopular protective

health restrictions, safeguard public institutions, and lastly, protect themselves from the risk of COVID contamination.

Rule of Law vs Rule by law

Generally, to counter this trend affecting the already precarious health situation and the perception of insecurity, some countries have introduced broad and sometimes draconian measures, namely emergency laws, curbing freedom of movement, speech and assembly in the name of public health, further heightening the risk of autocracy⁶, **risking descent from rule of law to rule by law.**⁷ Examples of backsliding include attacks on the independence of the judiciary, lawyers and court officials, as well as democratic society.⁸ In these cases, *where governments responded with an expanded role and the forceful presence of LEAs, challenges emerged, including perceptions of bias, disproportionate use of force, and other human rights issues.*⁹ Under these circumstances, professional LEAs, trusted by and responsive to the needs of society are always critical to maintaining RoL, ensuring legal certainty and clarity in public communication, providing public safety, fostering an environment in which governance can flourish, and providing situational awareness and criminal intelligence.¹⁰ This could help to avoid aggravating social tensions, grievances and underlying causes of conflict – and preventing conflict is perhaps an imperative now more than ever, as prospects for large-scale investment in conflict-management and post-conflict recovery fall victim to scarce resources.¹¹ In addition, restriction measures had negative impact on people's mental well-being, put pressure on their relationships and caused stress, thus potentially contributing to an increase in domestic violence also called "Shadow Pandemic"¹², as the movement-limiting measures during the lockdown made it more difficult for victims to escape from aggression and receive assistance from healthcare service.

The pandemic, a stress test for Law Enforcement

While fear leads government in taking restrictive measures to gain precious time for health systems to adapt to the new challenges, societal values are under public scrutiny, turning the pandemic in a genuine stress test for LE and its agen-

cies around the globe. In case a fragile/unstable country needs to cross over a crisis and re-build its institutions, RoL is an important facilitator in this process. As matter of fact, while in strong enforced RoL societies, the citizens can rely on effective, transparent, and accountable institutions¹³, whenever crisis hits weak or fragile/unstable states that are unwilling or incapable to control the situation, **the void that is left unattended allows crime to thrive and offers a bolthole for extremists to further destabilize** an already weak country. Similarly, perceived inequalities in the administration of the law, and real or apparent injustices, are triggers for instability, with consequences also on military operations, which might support LE also in peacetime. One example of the latter is the case of “... *distribution of emergency aid, medical supplies, and economic stimuli provide ample opportunity for corruption and fraud. Without effective institutions that ensure transparency, accountability and oversight, much of it will not reach intended beneficiaries, deepening the social, medical and economic crisis* *“Shadow Pandemic”* *and compromising and delaying recovery.*¹⁴ It is then of paramount importance that, both in a weak and in a stable country, all actions taken by a government and its LE officers in attempting to restore stability are legal and perceived as legitimate. LE officers are more effectively able to carry out their duties and responsibilities if they are perceived as having legitimate authority by the citizenry that they serve.¹⁵

Among other challenges posed by the pandemic

As the COVID-19 pandemic spread, LE had to take unprecedented steps to enforce restrictions and contain people's anger and violent reaction, which may contribute to weaken institutions and government action, and to prevent organized crime to exploit the voids created by the crisis to expand its impact, build its legitimacy and spoil communities and governments alike. A large body of evidence shows that people do not riot as a spontaneous reaction when they are frustrated, or they do not get what they want. Even when people are starving, this does not necessarily generate food riots. Rather, people need to feel that the way the crisis is being handled appears unjust and that they share a collective grievance with others in the same boat as themselves (their in-group). Second, they need to identify a





clear source (or outgroup) who is responsible for their plight and who they can target.¹⁶ As experience showed, also **prison riots** started as consequence of the counter measures against the virus; new internal rules imposing to the inmate's restrictions by cancelling the visits (hyper isolation of prisoners); lack of protective masks in the prison system which lead to a few deaths among the inmates. Actually, according to the "*breakdown*" perspective, riots occur when there is a breakdown of consensus between the prison administration and incarcerated people, which leads the administration to shift towards coercive methods of control, making prisoners feel that they have nothing to lose by rebelling.¹⁷ Among other hard challenges to the global community and to global governance, there is the degree to which organized crime may use the breach created by the political and social crises that the virus is bringing about to expand its impact, and build its legitimacy and reach with communities and governments alike. A number of organized criminal groups have traditionally attempted and succeeded in main-



Polish Gendarmes monitoring during the pandemic

taining the monopoly of control of illegal activities at the local level, by imposing protection on all types of economic businesses and corrupting local political institutions. For some types of organized criminal groups that are traditionally linked to a specific geographical area, the control of the territory remains their main strength and source of power. It is through territorial control that they will try to take advantage of the coronavirus crisis to infiltrate the medical supply chain, penetrate the legal economy, gain access to national resources and, in general, influence post-COVID-19 policies for their own benefit. *To enforce this form of territorial control, these criminal groups often need to build the image of a sort of “state within the state”, able to provide aid and support to the local community and, at the same time, discourage any form of criticism and dissent through intimidation and violence.*¹⁸ The financial crisis and the potential bankruptcy of several enterprises, shops and economic activities, may represent further opportunities for organized crime to penetrate and infiltrate the legal economy. Moreover, organized crime has been able to exercise direct or indirect control over key economic activities in fragile sectors, including the food distribution chain and the food processing and manufacture. It is expected that criminal groups will try to profit at the maximum from these prospects, infiltrating sectors that have a high potential of becoming strategic after the pandemic by responding to potential food or other commodities' shortages created by lockdowns and economic crisis in different parts of the world.¹⁹ As matter of fact, in the local governance space, there are three categories of actors operating interdependently: the state with its institutions, local authorities and LE; the civil society; and the local-strongmen that challenge legitimate authority, often in the form of organized crime. In places where state institutions are strong, the latter category is kept under control and distant from people's everyday lives, though never entirely absent, whilst in weak states, there are fewer barriers and greater opportunities for criminal strongmen, who see the pandemic more as an opportunity rather than as an ordeal. The same applies to terrorists, who have always used the aftermath of humanitarian emergencies to strengthen their ties in the communities and to leverage national governments for greater influence, as also demonstrated during the current pandemic.¹⁹

Stability Policing plays a fundamental role in enforcing the RoL in fragile states

According to the 2010 NATO Strategic Concept, NATO will actively employ an appropriate combination of capabilities *“to help manage developing crises before they escalate into conflicts, to stop on-going conflicts and to help consolidate stability in post-conflict situations where that contributes to Euro-Atlantic security”*.²²

The above-mentioned concept is also highlighted in the AJP 3.22, which states *“Stability Policing operations can be performed across the full spectrum of operations, and could start when the environment is still unstable”*. Indeed, in *“unstable states”*, the previous list of threats²³ will likely deteriorate the rule of law and spoil²⁴ the Peace Process²⁵; consequently, the Judiciary and LE structures could progressively lose their effectiveness. To this regard, one of the conclusions assessed in the Spoiler threats Assessment - summary report”, issued by NATO SP COE, was indeed, *“Stability Policing can play an important role in the early spoiler assessment and identification phase and in putting in place effective mitigating measures against them, especially if the spoilers belong to categories such as Criminalised Power structures”*.²⁶ The last sentence implies that the stability of these states depends, above all, on the commitment of their institutions to promote an acceptable standard of governance. The conditions may span from a failing to recovering state. In the *“Failing States”*, *the condition is still viable but it is characterised by a reduced capability and capacity to protect and govern the population. Based on the situation, a failing state may transition to a recovering or a failed state*.²⁷ The latter could more easily appear if the cause of threats are left unaddressed and lead to civil war or other conflict while institutions are unable to effectively govern and protect the population. In contrast, it will turn into a recovering state when general situation of the country is moving toward normalcy but may have an imperfect level of viability. To this regard, a key consideration is whether the population considers the level of protection and governance acceptable normal and legitimate. In fact, as stated in NATO Allied Joint Doctrine for Stability Policing - AJP 3.22: *“The prospect of long-term stable governance only occurs when influence is exercised over a population and territory by methods viewed as broadly legitimate by the majority of the governed. The rule of law, based on three pillars (LE, judicial, and correctional) must be addressed concurrent-*



Romanian Gendarmerie patrolling during the pandemic

ly, is fundamental to legitimate governance, and may be institutionalized in varying forms dependent upon the social, cultural, and political characteristics of the particular society. Legitimacy is ultimately defined by the local population rather than by the externally imposed criteria.

The security gap²⁸

One of the conclusions of the “Brahimi Report”²⁹, which introduced the concept of the “security gap” and the requirement for a new peacekeeping structure, was that the lack of qualified and rapidly deployable police capacities resulted in a serious deficiency in several international peacekeeping and peace building missions. The policing gap illustrates the lack of indigenous police capability to provide a Safe and Secure Environment (SASE), public security and the RoL. Stability



NSPCOE's staff and Italian Carabinieri monitoring the local population and their needs during pandemic by means of drones



Policing is intended to close the policing gap. Indeed, the purpose of RoL operations is to foster security and stability for the civilian population by restoring and enhancing the effective and fair administration and enforcement of justice. To reach these targets there must be synchronization and synergy between efforts to restore, reform, and assist the court and legal system and efforts to restore, reform and assist the public safety system. A judicial system is powerless without an effective public safety system, while a public safety system is not legitimate without a fair and efficient judicial system. Here, SP assets conduct LE missions with the aim of establishing a SASE, come as support indeed, to better train and equip professional local LEAs as part of NATO's contribution to a comprehensive approach³⁰, which means a combination of military and non-military actors, such as NGOs, IOs, and local agencies along indigenous and international police forces. That implies a respected legal framework is essential to gain the support of the local population as a key element for the success of the mission. Indeed, *"Throughout the spectrum of conflict the initial goal of stability policing is to re-establish and maintain sufficient security for the local populace. Secondly, stability policing re-establishes law and order and strengthens the rule of law through reinforcing local security institutions. In this view, lasting stability can be achieved, under the policing perspective, by preventing violence, protecting borders, personnel, key institutions, tackling organised crime, countering terrorism. Overall stability may only be achieved through a broad range of initiatives extending beyond policing activities."*³¹ Is it not the same case in the midst of a harsh pandemic? Developing sustainable good and sincere relations with the local population within the area of responsibility is a strategic goal that the Stability Policing assets must achieve. This will help insulate adversaries like criminals, terrorists or insurgents from the sane population. This last concept relies on the Peelian principles, which define policing by consent as base of the LE.³² Also in NATO operations, RoL activities aim to foster security and stability for the civilian population and require a comprehensive approach, involving not only the Alliance but the whole international community and the Host Nation. Indeed, the Allied armed forces are playing a vital role in supporting national civilian responses. *"This support includes logistics and planning, field hospitals, the transport of patients, disinfection of public areas,*

*and at border crossings. Moreover, NATO Comprehensive response plan includes all NATO capabilities in which Stability Policing might play a relevant role in collaborating with the LEAs of the Allies and Partners when they are affected by the pandemic outbreak. Through such a capability within the Alliance, the NATO members and partners might request the Alliance's support in terms of Stability Policing expertise for assisting in identifying ways that NATO might provide any support within their Nations, focusing mainly on a possible support to military and police forces involved in countering the pandemic challenges".*³³ Finally yet importantly, the primary responsibility for enforcing domestic criminal and public order law rests with police forces and Gendarmerie Type Forces (GTFs)³⁴ that are specifically organized, trained and equipped for these functions. This is why, in fragile/unstable states, the GTFs represent the suitable robust tool to ensure SASE and to strengthen the RoL by reinforcing local security institutions.³⁵

Conclusions

As we said, the concept of RoL is something to achieve for all states, not just for fragile/unstable ones. It can play, at the same time, the fundamental role of enabler of peace, justice, and inclusion being able to provide a perimeter of legitimacy of the restrictive measures taken in response to the pandemic that hit every country in the world, ultimately bolstering their effectiveness through increased compliance. This implies that RoL also requires that law be understood as a cooperation of institutions. The same applies to NATO Stability Policing when deployed. Indeed, just like a cooperative enterprise, the legislator, the officials and citizens have each one a specific role: to dictate general and practicable rules, to interpret them and apply them in a suitable way, and take them as a guide for his or her own behaviour. In this regard, the effectiveness of government measures to contain the virus and Build Back Better depends, above all, upon the capacity of the LEAs, to provide transparent effective and accountable actions, in adherence with the rule of law. In fact, the latter nurtures trust in institutions and underpins a social contract among citizens, both indispensable to solving a public health crisis like the COVID-19 pandemic in which a collective approach is the only way to contain and control the disease. Whenever deployed in unstable state, during emer-

gency crises or in the normalcy, with the largest impact on the day-to-day lives of the population, LEAs fundamental role must remain to provide the feeling of security and justice by acting in favour to the populace, according to three principles: legality³⁶, accountability and transparency. With the same assumptions, Stability Policing plays an active role in fragile states whenever given an executive mandate bestowed by the UN Security Council Resolution through the Alliance. In the stormy sea created by huge emergencies, the RoL must remain the beacon that orients navigators and offers law based responses to the crisis.

1. John Locke, *The Second Treatise of Government*, C.B. McPherson ed. (Cambridge 1980) chapter 6, paragraph 57.

2. "This devastating recession does not have an economic origin". It will dance largely to the tune of non-economic factors, and is truly global. The crisis has resulted from a policy to tackle a health emergency through containment measures. Hence characterisations such as "putting the global economy into an induced coma" or "into hibernation".... And it has induced contractions in output and employment that have been even steeper than those during the Great Depression. All this means that, in contrast to the Great Financial Crisis (GFC) of 2007–2009, the present crisis has three key features. It is truly exogenous, not the result of the unravelling of previous financial imbalances—the typical recession trigger since the mid-1980s. It is truly uncertain, in the specific sense that the wide range of possibilities depends on unpredictable non-economic factors. And it is truly global: despite how the 2007–2009 crisis is generally portrayed, many countries did not actually experience it, not least in Asia. Report on the comprehensive economic policy response to the COVID-19 pandemic <https://www.consilium.europa.eu/it/press/press-releases/2020/04/09/report-on-the-comprehensive-economic-policy-response-to-the-covid-19-pandemic/>

3. For the purposes of this article, "law enforcement" was intended as "the activities by authorised entities to compel compliance with a law, excluding the Judiciary". Not a NATO agreed term

4. According to the Organisation for Economic Co-operation and Development (OECD) "a fragile region or state has weak capacities to carry out basic governance functions, and lacks the ability to develop mutually constructive relations with society. Fragile regions or states are also more vulnerable to internal or external shocks such as economic crisis or natural disaster". Fragility refers to a wide array of situation: countries in crisis, countries at war, reconstruction context, humanitarian and natural crises, situations of extreme poverty. In NATO environment, the term "unstable state" is used, rather than "fragile state", to describe, "a state with weak capacity to carry out the basic state functions of governing a population and its territory and that lacks the ability or political will to develop mutual constructive and reinforcing relations with society" (Oxford Dictionary definition). Therefore for the purposes of this article both "fragile" and "unstable" terms are used with the same meaning

5. For the purposes of this article Law Enforcement Agencies are intended "any government agen-

cy responsible for the enforcement of the laws”

6. Anna Luhrmann and Bryan Rooney, 'Autocratization by Decree: States of Emergency and Democratic Decline', 2020, pages 1 and 11, available: https://www.v-dem.net/media/filer_public/31/1d/311d5d45-8747-45a4-b46f-37aa7ad8a7e8/wp_85.pdf. See also: Richard Youngs and Elene Panchulidze, 'Global Democracy & COVID-19: Upgrading International Support', 2020, available: http://carnegieendowment.org/files/Global_democracy_covid-19_report_FINAL_WEB

7. In contrast, Rule by Law is a concept that sees the governing authority as somehow being above the law, and has the power to create and execute law where they find it to be convenient, despite the effect it has on larger freedoms that people enjoy. To expand on this idea, rule by law is a method that governments and people in power use to shape the behaviour of people, and in terms of governing a country, mass groups of people. This usually has the end goal of psychologically or forcefully persuading people to agree with policy decisions they otherwise would not agree with.

8. See, for example, International IDEA, 'Global Monitor of COVID-19's Impact on Democracy and Human Rights', available: <https://www.idea.int/gsod-indices/#/indices/world-map>

9. COVID and the Rule of Law: A dangerous Balancing Act <https://www.un.org/fr/node/80635>

10. Allied Joint Doctrine for Stability Policing (AJP 3.22)

11. COVID and the Rule of Law: A dangerous Balancing Act <https://www.un.org/fr/node/80635>

12. UN Women, the United Nations entity dedicated to gender equality and the empowerment of women, launched the Shadow Pandemic public awareness campaign, focusing on the global increase in domestic violence amid the COVID-19 health crisis. The Shadow Pandemic: Violence against women during COVID-19. Since the outbreak of COVID-19, emerging data and reports from those on the front lines, have shown that all types of violence against women and girls, particularly domestic violence, has intensified. <https://www.unwomen.org/en/news/in-focus/in-focus-gender-equality-in-covid-19-response/violence-against-women-during-covid-19>

13. ...that can defend liberty and provide for public safety, including public health...

14. COVID and the Rule of Law: A dangerous Balancing Act <https://www.un.org/fr/node/80635>

15. <https://www.rand.org/pubs/tools/TL261/better-policing-toolkit/all-strategies/legitimacy-policing/in-depth.html>

16. NATO SP COE – COVID 19 LL Data Collection plan <https://nllp.jallc.nato.int/Pages/HomePage.aspx>

17. M.Colvins "The penitentiary in crisis: from Accommodation to Riot in New Mexico" Albany N.Y. State University of New York press

18. Francesco MARELLI, How organized crime is expanding during the covid-19 crisis – United Nations Interregional Crime and Justice UNICRI

This cynical opportunism in times of crisis is by no means unprecedented – mafia groups have long used the aftermath of humanitarian emergencies to strengthen their ties in communities and to leverage national governments for greater influence. The Yakuza gangs have been renowned first responders during earthquakes and tsunamis in Japan; the Jalisco cartel distributed aid to hurricane victims in western Mexico last year; meanwhile, al-Shabaab provides relief and distributes food assistance during Somalia's cyclical droughts <https://globalinitiative.net/analysis/covid-19-strengthen-civil-society-in-a-time-of-unprecedented-change-and-undermine-criminal-governance/>

Attacks conducted by terrorists and other violent non-state actors have certainly not ceased. In fact, in Mali, for instance, the first seven months of 2020 saw more fatalities than the whole previous year. In West Africa and the Sahel, groups like Boko Haram and the Islamic State West Africa province continued with "routine attacks" following a grim pre-pandemic trend. The current worsening situation in Afghanistan is self-explanatory

– United Nations Interregional Crime and Justice UNICRI

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21. Police related activities intended to reinforce or temporarily replace Indigenous Police Forces in order to contribute to the restoration and/or upholding of public order and security, rule of law, and protection of human rights (Allied Joint Doctrine for Stability Policing, AJP 3.22 – NATO agreed)

22. Active Engagement, Modern Defence: Strategic concept for the defence and security of the members of the NATO, adopted by heads of state and government at the NATO summit in Lisbon, 19-20 Nov 2010

23. See the previous chapter

24. The Spoiling behaviour describes the act of spoilers who are "individuals that have the power to negatively impact the peace process both willingly and unwillingly. Spoiling behaviours include violent and non-violent methods". Working definition. NATO SP COE Assessment Of Spoiler Threats 2020 LL Branch – Summary Report <https://nllp.jallc.nato.int/Pages/HomePage.aspx>

25. For the purposes of the NATO SP COE Assessment Of Spoiler Threats 2020 LL Branch – Summary Report , the Peace Process is intended "the entire spectrum of activities ranging from the reduction of violence, to the peace agreement, and its related implementation"

26. On 8-9 October 2019, NATO SP COE, supported by NATO's HQ SACT as Customer, successfully conducted a high-level conference involving the main IOs responsible for providing security (UN, NATO, EU and AU), in close collaboration with other national organizations such as the US Special Inspector General for Afghan Reconstruction (SIGAR). The Conference's purpose, entitled "Assessment of Spoiler Threats: A Shared Requirement", was aimed at bringing together UN, NATO, EU and AU practitioners in order to discuss the assessment processes (including tools) that can be used from the earliest phases of the planning process by these IOs to identify potential spoiler threats that can impact an operation. Its main conclusion was the recognition and mutual agreement of the requirement to develop a coordinated process for assessing spoiler threats affecting the end-states of any international mission

27. Allied Joint Doctrine AJP 3.22

28. The need for the NATO to be endowed with a military capability of civil police clearly emerged during the SFOR operation in Bosnia and Herzegovina. In 1997, the Allied Command Europe identified the so called "security gap" in the field of public order and security. The "security gap" was the grey area between the SFOR military capabilities, on the one hand, and the UN IPTF mission, with no executive powers, as well as the capabilities of the local police forces, often either incapable of or unwilling to enforce the law, on the other hand. In this grey area nobody either could or wanted to take responsibility. The gap was bridged by a military unit capable to perform the typical tasks of the civil police: the NATO Multinational Specialized Unit (MSU), made up of gendarmerie-type forces (GTF – also called police force with a military status, PFMS), which are military forces with full civil police capabilities. Since then, this model has been implemented several times and the deployed MSUs have received the contribution of the MP and of infantry forces trained for the

specific mission. Therefore, the concept itself of military forces performing police duties to cover the “security gap” has evolved in the current notion of Stability Policing

29. issued on 21 August 2000

30. NATO has learned from its operational experience that military means, although essential, are not enough on their own to meet the many complex challenges to the Alliance’s security. Both within and outside the Euro-Atlantic area, NATO must work with other actors to contribute to a comprehensive approach that effectively combines political, civilian, and military crisis management instruments Allied Joint Doctrine for Stability Policing AJP 3.22

31. Allied Joint Doctrine for Stability Policing AJP 3.22

32. “The police are the people, and the people are the police”. According to Robert Peel’s policing vision, “Policing by consent” indicates that the legitimacy of policing in the eyes of the public is based upon a general consensus of support that follows from transparency about their powers, their integrity in exercising those powers and their accountability for doing so

33. NATO SP COE – COVID 19 LL Data Collection plan <https://nllp.jallc.nato.int/Pages/HomePage.aspx>

34. An armed force established to enforce the law and that, on its national territory, permanently and primarily conducts its activities for the benefit of the civilian population (draft definition)

35. In fact, “the rule of law, based on three pillars (law enforcement, judicial, and correctional) must be addressed concurrently. It is indeed fundamental to legitimate governance and may be institutionalised in various forms dependent upon the social, cultural, and political characteristics of the particular society. Legitimacy is ultimately defined by the local population rather than by externally imposed criteria (AJP 3.22)

36. The quality or state of being legal. Oxford definition

STABILITY POLICING, THE GREAT ABSENCE IN THE AFGHAN CONUNDRUM

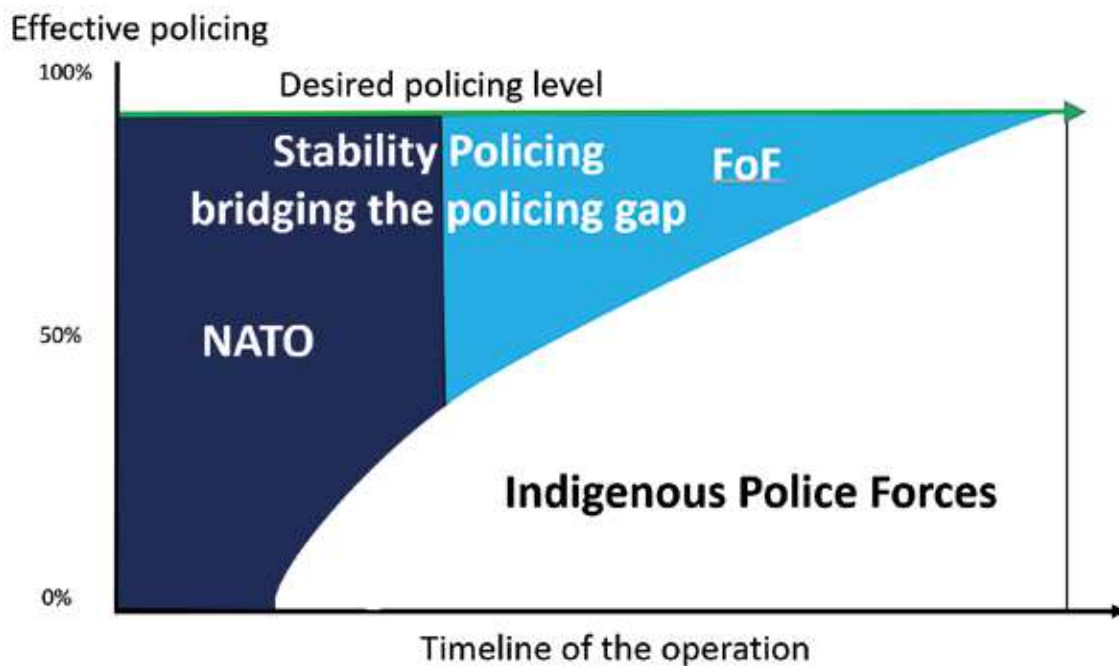
Colonel Giuseppe De Magistris
Italian Carabinieri

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 article 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

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?

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



*Stabilization can't be achieved only through kinetic, military confrontation.
As per SIGARH's advice, NATO needs "an expeditionary police capability with
qualified and trained police experts".*

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



NATO Stability Policing conference on "Police in Conflict" for the presentation of the 12th SIGAR report

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?

THE SILENT 'NDRANGHETA IN THE NORTHEAST OF ITALY: INSIGHTS FROM OPERATION TAURUS

Captain Marco Codispoti
Italian Carabinieri

New autonomous criminal entities and mafia gangs, known as *'Ndrine*, have gained independence whilst still carrying their predecessors' ruthless reputations. Now, these new mafia gangs use this coercive, so-called 'mafia method' to adapt and innovate their criminal activities whilst staying almost completely hidden.

In July 2020, the Carabinieri Special Operational Group coordinated by the Anti-mafia District Prosecutor's Office of Venice carried out the record-breaking 'Operation Taurus' against a criminal group of more than 130 suspected *mafiosi*. The group was believed to be connected to the powerful 'Ndrangheta criminal groups known as *Piromalli-Molè* and *Pesce* who settled in the North of Italy in the 1970s due to the transfer of some mafia affiliates in coerced stay ("*soggiorno obbligato*"), which was a restrictive or precautionary measure, abolished by the referendum of 11/07/1995, with which the court imposed on citizens judged to be of particular social danger to temporarily reside in a municipality of assignment of the national territory under the supervision of the police.

The investigation was conducted in the wake of another successful operation coordinated by the Antimafia District Prosecutor's Office of Bologna in 2015 that led to the arrest of 117 affiliates of the powerful Calabrian 'cosca' of *Grande Aracri* operating in the Emilia Romagna region bordering Veneto. Critically, both Carabinieri-led investigations yielded insight into how the 'Ndrangheta has innovated and adapted its modus operandi, opting, in most cases, for a low-profile approach.

Ongoing Trends

Operating under the radar, the groups leveraged their signature intimidation through indirect and direct intimidation messages or even without direct warnings, rather than the classic and explicit acts of violence and threat. In several cases the investigations revealed how these criminal groups have extorted hundreds of thousands of euros from some entrepreneurs and victims of predatory loans. In these cases, the extortion was conducted without resorting to explicit violence. Instead, criminal affiliates merely showed up to their victims' homes on behalf of the creditor – of course, carrying an implicit message.



Italian Carabinieri, ROS special force, combating organised crime



Other entrepreneurs who have been long extorted for some time by '*Ndrangheta* affiliates operating in Verona have turned to protection from other criminals in the same region. Notably, these entrepreneurs chose to simply to seek *other* organised crime partners to quickly solve their problems rather than reporting to law enforcement. This reinforces the observed trend of clans operating and coexisting in the same area, choosing cooperation rather than violent conflict to minimise law enforcement interest and to maximise profit.

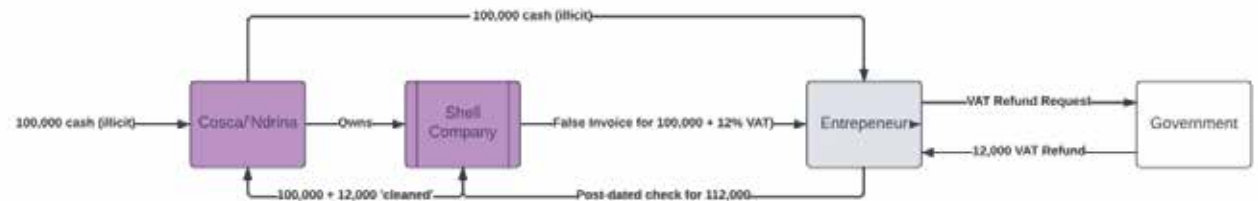
Another striking case was the state auction of a seized villa belonging to a mafia affiliate. The auction garnered little buyer interest, causing a significant decrease in price of over 75%. With the property massively devalued, one of the previous owner's relatives lodged a bid to buy the property through an ad-hoc, fictitious company. A subsequent investigation revealed that during the auction, many prospective and interested buyers who wanted to visit the house had been threatened and had consequently renounced their interest in the property.

False Invoices: Few Risks, Big Gains

As evidenced by information gained through Operation Taurus and others, there were three main, interconnected methods used by the Mafia to illegally make and launder money: false invoices, Value Added Tax (VAT) fraud and extortion.

This happens, as I witnessed throughout my time in the Carabinieri, when an affiliate of a criminal group delivers the entrepreneur illicit proceeds (for example, 100.000,00 euro - cash) together with fictitious invoices - issued despite the services never having been rendered - of the value given, increased by an agreed percentage (about 10-12%, e.g., total 112.000,00 euro). The victim then returns to the affiliate (owner of a fake company also called "cartiera") the amount of money specified in the invoices, issuing post-dated bank checks. The collection of the extorted sum is concretized in the difference between the cash the entrepreneur receives (i.e., 100.000,00 euro) from the affiliate and the amount paid with cheques by the entrepreneurs. Ultimately, the Mafia groups profit from the extortion, effectively laundering their illicit gains whilst also profiting VAT fraud. The negative financial loss is borne by the State (Treasury), which returns the VAT (12.000,00 euro) when the entrepreneur files for a

VAT refund. At times, the entrepreneur will be compensated by the criminal group although many victims are likely extorted into participation.



The silence of the victims


The operation and follow-up investigations revealed that not once did the victims report to the police any loansharking or blackmail nor did victims report involvement in VAT and invoice fraud. Only when investigators approached the victims did they finally admit to being forced to pay. Each had felt intimidated by men who had the ruthless reputation of *mafiosi*; fortunately, no violence nor explicit threats were reported. This lack of civilian-law enforcement cooperation was cited in the verdict on the 'Ndrangheta's infiltration in Veneto: "There has not been a spontaneous collaboration of entrepreneurs with the police" – a phenomenon that is widespread in cases involving the mafia and other organised crime groups. There was, however, one exception – one entrepreneur had the courage to take civile action against the criminal groups.

"What prompted me not to accept that pact with the underworld? Simply the fact that they are things that absolutely should not be done", explained the courageous victim to the press, "If we all turned to crime, we would do nothing but fuel this phenomenon that, to the contrary, we must fight and try to eliminate. Many resort to it because, taken from desperation, they are convinced that it is a method that can lead to immediate results. But we must say no, whatever the stakes are".

Conclusions

Nowadays, the *'Ndrangheta* disguises its presence, and its affiliates have regular, close relationships with entrepreneurs, merchants, and lawyers. These revelations demonstrate how well the 'Ndrine are integrated into the social fabric of the geographical area in which they operate. This, of course, makes the police investigation more difficult. Whereas police could chase the 'smoking gun' of mafia gunmen, they must now chase more elusive lawyers, bankers and entrepreneurs.

Therefore, now more than ever, it is necessary to conduct more complex criminal investigations with a comprehensive approach that includes the full access to a wide array of police, tax, and various administrative databases (land, vehicle and revenue agency's registry, to mention but a few). Police must combine their traditional abilities and assets with those of, for instance, the Financial Intelligence Unit of Italy. Equipping and enabling law enforcement to carry out cross-checks using these databases will allow police to cut down on waiting times and operate in a more comprehensive and timely manner. Furthermore, fostering community-oriented policing is crucial to collecting large amounts of information and actionable intelligence. After all, as stated by the judge from operation Taurus' cases, "in the cases of crimes connected to [the] mafia, it is the entire local community [who is] to suffer the serious consequences". With initiatives meant to engage the public, the Carabinieri can – through increased public support and interaction – put clandestine 'Ndrine under significant pressure. Together, this combination of public, institutional and law enforcement cooperation can help shine light on an increasingly obscured and underground activities of the Mafia in Northern Italy and elsewhere.



A PROPOSAL FOR A NATO CONSTABULARY FORCE

Colonel Giuseppe De Magistris
Italian Carabinieri

Incipit

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 overlap between the war and any form of war-related crimes, 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.

Setting the scene

NATO is increasingly facing challenges that underline more and more the overlap between the war and crime and the need to counter the Alliance's adversaries below the threshold of war. *Inter alia*, this implies calling the Military to perform policing as well as police forces getting militarized.

Moreover, NATO's past deployments in operations have highlighted since the late 1990s a so-called "public security gap" (*rectius*, a.k.a. "policing 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 Multinational Specialized Units (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 – one of the few, if not the sole instrument with the flexibility to operate across the full spectrum of Law Enforcement operations and to consolidate gains – 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, full interoperability with military units, etc.) that make their integration in a military context smoother than that of purely civilian police forces, including in Multi Domain Operation across all the Instruments of Power in a cross-cutting fashion.

In other words, Stability Policing focuses on the needs of the Host Nation and of its population through supporting and, when necessary, temporary replacing indigenous police in case they are either unable or unwilling to perform the function themselves. The experience of the MSUs has led to extensive discussions within the Military Committee about the need to develop a dedicated Stability Policing Concept; however, such endeavour 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 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 ...* in Afghanistan? It took just nine days! This epitomises the crucial role that police plays in any society emerg-

ing from conflict. It does speak 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.*

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 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 was also 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. Rarely are civilian police forces deployed in the immediate vicinity of a war zone; hence, it is up to forces operating under the control of military commanders to conduct such a duty, i.e., policing and more specifically forensics, 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.

Rational

In light of all of the above, and in particular of the significant role the 2022 Strategic Concept attributes to countering terrorism and facing hybrid threats such as the weaponization 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 and eventually disrupt 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 through three different tiers the high readiness of at least 500,000 troops within 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 per-

Very high-readiness joint task force

sonnel, 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 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.

In this regard, however, it is worth to underline that, despite being a very useful operational, pre-organised, and rapidly deployable asset able to perform all police tasks, the European Gendarmerie Force (EUROGENDFOR) Permanent Headquarters, based in Vicenza (Italy), cannot be considered a viable option. In fact, regardless of the possibility to be put under the aegis of the main international organizations, i.e., the European Union, the United Nations, of the Organization for the Security and Cooperation in Europe, NATO too, as well as of others, including *ad hoc* coalitions of willing states, EUROGENDFOR can be only deployed within the scope of crisis management operations (i.e., Non-art. 5 operations) and outside the soil of the European Union and of its Member States. This indeed prevents any intervention in an art. 5/Defense and Deterrence scenario. What a pity, you would say, since EUROGENDFOR's maximum level of ambition reaches up to 800 personnel, deployable within 30 days from the political statement taken by its decision-making body, the *High Level Interdepartmental Committee (Comité InterMinistériel de haut Niveau - CIMIN)*.

The advantage of setting up a quickly deployable unit cannot be overstated, partic-

ularly as crises mount and peak in very short timeframes and given the current strategic environment described in the newly adopted NATO Strategic Concept. 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 weaponization 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 consolidate battlefield's gains and 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;
- 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 weaponization 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, and Last but not least,
- community-oriented policing, the epitome of Law Enforcement, which in fragile states more than everywhere else is crucial to fill the *security gap*, to satisfy the security needs of the populace and to support the consolidation of battlefield gains, as well as is conducive to long-term peace, stability and development.

Conclusions

The idea of grouping these capabilities under a “Stability Policing” Concept has been ongoing for many years, 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 word “policing” and retain the same meaning of *an armed police force organized on military lines but distinct from the regular army*. 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* 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.

In this vein, as plans move ahead on the implementation of a new NATO Force Model as part of the effort to strengthen 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, also available below the threshold of war,



CZECH REPUBLIC



FRA



ITALY



THE NETH



ROMANIA



SP



ANCE

HERLANDS



GREECE



POLAND



PAIN



TÜRKIYE

through non-lethal means, ways and ends. And the Vilnius Summit would indeed 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 weaponization 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



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1. NATO Agreed, AJP-3.22
 2. AJP 3.22, LEX-2 and NATO Agreed term
 3. AJP-3.4.1, AJP-3.28 & AJP-3.22.
 4. RAND Corporation, "Seizing the Golden Hour: Tasks, Organization, and Capabilities Required for the Earliest Phase of Stability Operations," 2020, pp. 14–15.
 5. 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.
 6. 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
 7. Currently, Allies can make approximately 40,000 troops available at less than 15-day readiness
 8. PO(2022)0200.
 9. <https://www.merriam-webster.com/dictionary/constabulary>
 10. 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.*"

NOTES



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