



STABILITY POLICING AND HUMAN SECURITY

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Stability Policing and Human Security

*The results of the NATO SP COE 2023 Conference
as a comprehensive contribution to
NATO commitment for Human Security*



AA.VV.

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The results of the NATO SP COE 2023 Conference as a comprehensive contribution to NATO commitment for Human Security – AA.VV.

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Director's foreword



I am particularly pleased to present this Report, based on the outcomes of the outstanding Conference organized and hosted in Vicenza, by the NATO Stability Policing Centre of Excellence, from 19 to 22 July 2023. Participants at the Conference included among others, Ms. Irene FELLIN, the Secretary General of NATO Special Representative for Women, Peace and Security, and Major General Robert GLAB, NATO Supreme Allied Command Transformation Deputy Chief of Staff Resources and Management.

NATO's commitment to safeguarding freedom and security has guided the Alliance since its origins.

Security challenges have continuously evolved, but civilians are always at risk, on the one hand being deliberately targeted in conflict for military gain, but on the other hand also being vulnerable to violent criminality that nests and thrives in crisis situations of all kinds.

Human security has therefore become central to NATO's shared values of individual freedom, human rights, democracy, and the rule of law, and is being integrated into the three updated NATO core tasks: deterrence and defence, crisis prevention and management, as well as cooperative security.

Violations against Human Security are crimes and therefore require a powerful and unequivocal response.

Stability Policing, as the only expeditionary tool of the Alliance capable of enforcing International and applicable Host Nation Law across the whole *continuum of competition*, can contribute to ensure this response.

From a Human Security perspective, the Alliance focuses on six key areas, so called "*cross-cutting topics*": the protection of civilians; preventing and responding to conflict-related sexual violence; combating trafficking in human beings; children and armed conflict; cultural property protection and building integrity.

Building on the success of the 2021 NSPCoE's event on the role of NATO Stability Policing in Cultural Property Protection, the 2023 NATO SP COE *Diamond Event* examined, in particular, the Cross-cutting topics of protecting civilians, preventing and responding to conflict-related sexual violence, combating trafficking in human beings and children and armed conflict, and explored how Stability Policing can contribute to their implementation.

The conference gathered subject matter experts and experienced practitioners, and the impressive results showcased the added value that Stability Policing can provide to NATO military operations, even under the threshold of armed conflict.

With a specific focus on *people*, Stability Policing contributes to ensuring that they are free from fear and needs and supports their ability to live in dignity, upholding their human rights.

In this sense, Stability Policing can play a crucial role for the Alliance's commitment to Human Security, and we expect that this role will soon be recognized transversally and will be largely implemented.

The centrality of Human Security has also been recently highlighted by the Supreme Allied Command for Transformation, which in its role of an innovation booster for all sectors of the Alliance, has enhanced a specific request, to all NATO relevant stakeholders, to support the

process of implementing the Human Security principles across all sectors of NATO commitment to peace and stability.

This report is therefore intended, through the results of the outstanding International Conference of June 2023, to provide the requested answers to the Strategic Command, as a tangible, up-to-date and significant contribution towards a broad understanding and implementation of Human Security.

In conclusion, I extend my gratitude to all who contributed to the success of the conference, and subsequently to the production and quality of this significant paper.

The NATO Stability Policing Centre of Excellence will benefit from the invaluable support of its network of experts, and from the exceptional results of the conference, as a powerful starting point for further development of NATO Doctrine and commitment to Human Security.

Luigi Bramati
Colonel, Italian Carabinieri
NATO SP COE DIRECTOR

EXECUTIVE SUMMARY

This report provides an overview of the conference and workshops held on June 19-22, 2023 in Vicenza, Italy, and recommendations on the role of NATO Stability Policing in human security and four cross-cutting issues. Moreover, NATO's Supreme Allied Command for Transformation has launched a number of activities, involving its extended network of experts and Centres of Excellence, in order to better define the Alliance's role and responsibilities in the pursuit of Human Security endeavour, including a better definition of its exact perimeter with regard to military operations.

This paper is in fact, intended to provide insights and recommendations on the remit of Human Security, based on the results of the conference and, broadly, on the solid expertise gathered by NATO Stability Policing centre of Excellence in many theatres of operations.

June 2023. International Conference “The role of Stability Policing within Human Security”

Overall, the NATO Human Security vision emphasizes the Allied fundamental principles of democracy, individual liberty, and Rule of Law. It is inspired by the UN's “*multi-sectoral approach to security, that identifies and addresses widespread and cross-cutting challenges to people's survival, livelihoods and dignity.*”

The Protection of Civilians aims to avoid, minimize, and mitigate the negative effects from NATO, NATO-led military operations and the other actions of the actors on the civilian population.

Conflict-Related Sexual Violence and Trafficking in Human Beings are grave violations of human rights and humanitarian law, but also crimes that deserve and answer.

Children's vulnerability in armed conflicts necessitates special attention.

Cultural Heritage is one of the means by which the identity and history of human collectives are preserved and transmitted from one generation to the next and therefore it deserves protection

Building Integrity seeks to address the adverse effects of corruption, including on military operations.

Since violations committed within these cross-cutting topics of Human Security constitute crimes, they require a law enforcement and judicial response.

In crises and conflict scenarios, Host Nations are the primary responsible entities for crime prevention and justice, but they and other actors may be unable – or unwilling – to address these needs. In such cases, Stability Policing can provide support through *capacity building* and *executive policing missions*.

In fact, Stability Policing is the NATO sole expeditionary military capability that aims to restore public order and security, protect human rights and support the Rule of Law across the three NATO core tasks, by reinforcing indigenous police forces or temporarily replacing them, through the execution of the full spectrum of police tasks.

Stability Policing contributions to NATO operations, missions, and activities imply a harmonized approach to Human Security and its Cross-Cutting-Topics, from the political, to military-strategic, operational and tactical levels.

They call for provisions on the threat and use of force and coercive measures to enable law enforcement activities under an executive SP mandate.

As a military capability focused on policing civilians, Stability Policing also fosters collaboration between military and civilian actors in a comprehensive, cooperative approach. It is important to note that this attitude can be *operationalized* and fully implemented, to the maximum extent of its effectiveness, if agreements and coordination mechanisms were established in advance of the crises, to facilitate the so called “*day-zero-integration*”, flexibility and freedom of action for commanders.

From a more operational perspective, it is also relevant to remark that Stability Policing plays a key role in consolidating battlefield gains, as the ideal interface with the local environment, as the primary actor in dealing with malign actors targeting civilians – whether criminal organisations or hybrid/irregular warfare actors – and is fully integrated in the Human Security new, proactive approach.

NATO Commanders cannot afford to lose the thrust and support of people, and the support to Human Security is the best way to “*win hearts and minds*”: because it is right, and because this is the only way to win.

Therefore, the results of NATO SP COE experience and expertise are the full integration of Stability Policing within NATO operations which is the key of success in the Human Security *line of effort*: a dedicated conceptual document or set of doctrinal guidance is definitely needed, in order to clearly outline, to the Military Commanders at all levels, the potentials of the Stability Policing capability, its role, missions and benefits, together with the centrality of the *Human Security care*.

The 2024 SACT RfS

On August 16th, 2024, the Supreme Allied Command for Transformation (SACT) issued a *Request for Support*, asking all the relevant contributors to support the Strategic Command in the process of defining the perimeter and areas of intervention of a Human Security approach to Operations.

Taking into account the results of the June 2023 Conference on Stability Policing and Human Security, NATO Stability Policing Centre of Excellence proposed the adoption of a *Human Security Framework* based on the *protection of civilians* framework described in the NATO Publication “AJP-01”, and integrated with:

- a set of proposed *requirements* aimed at exactly defining the perimeter of application of the Human Security approach to military operations;

- a list of *military activities* intended to support the Planning of the Operations under a Human Security perspective;
- the definition of the *military actor* purposely dedicated to the implementation of Human Security principles across the whole *continuum of competition*.

An enhanced and comprehensive approach to the Planning of the Operations is however recommended, pivoting in particular on the *human-centricity* nature of Stability Policing as the key actor – together with other NATO capabilities and functions – in the hands of the Military Commanders to address the operational problem and achieve the desired military objectives.

Keynote Speakers and Experts' Bios



Brig. Gen. Giuseppe De Magistris

Brig. Gen. Giuseppe De Magistris was born in 1970. In 1989 he graduated from the Military High School “Nunziatella” where he completed his high school classical curriculum, and then joined the Italian Military Academy of Modena. Subsequently, Brig. Gen. De Magistris attended a two-year course at the Carabinieri Officers Academy in Rome from which he graduated with the rank of Second Lieutenant. Since then, Brig. Gen. De Magistris earned a bachelor degree in “Law” and, in the following years, a degree in “Security Sciences”, a master degree in “Internal and External Security Sciences” and master degree in “Sciences of Security and Organization”. During his 30 plus-year long career in the Carabinieri (a 114.000-strong Police Force with military status and the twofold responsibility for State Defence and Public Order and Security management), he held numerous commands across the Peninsula, attended several specialized courses and was deployed on a large number of operational assignments both in Italy and overseas, where he served in KOSOVO and in BOSNIA HERZEGOVINA [in the Multinational Specialized Units

(MSU) within NATO Missions], then, for three years, in the NATO Supreme Headquarters Allied Powers in Europe (SHAPE), Belgium, as Officer Commanding of the SHAPE HQ International MP Coy and, double-hatted, as Allied Command Operations (ACO) Deputy Provost Marshal. Brig. Gen. De Magistris also operated in IRAQ and AFGHANISTAN, within NATO Training Missions, and in HAITI, as inspecting officer from the Carabinieri HQs to the Italian Formed Police Unit deployed within MINUSTAH. Promoted with the rank of Colonel in 2013. From September 2015 to September 2017, he served at the United Nations' HQ, Police Division, in the capacity of Transnational Organized Crime Expert. In Italy, he held several operational commands throughout the Country and was also assigned to staff duties in the Carabinieri HQs. Brig. Gen. Giuseppe De Magistris served as the Director of the NATO Stability Policing Centre of Excellence, Vicenza, Italy, from October 18th, 2019, to June 28th 2023, following his two year tenure as the Carabinieri Provincial Headquarters' Commanding Officer in Brindisi, Italy. As of June 29th, 2023, he is the Commandant of the Center of Excellence for Stability Police Units (CoESPU). As of January 1st 2024, he holds the rank of Brigadier General. He shares with his daughter Sofia the love for dogs and sport. An enthusiastic triathlete, he is a four-time Iron Man finisher.



Col. t. ISSMI Luigi BRAMATI

Luigi Bramati is a Colonel of the Italian Carabinieri Corps.

In 1994, Col. Luigi Bramati completed his high school classical three-year curriculum at the Military High School “Nunziatella”, in Naples, and then joined the Italian Military Academy. He subsequently attended a three-year course at the Carabinieri Officers Academy of Rome, from which he graduated in 1999. That same year, he graduated in Law from the “Sapienza” University of Studies in Rome. In 2003, he graduated in Political Sciences from the University of Studies “San Pio V” of Rome, and in 2004 in “Internal and External Security Science” from the “Tor Vergata” University of Studies of Rome. During the academic year 2014/2015, he attended the Italian Joint Defense Staff College Course (ISSMI Course) at the Center for Advances Studies of the Italian Defense (CASD), and was awarded a master’s degree in international and strategic-Military Studies from the “Roma-tre” University. He was also awarded the title of Defense Legal Advisor in 2015.

He was appointed to various duties in Italy and abroad, including in Iraq in 2003 as Deputy Provost Marshal of the Multinational Division South-East in Basra, and in 2006 as International Police Advisor and Staff Officer within the Civilian Police Assistance and Training Team in

Baghdad. From 2009 to 2015, he served within the Carabinieri HQ National Operations Room, where he was appointed as Chief of the "Situation Awareness" Section. From 2016 to 2019, he served as Assistant Defense and Defense Cooperation Attaché of the Italian Embassy to the United States, in Washington, DC. Following his three-year tenure as the Carabinieri Provincial Headquarters' Commanding Officer in Avellino (Southern Italy), as of June 29th, 2023, he is Director of the Stability Policing Centre of Excellence (NATO SP COE), in Vicenza (North-Eastern Italy).

He is author, among other articles and essays, of a research paper published in 2021 by the Center of Military Strategic Studies (Ce.Mi.S.S.) of the Italian Defense, titled "Iraq, 2003-2009: Lessons Learned from the Chilcot Commission, Where Stability Policing Could Have Made a Difference. Ten Considerations for Planners and Commanders".

Born in 1975, he shares with his wife Stephanie and their three children the love for travelling and outdoor sport activities.



Ms. Irene Fellin

Ms. Irene Fellin was appointed NATO Secretary General's Special Representative for Women, Peace and Security in 2022. She is the high focal point on all aspects of NATO's contribution to the Women, Peace and Security agenda, with the aim to facilitate coordination and consistency in NATO's policies and activities and to take forward the implementation of the NATO/EAPC Policy and Action Plan on the implementation of the United Nations Security Council Resolution 1325 and related resolutions.

She is a Gender and Security expert and peacebuilder with more than 15 years of experience in the field of international security. She was instrumental in establishing and coordinating the Mediterranean Women Mediators Network (MWMN), a project promoted by the Ministry of Foreign Affairs and International Cooperation of Italy aimed at fulfilling the need to increase the number of women involved in peacemaking efforts and at facilitating the appointment of high-level women mediators at local and international level.

Ms. Fellin is a strong supporter of female leadership and in 2016 she founded the Italian chapter of Women In International Security (WIIS), an organisation dedicated to advancing the leadership and professional

development of women in the field of international peace, security and defence. Under Ms. Fellin's remit are also the five pillars of NATO's human security approach, namely the protection of civilians, cultural property protection, children and armed conflict, combatting trafficking in human beings and conflict-related sexual violence.



Mr. Thomas GOOCH

With extensive experience in civil-military relations and humanitarian affairs, Mr. Thomas GOOCH currently serves as the Civil Military Liaison Branch Head at NATO, a position they have held since August 2024. Prior to this role, he was a Humanitarian Affairs Advisor at NATO for over four years, where he focused on integrating humanitarian perspectives into military operations and liaising with various international organizations. His career at NATO began in January 2015 as a Civil Military Interaction Consultant at the NATO Joint Warfare Centre in Stavanger, Norway, where he worked until February 2020. This role involved advising on civil-military interaction strategies and enhancing cooperation between military forces and civilian humanitarian actors. Before joining NATO, he held the position of Operations Manager at Help for Heroes for eight months in 2014, and served as a Consultant at Oakas Limited for six months.

His military background includes nearly seven years as an Army Officer in the British Army, where he developed leadership and operational skills.

Academically, he holds a master's degree in international development from the University of Bath (2012-2013), completed the Regular Officer

Commissioning Course at the Royal Military Academy Sandhurst (2006-2007), and earned a Bachelor's degree in Business and Management (Hons) from Oxford Brookes University (2000-2004).

This blend of military experience and academic training equips him with a robust understanding of both operational strategy and humanitarian needs, making him a key player in fostering effective civil-military collaboration within NATO's framework.



Maj. Gen. (ret.) Robert GłAB

Major General Robert GŁĄB is a graduate of the Air Defence Military Academy in Koszalin and the Warsaw University, where he earned Master's Degree.

He dedicated 20 years of his military career to 3rd Warsaw Air Defence Missile Brigade where he served as a platoon and battery commander, chief of staff and the squadron commander. In 2004 he was appointed as Chief of Training and two years later as Chief of Staff at the Brigade HQ. He improved his qualifications during number of courses and studies.

His professional military education includes Operational and Tactical Course at the National Defence Academy, Warsaw, courses at the NATO School Oberammergau (Germany), Analysis and Simulation Centre for Air Operations (CASPOA), Lyon (France) as well as at the National Defence Academy in Riga, (Latvia). In 2009 he successfully completed Advanced Command and Staff Course at the Joint Services Command and Staff College, Shrivenham (United Kingdom) then in 2010 defence studies at the King's College London.

In 2009 he was assigned as a senior specialist and in 2010 as Chief of the Office at the Polish Air Force Command. In 2012 he began his

three-year-tour as a division head for training and exercises (ACOS A7) at HQ NATO Allied Air Command (HQ AIRCOM) Ramstein (Germany). On 5th of March 2016 Colonel Robert GŁĄB was appointed by Minister of National Defence as Warsaw Garrison Commander. On 15th of August 2016 the President of the Republic of Poland promoted him to the rank of Brigadier General.

By the decision of the President of the Republic of Poland, the Commander-in-Chief of the Armed Forces of the Republic of Poland, Andrzej Duda, of November 7, 2019, he was appointed to the rank of Major General as of November 12, 2019. He received the act of appointment on November 12, 2019, from the President of the Republic of Poland Andrzej Duda, in the Presidential Palace.



Col. Philippe Cholous

Since 2021 Colonel Philippe Cholous is the he Police/Gendarmerie delegate at the ICRC HQ in Geneva. Previously he was the ICRC delegate to the armies and security forces in Central Africa for three years. Before joining the ICRC he had served for more than thirty years with the Gendarmerie Nationale. He graduated from Ecole des Officiers de la Gendarmerie Nationale in 1990, and later from the War College in 2003. Has proven experience in leading men/women and national and international structures, civil management and military crises, as well as the planning and conduct of operations in France, overseas or abroad. Knight of the Legion of Honor and the National Order of Merit, he holds the Cross of Military Valor with a citation in the order of the regiment, the Cross of the Combatant, the Gold National Défense Medal with two citations to the order of the regiment and the division, the overseas medal, and commemorative medals Côte d'Ivoire, Afghanistan, ex-Yugoslavia and NATO, medals for acts of courage and devotion, the legal protection of young people. He is also decorated with the Cross for Valor in Service (Russia), Medals of Honor of the Afghan National Police and the Interior Troops of Ukraine.



Prof. Mangai Natarajan

Mangai Natarajan, PhD, is a professor of criminal justice at John Jay College of Criminal Justice, The City University of New York. She is an active policy-oriented crime prevention researcher who has published widely in the following areas: drug trafficking, women's police, gender-based violence, crime analysis, crime prevention, and international crime and justice. She is an expert on cross-cultural comparative research, including many forms of violence against women and policing.

She has received the Environmental Criminology and Crime Analysis (2017, ECCA) Award at Escuela Superior de Economía y Negocios (ESEN) San Salvador, El Salvador; John Jay's Senior Scholar Award (2014) and Excellence Scholar Award (2022, 2012); and the Excellence Research Award for Improving Policing for Women by Australasian Council of Women and Policing and Law Council of Australia (2013), a highly commendable award.



LTC David Ellero

This accomplished professional currently serves as a Senior Officer at EUROPOL, a role he has held since April 2023. With a robust background in international law enforcement, he has also worked as a Senior Officer at FRONTEX from January 2022 to April 2023. His extensive experience includes four years at the NATO Stability Policing Centre of Excellence, where he was the Acting Head of Section for Validation and Dissemination and served as a Lieutenant Colonel, focusing on civil-military interaction and gender issues. Prior to his tenure at NATO, he held various significant positions at EUROPOL, including Head of Unit for Economic Crimes and Project Manager for the Top Organised Crimes Groups and Human Trafficking projects.

Educationally, he holds a Master's degree and a Bachelor's degree in Security Science from the University of Rome - Tor Vergata. He is recognized for his skills in countering organized crime, crisis management, intelligence analysis, and personnel management, making him a strong asset in the field of security and law enforcement.



Triantafillos Loukarelis

Triantafillos Loukarelis, born in Athens 53 years ago, of Greek and Italian nationality, graduated in 1995 in Political Sciences - International Politics at the "La Sapienza" University of Rome. Currently head of International Advocacy for UNICEF in Italy. Until recently Executive Director of UNAR - National Anti-Discrimination Office - the Italian Equality Body member of the Equinet Network and Chairman of the CDADI - Steering Committee on Anti-Discrimination, Diversity and Inclusion - of the Council of Europe. Former Head of the Technical Secretariat of the Department for Equal Opportunities and Youth Policies of the Italian Government, in the recent past he was Head of External Relations and International Affairs of the Italian National Authority for Children. In the past, among others, he held positions in the Ministry of Agriculture - Italian representative to the Executive Committee of the ECA - European Commission on Agriculture - of FAO - and in the Ministry of Environment - Director of the Observatory for European and International Affairs. In UNICEF Italy Committee, was a member of the Board of Directors and Head of the Bureau and General Management. Expert in EU funds, for several years he was appointed as project manager for Euro-Mediterranean projects – EUMEDIS.

INTRODUCTION

Context

NATO is dedicated to ensuring the freedom and security of its members and to constantly adjust the dynamic security challenges. The new NATO Strategic Concept and Human Security Approach and Guiding Principles, endorsed at the Madrid Summit in 2022, highlights the central role of Human Security for the Alliance. The concept is drawn from that of the United Nations as “*a multi-sectoral approach to security that recognizes and addresses broad and cross-cutting threats to people’s ability to survive, earn a living and live with dignity*”.

The Commitment of NATO towards the principles of Human Security has been strongly renewed and highlighted in the Washington Summit, in the significant framework of the celebration of the 75th anniversary of the North Atlantic Treaty. In a sense, the mention of NATO commitment towards Human Security within the Washington Summit Declaration of July 10th, 2024, has the significance of elevating this endeavour to one of the founding principles of the Alliance as an ethical entity, dedicated to the defence of its members within the limits and constraints of the rule of law and ethical principles of human rights and welfare.

Possibly, an evolution – better: a clear statement of an already existing core-value – towards a human-centred organisation.

NATO’s Human Security Approach currently focuses on the following “cross-cutting topics”:

- Protection of Civilians (PoC);
- Conflict Related Sexual Violence (CRSV);
- Countering Trafficking in Human Beings (CTHB);
- Children and Armed Conflicts (CAAC);
- Cultural Property Protection (CPP);
- Building Integrity in Operations (BIO).

As a common background that unites all these issues, Human Security directly links NATO's shared values of individual liberty, human rights, democracy and the rule of law to NATO practice, and in so doing provides a heightened, human-centred understanding of conflict and crisis that requires to be incorporated in all the three NATO core tasks. The NATO Stability Policing Centre of Excellence, NATO's hub of expertise in the matter and focal point for knowledge, innovation, and transformation, seeks to explore the subject, looking for relevant implications and recommendations to continue to keep the Alliance fit for purpose in a 360° approach.



19-22 June 2023: Purpose and Aim of the NATO SP COE International Conference “The role of Stability Policing within Human Security”.

The Conference was not the first step of NATO’s Centre of Excellence for Stability Policing in the remit of Human Security.

In fact, being focused on the role of policing throughout the whole continuum of confrontation (or the full spectrum of the conflict, as an old fashion definition states), the Stability Policing doctrine “naturally” bears a human-centred cognitive approach to the military operations, where the consolidation of military gains cannot be disunited from the protection of the human beings involved – unwillingly – in the conflict.

It is not a case that the concept of “protection of civilians”, for example, has been defined as one of the core tasks of the Stability Policing mission since the first steps of the doctrine: protection from all unlawful threats, from ordinary criminality, organized crime, terrorism, and all criminal conducts under the whole spectrum of applicable national and international law, in peacetime and wartime.

From this perspective, the event didn’t aim to confirm an already ascertained connection between Human Security and Stability Policing. Instead, it sought to increase the knowledge about this relation, and to deep dive into the extent of this relationship, in order to highlight the extension – and then relevance – of this connection.

Through the discussion among the many experts that attended the conference, the NATO SP CoE also aimed to obtain actionable insights, in order to improve the contribution of the Stability Policing to NATO operations, identifying those shortfalls and gaps, implications and strongpoints, particularly relevant from a Human Security perspective.

Scope of the Conference

The Human Security Approach and Guidelines identify five cross-cutting topics in which the Alliance can be most effective. Further development of the idea of Human Security added a sixth area, that is the “Building Integrity in Operations”.

Only **Protection of Civilians (PoC)**, **Children and Armed Conflict (CAAC)**, **Conflict Related Sexual Violence (CRSV)** and **Trafficking in Human Beings (THB)** were discussed during the 2023 conference.

The role of Stability Policing within the **Cultural Property Protection (CPP)** was already the focus of a dedicated conference, hosted by the NATO SP COE in 2021, the results of which will be reported in a separate section of this report.

Organisation and conduct of the Conference

The three-day event pursued a dual-format approach, comprising both a conference and a workshop. On the first day, all participants gathered for a plenary in-presence conference offering speeches and presentations on Stability Policing, Human Security and on the four cross-cutting topics of interest.

This information set the tone, equipping the participants with the necessary tools and knowledge for the following discussions and workshop.

On the second day, four syndicates were formed (one per area of analysis) in which participants had the opportunity to share their thoughts in a guided interactive discussion with a moderator, exploring the role of SP within each Cross Cutting Topic for the benefit of the Alliance.

Each syndicate had a permanent team consisting of a Chairperson, usually the most expert on the topic; a Moderator, responsible for animating the discussion; a Stability Policing Subject Matter Expert (SME) from the NSPCoE, and a Secretary/Note-taker/Young disruptor from either the Youth Atlantic Treaty Association or the Atlantic Forum. Each group of attendees analysed, discussed, and scrutinized one Cross Cutting Topic for a period, before passing to the next one, until

all four had been investigated. The permanent component provided supervision, guidance, council and was entrusted with recordkeeping. On the third and final day, the main conclusions of each syndicate were presented to the plenary of attendees. These conclusions are detailed in this report.



HUMAN SECURITY.

Framework definitions and congruence.

The Washington Treaty established the North Atlantic Treaty Organization (NATO) as an Alliance *reaffirming the faith in the purposes and principles of the Charter of the United Nations*. It expresses the determination to *safeguard the freedom, common heritage and civilisation of their peoples, founded on the principles of democracy, individual liberty and the rule of law*.¹

For over 70 years, the Alliance has continued growing, transforming, innovating and adapting to challenges and changes. Allies have expressed collective commitments and perspectives in different declarations specific to one topic. Human Security was repeatedly mentioned within the *Strategic Concept* and *Human Security Approach and Guiding Principles*. Both emerged during the Madrid Summit in 2022².

Human Security is recognized as having a *central role* within the Alliance, stipulating that it needs to be incorporated in *all the three core tasks* through policies and guidelines.

NATO's Human Security Approach is that of the UN, which conceptualized it as "*a multi-sectoral approach to security that identifies and addresses widespread and cross-cutting challenges to the survival, livelihood and dignity of the people*".³

1 Preface to the North Atlantic Treaty, Washington D.C. - 4 April 1949

² During the Vilnius Summit, the commitment to implement NATO's Policy on Women, Peace and Security has been re-established. The policy developed about *Combating Trafficking in Human Beings* (2004) was updated at the recent Summit in Vilnius, during which also the new policy on *Children and Armed Conflict* was endorsed. While there are policies on the *Protection of Civilians* (2016) and on the *Prevention and Response to Conflict-related Sexual Violence* (2021), a dedicated policy on *Cultural Property Protection* is still under development.

Sexual Violence (2021), a dedicated policy on *Cultural Property Protection* is still under development.

³ NATO's Human Security Approach and Guiding Principles (2022)

Human Security directly links the above-mentioned common values to NATO practice, providing an enhanced, human-centred understanding of conflict or crisis and allowing for a more comprehensive view of the human environment.

This can consequently enhance operational effectiveness and contribute to lasting peace and security.

The Human Security Approach reiterates the need for a **people-centred perspective**, which actively integrates a **gender perspective** while respecting local customs and International Law.

It furthermore encompasses the cooperation with Non-Governmental Organizations, ensures the Sovereignty of Host Nations, and emphasizes that Human Security and the Women, Peace and Security Agenda complement and reinforce each other, across all core tasks.

Human Security was first mentioned in the *London Summit Declaration* (2019) that envisioned an increased role of NATO within the remit.

During the same year at NATO headquarters, a *Human Security Unit* was established under the responsibility of the *Special Representative of the Secretary General for Women Peace and Security*, currently *Ms. Irene Fellin*, who gave the keynote speech at the conference.

Ms. Irene Fellin keynote speech.

In her keynote speech, Ms Fellin stated that certain policy areas were tailored to specific contexts that *no longer reflect the strategic environment* in which NATO operates and that there are inconsistencies in terms of structures, reporting requirements, but also ownership.

While the International Military Staff and the *Guiding Principles* define five cross-cutting topics within Human Security, instead, the *Allied Joint Doctrine (AJP-01)* defines **eight of them**, adding *Women, Peace and Security, Sexual Exploitation and Abuse*, as well as *Building Integrity*.

As Ms. Fellin clearly highlighted, these inconsistencies hamper a harmonized approach from the political to the tactical level in these important remits.

In mid-May, 2023, a Human Security Framework Development Workshop took place at NATO HQ, to initiate a serious discussion on the implementation of Human Security within the Alliance.

In the words of Ms. Fellin, NATO, including through NATO Stability Policing, must adopt a “*people-centred approach*” in all its activities. Understanding the human environment in which the Force operates is crucial to assessing the different needs of women, men, boys and girls, based on the existing social structure, gender, age and any other factors of their identity.

But it is not just about understanding.

On Cultural Property Protection (CPP), Ms. Fellin mentioned that the relevant (CPP) policy will be the last one to be developed. The Cultural Property Protection Conference held in February 2023 at the NATO Headquarters advocated for strengthening NATO’s efforts and understanding of the importance of Cultural Property Protection in all NATO-led missions, operations and activities.

This was an important step towards the development of a dedicated policy.

As mentioned by Ms Fellin, NATO SP CoE contributed significantly to the drafting of the Bi-Strategic Command Directive on Cultural Property Protection⁴ and has also taken an active role during the Cultural Property Protection online events organised in the spring of 2021, which initiated the discussions on a NATO Policy on CPP.

Moreover, the “NATO Stability Policing in Cultural Property Protection” Conference, organised in November of 2021, resulted in the establishment of a Cultural Property Protection Network, and the development of an online course on Cultural Property Protection.

Aligning and harmonizing the political and military sides of NATO in the most efficient way is also crucial from a Stability Policing perspective,

⁴ BiSCD 086-005 (2019) “Implementation of Cultural Property Protection in NATO Operations and Missions”. Under approval process.

and work on this is under way with the participation of the NATO SP CoE.

Identifying a golden thread throughout the Alliance should allow all stakeholders, across the competitive *continuum*⁵ and from the political level down to the soldier on the ground, to understand what Human Security means.

This also entails aligning relevant *Cross-Cutting Topics* and related activities to *Defense and Deterrence in the Euro-Atlantic Area*, *NATO Warfighting Capstone Concept* and *Multi-Domain Operations*. The ultimate aim is to enhance interoperability and enable the Alliance to effectively face present and future security challenges.

Ms Fellin stated that pivoting on Human Security is also essential to contribute to winning the **Battle of Narratives** and upholding the **legitimacy of local institutions** and specified that Stability Policing and Law Enforcement have an important role to play in this enterprise.

Mr. Thomas Gooch speech.

Mr. Gooch, speaking from the Allied Command Operations' (ACO) perspective, highlighted the **need to harmonize Human Security** and the different Cross-Cutting-Topics within all levels in NATO, to ensure the Freedom of Action for commanders. He underlined the differences between the UN wider approach and the one of NATO, mentioning a NATO-coined term of **Military Contribution to Human Security (MC2HS)** that captures ACO's point of view.

In fact, he explained, this wording highlights the different roles and responsibilities (political and military) within the HS portfolio and

⁵ Allied Joint Doctrine (AJP-01): The continuum of competition is a model that depicts how attitudes and behaviours shape international relations. The continuum depicts four types of relationships between states/groups of people: cooperation, rivalry, confrontation and armed conflict.

therefore supports the differentiation between what is and what is not within the military remit.

MC2HS links with the **military instrument of power** to ensure HS considerations are integrated within NATO operations, missions and activities. This is in line with existing similar approaches such as the *Military Contribution to a Peace Support*, *Military Contribution to Humanitarian Assistance* and *Military Contribution to Stabilisation*.

He explained that the *Cross Cutting Topics* are transversal because they are *interlinked*, contextual, and **put the human beings at the centre**. There is a need to continue their implementation considering current related stages.

The recent aggression war carried out by Russia shows how tensions can often result in violence against civilians, including *Conflict Related Sexual Violence*, attacks against children and cultural property as well as *Human Beings Trafficking*.



STABILITY POLICING

Stability Policing (SP) is defined, for NATO, 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*”.

Stability Policing was created in the 90’s of last century, to address a critical on-the-ground requirement for the stabilisation missions in the Balkans, namely, to fill a security void hampering the attainment of mission success.

In fact, the Host Nation and its people had police and justice-related needs, but no domestic or international actor was able to answer these needs properly.

The Indigenous Police Force (IPF)⁶ which was already present was marred by ethnic and political bias and was not accepted by the whole population.

The United Nations had deployed an *International Police Task Force* consisting of individual police officers, who were unable to conduct efficient executive policing tasks also due to their lack of “robustness”.

The “traditional”, combat-oriented NATO military capabilities had this quality, but they did not bring with them the expertise, experience, nor the ability that are so vital to civilian policing.

The situation needed a new tool that could provide a framework of security, which could enable the Host Nation and other actors in the International Community to mitigate the effects of the conflict and build a sustainable peace.

Re-establishing a minimum level of Safe and Secure Environment, enforcing Public Order and Public Security, providing respect for

⁶ For the purposes of this report the terms Indigenous Police Forces are to be considered synonymous with Host Nation Police Forces, Host Nation Law Enforcement Agencies and Police Services.

Human Rights and fostering the Rule of Law.

In fact, Stability Policing encompasses two missions, namely *reinforcement* (or strengthening) of the IPF through Monitoring, Mentoring, Advising, Reforming, Training and Partnering on the one hand and/or *temporarily replacing* (or substituting) them on the other. Stability Policing is the only dedicated expeditionary military capability of the Alliance **to police civilians** and to provide police assistance to Host Nations. It can intervene from peacetime, through crisis and up to conflict, in all three NATO core tasks:

- within the *Deterrence and Defence* task, it can support an Ally that has been subjected to an armed attack, also in the spectrum of the hybrid confrontation (where police capabilities are particularly effective in fostering awareness, readiness and resilience);
- within the *Crisis Prevention and Management* task, it contributes to crisis-response operations, peace support as well as humanitarian assistance;
- within the *Cooperative Security* task, it can enhance the ability of Nations to improve their responses to security challenges also those of a hybrid nature (as said before, particularly through the enhancement of the *early detection* and *resilience* capabilities).

Stability Policing elements possess a people-centred and civilian-oriented mind-set, which despite being part of the military force can better contribute to a comprehensive approach.

Stability Policing can be performed by all kinds of forces with different levels of capabilities and capacities, given the proper training and command and control structure.

Irregular actors including criminals, insurgents, and terrorists operate mostly in the Land domain, but may operate as well in the Sea or Cyberspace.

As mentioned by Ms Fellin in her keynote speech, Stability Policing is the **key actor to contribute to the consolidation gains made on the battlefield** and **to provide the right expertise to the action**, stemming from years of experience in dealing with criminal activities in their own

countries.

We'll see later how, as in a more recent event hosted by the NATO SP COE (the 2024 "Diamond Event", titled: Stability Policing within NATO. **Rethinking the paradigm to address future security challenges**), one of the key results was the idea to pivot, for the whole Alliance, towards a more comprehensive "human-centricity".



PROTECTION OF CIVILIANS (PoC)

Protection of Civilians includes all efforts taken to avoid, minimize and mitigate the negative effects arising from NATO and NATO-led military operations on the civilian population.

Particular attention should be given to vulnerable groups, such as children and women, who are more susceptible during conflicts.

Protection of Civilians also involves safeguarding civilians from conflict-related physical violence or threats of physical violence by other actors, which includes establishing a safe and secure environment⁷.

As emphasized by Ms. Fellin in her speech, NATO's Protection of Civilians policy⁸ was endorsed at the 2016 Warsaw Summit and was heavily influenced by NATO's operational experience in Afghanistan.

While many policies and guidelines were tailored to that specific context, the Protection of Civilians is still relevant today for the Alliance to build and retain credibility and legitimacy.

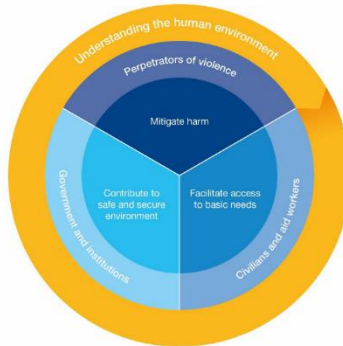


Figure 1 – Concept of the Protection of Civilians framework

⁷ NATO Policy on the Protection of Civilians (2016)

⁸ The policy on the Protection of Civilians is hitherto the only policy document that explicitly mentions “a Stability Policing dimension”.

On the first day of the conference, Mr. Philippe Cholous, a former French Navy and Police/Gendarmerie delegate at the *International Committee of the Red Cross* (ICRC) Headquarters in Geneva, introduced the concept of Protection of Civilians for the **ICRC**.

The ICRC's mission, committed to International Humanitarian Law (IHL), is to *mitigate suffering* in armed conflicts and other violent situations.

The principle of neutrality is central to IRCC's existence and operations, emphasizing the importance of conducting activities in an impartial and non-discriminatory manner.

Although Mr. Cholous recognized the challenges that the above-mentioned posture poses for NATO as an organization, he suggested that it could still find some of the ICRC approaches useful.

Like NATO, the ICRC aims to – and should – ensure that important values, such as individual rights under relevant bodies of domestic law, **Human Rights Law** (HRL), **International Humanitarian Law** (IHL), and **Refugee Law** (RL) are *fully respected*.

Lastly, Mr. Cholous emphasized the need for simplicity and pragmatism in developing and improving frameworks and policies, an approach applicable to the current context.

Within the dedicated Protection of Civilians Syndicate, the participants examined how Stability Policing can actually support the implementation of Protection of Civilians, specifically focusing on tools, competencies, and capabilities.

Their discussions were aligned by the *framework* on Figure 1, introduced in the NATO *Protection of Civilians Handbook* and *AJP-01 Annex A*.

The described framework consists of four sections:

1) Understanding the Human Environment (UHE):

Participants recognized that Stability Policing can actually **facilitate understanding** by building trust with local populations, as police actors are often perceived as being more approachable (less frightening?) than military actors. In doing so, SP can **anticipate**

and prevent violence. They emphasized the importance of cultural and community mediation through engagement with community and faith-based elders and leaders.

Stability Policing can also contribute to **knowledge development and situational awareness**, by recognizing the diversity of threats and insecurities among vulnerable groups, mapping landscapes areas⁹ and hot spots of criminal activity, and engaging with local communities to include them in identifying law enforcement needs and finding viable solutions. This includes encouraging community self-protection (e.g., neighbourhood watch), providing additional law enforcement information gathering capacities (e.g., hotline, anonymous crime-reporting), and supporting the analysis of the human environment from a policing perspective, conducting surveillance and assessing the impact of conflict on the population in terms of law enforcement significance.

To ensure better integration of military and civilian capabilities, mechanisms from policy to the operational level should be established. The capability to collaborate with International Organizations (IOs), Non-Governmental Organizations (NGOs), Subject Matter Experts (SMEs) should be enhanced.

Additionally, prioritizing interoperability among different forces in multinational units is crucial, enabling Stability Policing Units

⁹ One of the preliminary results of the 2024 NATO SP COE research activity (conducted in collaboration with John Jay College of Criminal Justice, the 1CMI CMD, and Professor Andrea Chiovenda of Georgetown University of Washington, DC) “*The Policing Gap in modern NATO Operations. A better understanding of the Internal Security Architecture of a State as a means to allow NATO planners and commanders to address future threats to peace and security*”, is the idea to analyse the “Internal Security Architecture” of a given group **avoiding the bias connected with the formal status of the involved “centres of power” that compose it.** That implies the acceptance that the internal security of a given geographical area/social group is conditioned also by “centres of power” considered “**informal**”, or even **illegal**, such as criminal organizations or militias, that in some circumstances (reported in literature) not only were considered legitimate by the local people, but also conducted activities typical of the governmental institutions (such as administering justice).

(SPUs) to work effectively alongside other actors, either directly or through interfaces.

Adopting a 'population-centred' approach is essential to understand the context and provide better protection to civilians. Organizations need overcome barriers to information sharing from the planning phase onwards. Although certain information and evidence regarding crime may not be accessible to agencies other than Stability Policing Units, there remains a need for mechanisms that facilitate and enable integration and sharing of important information, starting from the very first stages ("*Day zero integration*").

2) Mitigate Harm (MH):

According to the participants, mitigation of harm from NATO's own actions should start with the compliance with applicable law (IHL, IHRL, Refugee Law, etc.) including the applicable domestic/Host Nation Law as well as the respect for the code of conduct for armed forces.

They also highlighted the need for a robust system of complaints, reporting, investigation and response mechanism. Related to this, the American framework for Civilian Harm Mitigation and Response Action Plan (CHMR-AP) was discussed as a potential initiative for NATO to investigate and potentially incorporate into the development of HN law enforcement capabilities through Stability Policing. On the other hand, mitigating harm from others' actions can be done through prevention but also through investigation, as a deterrent against further crimes and violence against civilians.

Stability Policing can, for instance, prevent violence and internal ethnic conflicts with the presence of patrols and actively contacting locals, investigate perpetrators for suspected war crimes, crimes against humanity and ordinary crimes that target civilians, collect battlefield evidence or seize illegal assets and funds.

In this regard, it is important to note that the complexity of the investigations concerning war crimes and crimes against humanity, to some extent similar to the complexity of organized crime's investigations, demands sophisticated skills, also from a forensic perspective. The flexible conformation of the Stability Policing Units, that can be tailored based on the needs of the specific theatre of operations, might result as the key factor in tackling these types of crimes with a credible structure, leaning not only on police skills, but also on the wide range of scientific disciplines that support complex forensics.



3) Facilitating Access to Basic Needs (FABN):

Given that civil society and international aid providers are often present in Stability Policing's operational contexts, the participants to the panels recognized Stability Policing's role in facilitating civilians' access to basic needs and services and to civilian infrastructure¹⁰.

Stability Policing forces can serve as security escorts for humanitarian convoys and provide perimeter guards for selected structures, including humanitarian camps. They can also contribute to the delivery of humanitarian assistance (water purification, power generation, decontamination etc.) by creating the conditions and providing security to facilitate access to medical first response and first aid. Like police or gendarmerie forces at the domestic level, Stability Policing Units can secure critical infrastructure including power generation and distribution, hospitals, ports etc. as well as provide road and traffic safety.

The observations of the ongoing and past conflicts show that the Humanitarian Aid Delivery is a complex matter, that deserves an accurate planning, at the risk of huge loss of human lives and certainly of a narrative backfire.

In particular, the incidents observed during the recent conflicts show:

- the **complexity** of the tactical planning of humanitarian aid delivery and – on the other side – the potential **strategic consequences** of failing in such activities.
- the need of specific capabilities that typically are **identified with the full spectrum of police capabilities**.

¹⁰ NATO Protection of Civilians ACO Handbook (2016), Page 36.

Stability Policing, with its deployable police capabilities, can be the answer to these complexities and risks: in this sense, the role of Stability Policing Units, although tailored to tactical contingency, should have strategic effects for the Military Mission.



4) Contributing to a Safe and Secure Environment (C-SASE):

The work of the Syndicates has identified this one as the area where Stability Policing can have the most significant impact on the protection of civilians.

By filling the security gap¹¹, Stability Policing can provide security conditions to allow other organizations to conduct their missions while reducing the chance of escalation, conflagration or reversion into armed conflict¹².

Stability Policing can engage in activities such as transnational crime investigation, community policing, visibility and reassurance patrols, crowd control, guarding key infrastructure and countering hybrid threats (including cyber and space domain), displaced persons management, border management activities and screening/protecting displaced people.

Stability Policing can also contribute, from a strategic/operational perspective to Police Capacity Building, by supporting the Security Sector reform from a law enforcement perspective, also contributing to the restoration/development of judicial and correctional services, promoting building integrity and accountability of the local institutions.

Lastly, discussions further emphasized that all these activities can be carried out throughout the *whole continuum of competition* (or across the *full spectrum of conflict*) including war.

Therefore, Stability Policing can effectively operate in Article 5 “conventional” or non-permissive environments.

It is in fact important – and this is one of the endeavours of the NATO SP COE in recent years – to *convince* NATO leadership of

¹¹ The capability/capacity void between the policing and justice-related needs of the populace and Host Nation on the one hand and the responses from indigenous police forces and other international, combat-oriented actors on the other.

¹² NATO. Protection of Civilians ACO Handbook (2016), Page 48.

the beneficial contribution of Stability Policing to their mission: Stability Policing Units can – and will – take care of the *protection of civilians* while the traditional instruments of power will be focused on the enemy, in so doing avoiding that the civil population who is still leading their lives in the conflict zone might become an instrument in the hand of the opponent (as example through Hybrid and Irregular warfare manoeuvres), and an obstacle for the accomplishment of the mission.



CONFLICT-RELATED SEXUAL VIOLENCE (CRSV)

Conflict-Related Sexual Violence (RSV) is a criminal act, that can also integrate a crime against humanity (in violation of human rights) and a war crime (prohibited by International Humanitarian Law).

At the NATO Summits in Chicago (2012) and Wales (2014), the Alliance's Heads of State and Heads of Government expressed their commitment to fight sexual violence in conflicts.

In line with this commitment, in 2015, specific *Military Guidelines* were adopted.

To provide a coherent, consistent and integrated policy framework, the Alliance subsequently issued the *NATO Policy on Preventing and Responding to Conflict Related Sexual Violence*, implemented in 2021.

Within its policy, NATO defines *Conflict Related Sexual Violence* as rape, sexual slavery, forced prostitution, forced pregnancy, forced abortion, forced sterilization, forced marriage and any other form of sexual violence of comparable gravity perpetrated against women, men, girls or boys that is directly or indirectly linked to a conflict.

Again Ms. Fellin, in her keynote speech, also emphasized that preventing and countering Conflict Related Sexual Violence is also intended to shield people from being sexually abused or forced to undesired pregnancy or abortion.

The policy identifies four areas in which NATO can play an active role: *prevention, education and training, response and reporting and information sharing.*

During the conference, the discussions on Conflict Related Sexual Violence started with a presentation given by Professor Mangai Natarajan, of the Department of Criminal Justice at John Jay College of Criminal Justice (New York).

During her speech, Professor Natarajan emphasized the nature of *Conflict Related Sexual Violence* as a crime motivated by the political, military, or economic objectives to control territory or resources, frequently and deliberately used to target civilians, inflicting long-term trauma and humiliation, fracturing families and their social fabric, triggering displacement, and fueling armed actors' activities.

For this peculiarity, in order to educate, prevent and respond to *Conflict Related Sexual Violence*, it is crucial to understand categories and characteristics of such violence, along with the diverse categories of perpetrators and victims that might be involved in it.

But *Conflict Related Sexual Violence* has other underlying intersectional factors, such as local culture, local politics, the socio-economic situation as well as gender, race, and ethnic disparities.

For this reason, guidelines, policies or mandates need to follow distinct principles, such as people-centricity, comprehensiveness, context-specificity, prevention-orientation.

Moreover, instead of planning only a response to *Conflict Related Sexual Violence* after the crime is committed, the focus should be shifted towards protection and empowerment.

Conflict Related Sexual Violence is a highly debated topic and Stability Policing's role can undeniably play a crucial role to prevent and respond to such crimes.

During the syndicate's discussions, many important aspects were highlighted both from a "civilian" perspective and from a Stability Policing approach.

- 1) The pre-existing policy on *Conflict Related Sexual Violence* is missing the approach to be implemented on the ground. Concrete, actionable and measurable tools are needed and should be better

defined down to the tactical level, where NATO personnel are more likely to encounter perpetrators and victims of these crimes.

- 2) The *Conflict Related Sexual Violence* policy should provide flexibility and also include a provision on the role of Stability Policing, particularly in an executive policing role that, to be effective, requires powers and authority (e.g., the use of force, coercive measures etc.).
- 3) In the policy, the “*do not interrogate*” clause, which prohibits any interrogation of victims, should be clarified in order to allow “*executive functions*” to be carried out by the Stability Policing units/specialists deployed on the field; in other words, the power to investigating the crime. To support this provision, a dedicated communication and engagement guidelines should be established¹³.
- 4) While the priority for Stability Policing personnel would be to investigate *Conflict Related Sexual Violence* cases, they should at the same time reach out to entities providing additional services and support, including medical aid, social services and psychological support.
- 5) When encountering a *Conflict Related Sexual Violence*, opting for a survivor-centred approach is key and communicating with survivors should include a trauma perspective. Stability Policing is not the primary agent for this and to this end; an enhanced collaboration between trauma-informed and psychologically trained experts and Stability Policing units should therefore be established.
- 6) A special element within a deployed Stability Policing Unit can be created to deal with *Conflict Related Sexual Violence* cases, working on dedicated reporting channels, receiving targeted training on dealing with a survivor, and functioning as a bridge

¹³ This point was considered in the updated CTHB policy during Vilnius Summit and was drafted as “Do not interview victims or survivors, unless trained to do so”.

between the local police forces, the populace and the rest of the Stability Policing Unit.

- 7) Being aware of the environment, culture and being in constant touch with locals is essential when it comes to trying to understand *Conflict Related Sexual Violence*. This would also help identifying hidden cases, often not easy to recognize. Hence, while there is still a need for a standardized definition to *Conflict Related Sexual Violence*, it is important to note that any definition should necessarily allow flexibility, factoring the cultural and location-based differences.
- 8) The response to *Conflict Related Sexual Violence* should not be reactive: a comprehensive planning and communication strategy is therefore mandatory, considering *preventing the crime* as the most relevant part, also including specific Stability Policing contributions.
- 9) Specific means of temporary self-protection and communication mechanisms – such as providing whistles, advising to walk out in daylight only, escorting more vulnerable groups (by Stability Policing elements), or the adoption of dissemination of a special sign for victims of *Conflict Related Sexual Violence* - could be developed as practical tools.
- 10) *Conflict Related Sexual Violence* can target anyone, although women and girls, unfortunately, experience it relatively more, compared to men and boys. In any case, a gender-sensitive approach and analysis is needed to provide the best and best-tailored response to each victim. Stability Policing can support gender experts' action by offering law-enforcement specific advice.
- 11) Training and mentoring constitute crucial aspects both for the Stability Policing Units and Indigenous Police Forces. *Conflict Related Sexual Violence* specific countermeasures and best-practices should be emphasized and implemented in the formal NATO Lessons Learned process. Host Nations should also be included in the pre-deployment trainings, in order to align activities and provide continuous ongoing awareness.

12) Finally, the “Four R’s” approach should be implemented for Stability Policing missions, when *Conflict Related Sexual Violence* is encountered: *Recognize, Respond, Record* and *Refer*. In an executive policing role, responses by Stability Policing operators vary greatly from those of other NATO forces, and a specific legal framework (i.e., powers of arrest, search etc.) must reflect the required mandate.



COMBATting TRAFFICKING IN HUMAN BEINGS (CTHB)

Trafficking in Human Beings (THB) is condemned as a crime and constitutes a serious violation of human rights.

Trafficking in Human Beings include recruitment, transportation, transfer, harbouring or receipt of persons. Its means might involve the threat of the use of force or other forms of coercion, of abduction, of deception, or the abuse of power or of a position of vulnerability, giving or receiving payments or other benefits to achieve the consent of a person having control over another person, for the purposes of exploitation. Exploitation shall include, at a minimum, the economic advantage determined by the prostitution of others, or other forms of sexual exploitation, forced labour or services, slavery or practices like slavery, servitude, or the removal of organs.

Trafficking in Human Beings can be practiced both to achieve economic and political advantages.

In this view, economic advantages of *Trafficking in Human Beings* are more “evident”, and include setting the condition for cheap labour, avoidance of taxes, and in general, the generation of illegal revenues.

Trafficking in Human Beings can furthermore be used as a coercive tool for political reasons, as for example to enforce political positions, and governments might weaponize it while turning a blind eye towards other similar crimes.

The Alliance implemented a *zero-tolerance policy* on human trafficking, which was endorsed at the Istanbul Summit in June 2004¹⁴.

The pre-existing policy defined the relevant context and aimed to reinforce efforts to combat *Trafficking in Human Beings*, while the 2023 update identified policies on other *Cross Cutting Topics*, such as

¹⁴ And which was updated during the Vilnius Summit in 2023

Conflict Related Sexual Violence and CAAC, as important pillars to countering *Trafficking in Human Beings*.

The recently updated policy also followed a similar framework as for the policies related to the other *Cross Cutting Topics*, adding “preventing” *Trafficking in Human Beings*, “responding” to *Trafficking in Human Beings*, “reporting and information sharing”, “education and training” sections.

It is crucial to highlight that the new policy also outlines important guiding principles in the case of encountering victims and survivors.

This updated policy also mentions the provision of an “*emergency first response*” including medical assistance, to be provided by NATO in those cases where other actors are unable to reach the victims.

Clearly, *Trafficking in Human Beings* is a transnational problem, and to be defeated requires a multilateral action¹⁵.

Europol is one of the active tools for *Countering Trafficking in Human Beings*, and during the first day of the Conference, one of its representatives, Mr. David Ellero, as a first point drew the attention of the participants on the difference between *human trafficking* and *migrants smuggling*.

The primary difference between the two categories revolves around a key concept: *consent*.

Migrants not only consent but seek illegal means – when other legal processes are not viable – to cross a border.

In the case of *Trafficking in Human Beings*, **consent is mostly absent and irrelevant**.

According to 2022 data, victims of sexual exploitation constitute 67% of *Trafficking in Human Beings* overall cases, followed by labour exploitation (24% of the total).

¹⁵ The policy that was updated in Vilnius also reaffirms the importance of cooperation of multiple actors and “two-way staff level” engagement on CTHB.

During her speech, the already mentioned keynote speaker of the conference, Ms. Fellin, also highlighted that in cases of *Trafficking in Human Beings*, the main focus should be on *saving people* from being trafficked for illicit purposes, whoever the actor involved is.

In particular, *Europol* has developed specific projects to Counter *Trafficking in Human Beings*, such as “Project Phoenix”, that provides a dedicated database on victims and perpetrators, money flow, and evidence useful to document frauds.

The continuous update of the available information tools (including other law enforcement databases) enhances intelligence gathering and enables a higher rate of success in countering the phenomenon.

Mr. Ellero also highlighted that having worldwide international cooperation tools such as “Joint Investigation Teams”, is a necessary condition to ensure effectiveness of the overall investigative capabilities, and it is for this reason that *Europol* is working on this possibility through operational, strategic and working agreements.



The discussion carried-out within the syndicate of *Combatting Trafficking in Human Beings* permitted to identify the following key-elements:

- 1) In order to combat *Trafficking in Human Beings* it is paramount to recognize and differentiate *root causes* as well as *push* and *pull factors* of the phenomenon:
 - *root causes* include *poverty, danger from conflict or instability, presence of organized crime, presence of terrorist groups, lack of rule of law and lack of human rights;*
 - *push factors* can be identified in *political instability, militarism, civil unrest, internal armed conflict, military intervention/invasion of a third party, disruptive economic or health crises, climate change and natural disasters.*
 - *pull factors* might also be *false promises* such as higher salary, better quality of life, social / welfare / economic stability.
- 2) *Combatting Trafficking in Human Beings*, that includes *prevention*, is particularly significant, considering its strong connections with transnational / organized crime and terrorism, as it constitutes a relevant source of revenues. *Trafficking in Human Beings* is also directly linked to documental and currency frauds, drug production and trafficking, weapons trafficking, property crimes, money laundering and facilitation of illegal migration.
- 3) *Stopping Trafficking in Human Beings* can decrease illegal labour exploitation, can influence the connected crime rates, and consequently the funding of criminal activities and networks, that would result in a weakening of their position and power.
- 4) Understanding *Trafficking in Human Beings* requires a comprehensive approach and should not be seen on its own but should rather be interpreted through other identified cross-cutting topics. In particular, "*Building Integrity*" might play a relevant role, where countering/fighting corruption tools and practices effectively in order to reduce or intercept the illegal cash flow related with the illegal activity.

- 5) *Trafficking in Human Beings* is a multi-domain phenomenon, and it is strictly connected with the hybrid threat¹⁶. Hybrid warfare entails an interplay of conventional and non-conventional threats, that might be both military and non-military, including disinformation, cyber-attacks or economic pressure. Therefore, a comprehensive approach including military, political, law enforcement and intelligence instruments is required to identify who is supposed to fight against who, in which ways and which actions should be taken to achieve the relevant objectives. **The law enforcement topic would be the focus of Stability Policing**, both through its missions of reinforcing and/or temporarily replacing the *Indigenous Police Forces*.

In the recently updated *Counter Trafficking in Human Beings* Policy, NATO recognizes the unique value that can be added through specialized skills of Military Police and Gendarmerie type forces.

After very productive syndicate sessions on this cross-cutting topic, the following takeaways for Stability Policing were identified:

- 1) A clear and comprehensive *mandate* is required to enable all necessary policing functions within missions encompassing a Stability Policing capability, including its deployment in a potential *Counter Trafficking in Human Beings* role.
- 2) A clearly structured and detailed doctrine would improve the implementation of that Stability Policing function throughout the whole spectrum of NATO missions; without an official comprehensive document addressing all the above-mentioned aspects, conducting Stability Policing activities could face significant challenges.

¹⁶ A type of threat that combines conventional, irregular and asymmetric activities in time and space. NATO agreed.

- 3) A multilateral cooperation platform should be implemented, specifically on the policing dimension of *Countering Trafficking in Human Beings*: more effective partnerships could be conducive of more effective financial investigations, allowing the tracing of the relevant financial flows throughout different countries and continents, enhancing judiciary and interagency cooperation through common reporting systems.
- 4) To achieve an effective multilateral cooperation, it is essential to ensure shared levels of training and overall professionalisms of all agencies involved. To enhance this harmonization of capabilities, common training occasions, open to all NATO actors and to the external entities those with whom NATO ordinarily cooperates.
- 5) Pre-deployment training, adequately focusing on culture, situation and judicial system in the Host Nation, is paramount to avoid or to mitigate cultural barriers with locals; the outcomes of this type of training can be enhanced by adding practical examples of past cases, conducting exercises also for third parties/countries which are unfamiliar with local situations, or envisioning possible scenarios of confrontations during border controls of a country in which *Trafficking in Human Beings* occurs.
- 6) Language barriers, when it comes to *Trafficking in Human Beings*, are a significant obstacle to tackle. When the victims, survivors or informants become aware of the ongoing trafficking scheme, they should be able to talk to someone or report through a channel without facing language barriers. Hence, multilingual reporting channels, hotlines and media are essential to reach every victim.
- 7) The evolution of *Trafficking in Human Beings* results in a larger involvement and the use of cyberspace, particularly in the recruitment phase of this crime. Therefore, cyber patrolling activities should be reinforced, boosting the use of Emerging and Disruptive Technologies (EDTs), preventing a loss of technological advantage against traffickers.

- 8) Stability Policing is an important instrument that can contribute to Countering *Trafficking in Human Beings*. In particular, training and assisting the indigenous police forces including in the following areas: Community Policing / Surveillance, Reporting / Info-sharing, Law Enforcement Intelligence (LEINT), dedicated investigations on criminal networks, Border Control, Building Integrity, and Cyber Patrolling.
- 9) Finally, Stability Policing Subject Matter Experts (SMEs) can also play a role in mentoring and advising:
 - a) Ministry of Interior officials in the drafting of dedicated policies. A comprehensive approach and the gathering of inputs from various stakeholders during the policy drafting process is crucial. SP SMEs can offer unique expertise, qualifications, and knowledge on the topic, contribute with inputs to identify and fill gaps providing diverse aspects and proposals.
 - b) Ministry of Justice officials in the identification of *Trafficking in Human Beings* legislative loopholes: in this respect, SP can support the rule of law and protect the human rights. SP SMEs can assess more efficiently and identify legislative gaps on this matter, particularly shortcomings hampering investigations.

CHILDREN AND ARMED CONFLICT (CAAC)

Children are highly vulnerable in conflict situations, often becoming victims of indiscriminate attacks and subjected to sexual violence. It is crucial to give special attention to this matter, as it is concerning innocent individuals who should not bear the consequences of adults' actions.

The protection of children was first addressed at the 2012 Wales Summit and through the issuance of the subsequent *Military Guidelines on Children and Armed Conflict* (CAAC), developed later that year to integrate the United Nations Security Council Resolution 1612 (2005) and related guidelines into NATO military doctrine, training, operations' planning and conduct.

Although national governments hold primary responsibility for protecting children, NATO's 2015 policy on the *Protection of Children in Armed Conflict – Way Forward* identified, in consultation with the United Nations, four key priorities:

- *Political Dialogue;*
- *Training of Allies and Operational Partner Nations' Forces;*
- *Awareness raising of local security forces; and*
- *Reporting Violations and Support of Monitoring.*

NATO's *Protection of Children in Armed Conflict – Way Forward* intersects with other Human Security-related frameworks and cross-cutting topics, both within and beyond the context of Stability Policing in NATO.

During the first day of conference, Ms. Fellin highlighted the importance of defending children, as provided for in the United Nations Security Council Resolution (UNSCR) 1612 (2005) that identifies the following six grave violations:

- Killing and maiming of children;
- Recruitment or use of children;
- Rape or other sexual violence;
- Abduction;

- Attacks on schools or hospitals; and
- Denial of humanitarian access for children.

During her opening speech, Ms. Fellin announced that NATO HQ was in the final stages of negotiations for a new overarching policy on *Children and Armed Conflict* (CAAC)¹⁷.

NATO and the UN, along with its children-focused agency UNICEF, strive to protect children from such violence.

Mr. Triantafillos Loukarelis, the UNICEF representative participating to the Conference, in his speech underscored the significance of the *Monitoring and Reporting Mechanism* (MRM) established in 2005 by the United Nations, documenting grave violations against children in armed conflict situations.

Since its creation, the UN has verified more than **315,000 grave violations** against children committed by parties in conflict, in more than 30 conflict situations, indicating that the actual toll is unfortunately expected to be even higher.

Notably, girls are disproportionately affected by rape and sexual violence, while boys are primarily abducted for recruitment and use by armed forces and groups. Understanding the perpetrators, their targets and the geographical areas of those crimes is therefore essential to effectively address children's needs, protect them and reduce the *push* and *pull factors* of violations against children.

In this complex and compelling framework, the **role of Stability Policing** appears **crucial** in protecting children in armed conflict.

In this regard, the syndicates' discussions came up with interesting points and ideas on how *practically* NATO Stability Policing approach

¹⁷ The policy was presented and adopted at the Vilnius Summit in July 2023.

could effectively mitigate harm to children, **both from its own actions and from those of others.**



For the sake of clarity, most ideas were organized around the four key priorities mentioned above:

1) Political Dialogue

This area of *Children and Armed Conflict* highlights the necessity of cooperation between NATO and other stakeholders on the field, including reliable Non-Governmental Organizations (NGOs), civil society actors and United Nations' agencies. All the participants to the panels emphasized the importance of an anticipated creation of *networks of stakeholders* at high level, well before the beginning of military operations ("*Day-Zero-Integration*"), highlighting the importance of *planning* the countermeasures to the specific phenomenon and creating well-defined *lines of coordination*.

The aim in this case is to be able to deploy and immediately start operating dedicated assets/countermeasures, without having to start from scratch in setting up the necessary coordination mechanisms.

In this framework, civil and military relations should be fostered and embraced to establish a real and performing collaboration.

As mentioned repeatedly within the syndicates, a *Comprehensive Approach* **directly involving Stability Policing** was suggested, in so doing institutionalizing the relationship between the military Force and the operating children protection agencies.

2) Training of Allies and Operational Partner Nations' forces

Adequate resource allocation and designing scenarios based on best practices and lessons learned are essential activities.

Training opportunities, from the individual to the collective level, and exercises, should prepare NATO Stability Policing Units to recognize and handle situations involving child soldiers, or in general child abuses throughout the armed conflicts, in its various forms.

One of the recommendations, the panels participants emphasized, was the need to identify "*personal triggers*" in training, for example focusing on situations that could determine "*Post Traumatic Stress Disorder*" among the troopers, despite the fact that they had been already extensively trained before deployment (e.g. Afghanistan).

It is then crucial to convince the military Leaders to actively engage in combatting the six grave violations against *Children and Armed Conflict*.

All military personnel, and in particular Field Commanders, should in fact be trained to recognize and address those grave violations when participating in NATO-led operations.

3) Awareness of local security forces

The Syndicate Participants discussed in particular about the Stability Policing *reinforcement* (or *training*) of local Police and Security Forces,

and about the need to raise awareness, among them, on child protection issues.

Building trust, links and connections *on the field* can serve as an effective prevention strategy for the six grave violations and other serious violations or abuses against children, facilitating the identification as such by the local population and local Security Forces. The latter should also be made aware and trained, in order to keep pace of the fast evolving technology, with a particular attention to the cyber domain, which represents a growing platform for various crimes targeting children (e.g., recruited as soldiers or human-trafficking).

4) Violation reporting and monitoring support

With their forensic experience, Stability Policing forces can play a crucial role in collecting evidence of crimes committed against children, thus enabling the pursuit of their perpetrators.

From this perspective, it is essential to establish mechanisms and procedures that are coherent with the United Nations' *Monitoring and Reporting Mechanism* (MRM), in order to ensure an effective and reliable interaction between different mechanisms. This point emerged from the recognition that there is general **confusion** around numerous existing reporting and monitoring measures and frameworks, which often differ significantly, due to a lack of coordination among organizations.

A shared *monitoring and reporting mechanism* implementation plan should be therefore developed, in order to facilitate information sharing and prevention of harm to children.

This point was emphasized, among others, in the recently agreed 2023 policy on *Children and Armed Conflict*, within a new, harmonized framework, common to the updated Countering Traffic of Human Beings policy, consisting of four parts:

- Preventing Violations against Children in Armed Conflict / Trafficking in Human Beings

- Responding to Violations against Children in Armed Conflict / Trafficking in Human Beings
- Reporting and Information Sharing
- Education and Training.

Within prevention and awareness, the new policy mentioned the development and use of a Child Abuses in Armed Conflict Risk Assessment tool, using the appropriate analytical and reporting methods to “understand the level of and mitigate risk” involving “internal and external expertise”.

Stability Policing can definitely – this was the unanimous consideration of the panelists – contribute to the assessment of those risks from a law enforcement perspective, and through the use of police investigation skills and techniques.

In addition to the four priorities, a Stability Policing approach can critically enhance the identification of early-warning indicators from the first stages of child recruitment for conflict-related activities. This set of enhanced indicators include the monitoring of internal ethnic conflicts, through the presence and active interactions of Stability Policing actors with the local population, also to prevent related forms of violence and discriminations.

As with the *Protection of Civilians* and the other *Cross Cutting Topics*, for an effective action against Child Abuses in Armed Conflict, it is essential to understand the local human environment, that is to say, for a Stability Policing asset, the actual operational context in which it can operate effectively.

As a part of it, establishing connections with local populations and the existing social services is crucial to detect potential threats to children, and at the same time building trust with the communities themselves. During the syndicate discussion it was in fact highlighted how establishing a *credibility* and *trust* relationship between Stability

Policing operators and local communities is essential from any perspective.

As a further observation, the panellists identified the *protection of critical sites* as another important aspect strongly connected with preventing and countering Child Abuses in Armed Conflict.

Accordingly with their mandates, Stability Policing Units can effectively contribute to protect critical sites, such as hospitals, schools and other political, social, or cultural sites where children may gather and be exposed to threats.

This includes securing routes used for essential activities, such as access to hospitals or transportation to school. This concept aligns with the idea of *Facilitating access to basic needs* (FABN), identified as one of the elements of the *Protection of Civilians* framework.

Finally, the discussion focused on the scope of application of measures to protect children in armed conflict, and the significance of universally defined indicators, such as age thresholds.

While NATO did not have an official stance on the topic of children age-based definition and adopted the United Nations' threshold of 18 years of age, for Stability Policing executive missions it was highlighted, during the panels, the need for a precise indicator unequivocally distinguishing children from adults.

The NATO Child Abuses in Armed Conflict policy presented and adopted in Vilnius provided a more precise indicator, defining a child as "*any human being below the age of 18 years*"¹⁸.

¹⁸ NATO Policy on Children and Armed Conflict (2023)

CULTURAL PROPERTY PROTECTION (CPP)

The findings of the Conference on the role of Stability Policing, organized by the NATO Stability Policing Centre of Excellence in 2021 have been and are constantly being emphasized by news releases during the ongoing major conflicts since then, underlining the significance, particularly by civilian residents in conflict areas, of the loss of cultural heritage artefacts, regardless of the proportionately much more impacting loss of human lives in the conflict.

The strong connection existing between the local population and its own cultural heritage and all those symbols and artefacts that testify this heritage is in fact confirmed.

The relevance of the subject also from a **narrative perspective** must be highlighted, particularly through the expected **discrepancies** in the damage assessment carried out by International Organisations (e.g. UNESCO) and National and Governmental entities, as well as communities.

As an effect, the perspective of the destruction of the local cultural heritage determines the reaction of international associations/bodies, demanding the protection of those artefacts, increasing the pressure on the parties in conflict. The global outrage about attacks against cultural sites is unabated.

In these circumstances, relevant observation from a Cultural Property Protection perspective, they fall within the remit of the International Humanitarian Law or the Law of Armed Conflicts.

However, establishing the commission of a war crime is usually very complex, requiring evidence on each single military action leading to the damage or destruction of cultural heritage of any kind, or to the misuse of the same artefacts for military purposes.

From the perspective of achieving the desired end states, i.e. the politico-military jargon for achieving NATO's mission success, a more holistic and less legal-centric approach is necessary. The set of regulations, instructions and applicable laws that compose the legal

framework of NATO Operations with respect to the protection of cultural property, is being developed¹⁹ and moves ahead to become common knowledge within NATO's Command and Force Structures²⁰.

What emerges from the observation of the available *open sources* in various conflict scenarios, certainly is the relevance assigned to the topic of the protection of cultural heritage **by the local population**, and in general by the **local and international, specialized and generalist media**.

The strong connection showed by local people with their heritage, as a symbol of their identity as a well-defined ethnical, social and historical entity, confirms the validity of the relevance assigned to the CPP within NATO Operations.

Under this perspective, Cultural Property Protection must not be seen only as a mandatory set of rules and regulations to be respected according to the International Humanitarian Law (and not only), but also

¹⁹ NATO SP COE has recently concluded the development phase of the residential course "*Cultural Property Protection as a means to counter terrorism financing*", with its *pilot iteration* delivered on October 2024. The Course has been designed highlight the necessity for intra-agency cooperation, in particular between law enforcement and the military, to enhance individual competences on protecting cultural property from looting and trafficking, that might be exploited for financing terrorism activities. The training solution was developed upon NATO HQ's request, with focus on cooperation and capacity-building as the key element of the *Action Plan on Enhancing NATO's Role in the International Community's Fight Against Terrorism*. The course is now under evaluation in order to overcome shortcomings and enhance its final structure and contents.

²⁰ Despite the fact that a comprehensive Cultural Property Protection NATO Policy, within the remit of Human Security, has not been delivered yet, many other efforts and occasions of divulgation have been carried-out by NATO actors and stakeholders. The **NATO SP COE** significantly contributed to the issuing of the **BiSCD 086-005** (2019) "*Implementing Cultural Property Protection in NATO Operations and Missions*". In 2021 the "*NATO Stability Policing in Cultural Property Protection*" Conference resulted in the establishment of a *Cultural Property Protection Network*, and the development, by the **NATO SP COE**, of the NATO-Listed online course "*SP Contribution to Cultural Property Protection*".

as a tool through which to “win hearts and minds” of the local population, and, in so doing to contribute to the achievement of the military objective of the mission/operation.

On the other hand, this strong connection appeared to be well known among the parties in conflict, and used as a **tool for their strategic narrative**, as it is demonstrated by the attention often showed by involved institutions to provide an accounting of the damage suffered by their heritage.

So, the first *takeaway* on Cultural Property Protection is that, despite the humanitarian crisis and the civilian casualties rate of a conflict, Cultural Heritage – and the associated narrative – must be assigned a **high priority**, from a *planning* to a *Strategic Communication* perspective.

This is required, because given the adequate relevance (and the assigned priority) to the subject, all activities connected to the protection of Cultural Heritage, including the investigation of possible war crimes committed during the kinetic phase of a conflict, is likely to assume a key role “**to win hearts and minds**” of the local population. In other words, if done properly, CPP **fosters the Coalition/Command credibility** among the local population and wider, even global audience, as **protector of one of the most sensitive interests of civil society**.

As a third element one should consider that this narrative of the Protection of the Cultural Heritage, particularly due to its **sensitiveness and relevance** in the eyes of the local population, risks to **backfire if not provided with the appropriate set of capabilities**, and in general if not **supported by the appropriate mandate and legal framework**.

This consideration might seem banal, being generally applicable to all aspects of a military operation (the provision of adequately mandate and legal framework are indeed essential elements for the success of the mission/operation).

However, if we consider a post-conflict framework, characterized by a high level of destruction of civil infrastructure, including, we must assume, cultural heritage artefacts, we must also acknowledge the peculiarity that a set of activities defined as “cultural property protection” may assume.



Certainly, the prevention of theft of archaeological or artistic artefacts, or their parts would still be relevant; unless provided with substantial technological investments (e.g. to provide automated surveillance systems) this activity would not be seen as relevant or “crucial” for the preservation of the identity of the local population, given the level of destruction that can be foreseen, and therefore it would not be seen as crucial as per the paradigm that we just declined²¹.

²¹ It would actually be seen as a mere guarding duty, with a low level of specialization and subsequently low added value with respect to the locally already available capabilities.

A definitely more relevant and effective narrative perspective would be to encourage investment and technical expertise aimed to **reconstruction**, where possible, of the damaged/destroyed cultural sites. This kind of endeavour would require a wider involvement of international actors and resources, with a much more extended timespan for its goals' achievement rather than just the military command of the mission/operation. So, we cannot consider this possibility within the purposes of this paper, since the achievement of such a considerable resource commitment, over a much longer timespan, would necessarily be left to the negotiation and decision-making process of nations at the political level

The only further action that could be considered, within the remit of the "Cultural Property Protection", as highly effective in terms of positive narrative in order to "win the hearts and minds" of the local population, would be to conduct **investigations on the potential war crimes or crimes against humanity committed during the conflict, with the Cultural Heritage as passive subject.**

That would be the only condition under which the narrative "protection of cultural heritage" would **maintain its relevance for the aims and goals of the overall mission.**

Understandably, a delicate subject like the investigation of war crimes committed by all the parties involved in the conflict (and, we must assume, also involved in the post-conflict stabilization process), requires an **absolutely clear and unmistakable – "strong" – mandate for the stabilization force, and the subsequent legal framework**, to be thoroughly negotiated as a mandatory pre-requisite for any hypothesis of such international commitment.

In case the indicated mandatory pre-requisites are not met, or as is very likely, if the way chosen in terms of the CPP would be limited to mere "vigilance" over destroyed or damaged heritage, **the whole mission might fall into the trap of the "partisan irrelevance"**.

The notion of "*partisan irrelevance*", as it emerged in one of the two *Observatories* activated by the NATO SP COE on the two major

ongoing conflicts on the Alliance's borders, will be further analysed and considered at the Centre, with particular reference to the planning of operations.

In general, "*partisan irrelevance*" can be tentatively described as that specific condition of a *Force*²², where the incapability to carry-out one or more tasks (because of a lack of legal framework, mandate or rules of engagement, or simply because of a lack of specific capabilities), **deemed relevant by the local population** (e.g. the investigation of war crimes, or the conviction of criminals/war criminals), is **understood** (naturally or because of an adversary STRATCOM campaign) **as a lack of will, intended to favour one specific side in the conflict.**

The consequences of such "partisan irrelevance" might range from the rejection by societal institutions, to passive or active disobedience and resistance, **up to direct attack/insurgency.**

An effect that might be symbolically described as a sort of "rejection of an alien parasite".

Since crimes in general, and war crimes in particular, involving Cultural Property require a law enforcement response, it is advisable to proceed according to the global expertise of Interpol's Work of Art Unit which focuses on trafficking in art and cultural property as a main branch of such crimes. The institution identifies five main shortcomings in the enforcement of the law to protect the CP, and in all five Stability Policing can play a significant, sometimes the spearheading role in crisis areas:

- **Lack of updated inventories:** institutions and private collections and keepers of CP often do not know exactly what they are responsible for. Missing data hampers investigations in cases of damage, destruction or illegal taking (looting, pillage, theft etc.) of CP. SP personnel can support third parties in acquiring this data, including utilizing the freely available Interpol ID-ART app (ID-Art

²² Typically, a multinational/international force deployed within a stabilization operation.

mobile app) and create or update inventories of sites and objects of the highest significance;

- **Lack of Updated national databases:** Like inventories for museums or collections, but on a national level, databases are required but may imply dangerous consequences if the information they contain is outdated or downright wrong. Even a basic military task seeking to avoid damage to sites of cultural significance, such as compiling no-strike-lists, cannot be successful, if the data on their locations is erroneous. From an anti-trafficking perspective, the restitution of recovered pieces, seized from traffickers, cannot happen, if the origin and legal ownership cannot be proven; SP personnel can assist and utilize reach-back approaches to support or create and populate such databases;
- **Lack of law enforcement agencies specialized in protecting cultural property:** through the Stability Policing reinforcement, i.e. the police capacity building mission, SP operators can support Host Nations in generating tailored units, training, mentoring, advising and supporting them in both prevention and investigation of crimes against CP. Before such units can operate, SP CPP assets can replace Host Nation Law Enforcement in conducting such investigations. Before such local units can be created and act on their own, the most immediate action to protect CP might be to deploy SP CPP specialist who, as experts in the field of countering CP trafficking can temporarily substitute their HN counterparts;
- **Lack of laws protecting CP:** The SP specialist can support the Host Nations in assessing the crimes threatening CP in the Theatre of Operation, identifying the most severe ones and support the Host Nation in devising targeted, relevant new legislation and improving existing one;
- **The lack of intra-agency cooperation: CPP Specialists deployed within SP assets are the best champions for intra-agency cooperation: as part of a military force they understand and can successfully interact with military**

entities, as police officers they possess the knowledge and ability to entertain relations and collaborate with law enforcement and the justice sector, including customs and border control agencies and as specialists in CPP calls they have the uncommon sensitivity and expertise to engage with the heritage sector and academia including museums, ministries collectors and specialists such as auction houses, restaurateurs, conservators etc.

- In any case, the described threats to CP and the conditions listed above pose a **severe risk to the achievement of the mission objectives** and a **substantial threat to the Force itself**. These go beyond the mere legal minimum dictated by IHL or legal norms and all benefit from the presence and support of **Stability Policing in general and CPP specialists in particular**.



BUILDING INTEGRITY IN OPERATIONS (BIIO)

At the Warsaw Summit in 2016, NATO Heads of State and Government endorsed the NATO Building Integrity Policy²³ with the purpose of reaffirming that transparent and accountable institutions under democratic control are fundamental to stability (...). **Building Integrity**, which **includes transparency, accountability and counter corruption**, contributes therefore to the success of the three Alliance core tasks and is a key element of all Alliance activities. Improving integrity building, anti-corruption and good governance applies to NATO, Allies and partners and the military cannot ignore the impact of **corruption as a security risk** and a **driver for instability**, a key feature of all conflicts playing a pivotal role in the power dynamics of **competing groups for resources and power**. **Countering corruption** has to be an integrated aspect of **conflict resolution**, but it is often seen as a government-only issue. It needs to be integrated across all NATO political, economic and military lines of activity. As **host nation security forces** are often better resourced than other government institutions, **countering corruption** and institutionalising integrity within their security force **is necessary to maintain public trust** and build credibility. Corruption can allow for the deployment of inappropriate equipment, reduced combat capability and a generic undermining of the trust in armed forces and governments.²⁴ Building integrity seeks to address the adverse effects of corruption, including on military operations, and requires inter-agency cooperation and coordination as corruption is a common foe for all stability actors. Its key principles, **integrity, transparency** and **accountability** should reduce the risk of corruption including in the defence and security sector

²³ NATO - Official text: NATO Building Integrity Policy - Endorsed by the Heads of State and Government participating in the meeting of the North Atlantic Council in Warsaw 8-9 July 2016, 09-Jul.-2016

²⁴ Adapted from the preface of the Allied Command Operations Building Integrity In Operations Handbook February 2020

as it undermines public trust and confidence, wastes resources and limits commanders' ability to achieve objectives. Corruption affects the whole society and the needs and interests of an entire population. It is therefore essential that both men and women are included in anti-corruption decision-making and that gender is considered in assessing risks and in developing strategies to reduce corruption and promote good governance. The Military Concept for Building Integrity in Operations (BIO) provides guidance for NATO military and civilian personnel for the implementation of building integrity in all phases of NATO-led operations, missions and activities.²⁵

Stability Policing is by definition linked to police-related activities and has important roles to play also with Building Integrity. In fact, whenever public resources, entrusted power or authority are abused for private gain (corruption) a law enforcement response should be part of the solution. When Host Nation law enforcement responses are non-existent or inadequate, an external capability such as Stability Policing might be required to intervene. This is particularly necessary if Host Nation Police Forces and governance institutions themselves are amongst the most corrupt and therefore the least trusted by the populace they should serve. A typical example can be found in Afghanistan, where many law enforcement officers engaged in predatory behaviours against the civilian population. Endemic corruption rather than insurgency was a key factor contributing to the failings of international interventions in Iraq and Afghanistan, according to Ryan Croker, the former United States Ambassador to Afghanistan.²⁶ Mechanisms and programmes to assist and improve law enforcement and the justice sector failed, also because they did not follow key tenets of Stability Policing including the requirement of having sufficient law

²⁵ Adapted from AJP-01 Allied Joint Doctrine Annex A

²⁶ NATO Review 6 December 2018

enforcement experts involved in police capacity building, employment of Afghan Police in policing rather than combat duties, the supervision of Afghan police through widespread embedded advisors, mentors and trainers to prevent predatory behaviours and much more.



In conflict and during crises often law enforcement agencies are the most visible presence of the state and government, therefore their behaviour has a direct impact on the perception of both in the eyes of the populace and wider, even global audiences. External entities, especially when they are foreign and culturally distant, as was the case for NATO assets in Afghanistan, cooperating with and training corrupt HN Law Enforcement agencies suffer the same loss of trust by association. On the other hand, if the population were able to experience them as champions of integrity, showing correct behaviours and, even more significantly, exerting a restraining supervision on HN police, i.e. when embedded within these units and avoiding the latter's illegal or illicit activities, they are the best ambassadors for the foreign force and Building Integrity.

Criminal activities affecting civilians contribute to instability and undermine the Rule of Law. It is unforgivable if such conducts are common practise among members of the governance sector, but the worst situation is when members of the law enforcement participate in such illegal practises, as they are tasked to fight against such crimes.

Combating corruption and the many crimes that it can entail, including specific ones as Embezzlement or Misappropriation of Property, Illicit Enrichment and Abuse of Function is not only necessary, but vital to restore or generate the trust of the community in the government.

As foreigners are already frequently viewed with an eye of suspicion, the same may be true for any NATO Force. Association and collaboration with corrupt officials and officers is therefore to be avoided even more so. Short term gains that might stem from local power brokers' influence have devastating effects on long term stabilization and hamper the establishment of the rule of law. A NATO force that enhances the capabilities of a corrupt law enforcement agency is risking the most severe loss of face and undermining long-term stability. Stability Policing encompasses **two missions**, both applicable in Building Integrity as well as in operations: **temporary replacement and reinforcement of the indigenous police**. This should not be construed as limiting the interaction exclusively with the Host Nation's law enforcement. On the contrary, most sectors of governance may benefit from the contribution of an SP in general and from its efforts in Building Integrity in particular.

The first mission, the **substitution of HN police** might be necessary when there are no such forces (i.e. the example of Kosovo, from which the Yugoslav government recalled all police elements) or these forces are present but are unwilling to respond to the policing needs of government and populace. In such a case, SP units can be deployed, provided with the necessary policing powers and perform all policing activities. Obviously, engaging in favouritism, nepotism, asking for bribes and abusing these powers are all absolutely forbidden and, if encountered, must be strictly prosecuted. This might surprise the local

public, as such behaviours might be considered normal and sometimes expected. Here a zero-tolerance and impeccable, exemplary conduct by NATO SP practitioners can induce a cultural shift that is fundamental when aspiring to a system governed by the rule of law. Investigating corruption crimes, from the grand corruption ones at the highest political level, breaking systemic corruption, to countering criminal and petty corruption all fall within this remit. Arresting politicians who enrich themselves illegally embezzling from their budgets, to punishing a judge who applies a milder sentence after a cash payment or prosecuting an agent pretending bribes during a traffic stop are all too easily understandable examples.



The second SP mission, **police capacity building** on the other hand envisions all the activities to generate, organize, train, empower, advise, mentor and monitor law enforcement forces that, although present, do not achieve the level of performance required by the situation in the Host Nation. It starts with vetting of the right human resources, without bowing to pressure from politicians or power brokers

to accept their accolades. It continues with treating all recruits impartially, regardless of ethnical, tribal or party affiliation, guaranteeing equal opportunities for promotion, salary and deployment. Moreover, it must include the establishment of mechanism to collect, analyse grievances within the force and from the public, seeking to pursue the accountability of all officers. Transparent actions and processes are required to inform the public on what is happening, supporting the notion that shady businesses, illegal acts or lacks in discipline will be punished. Only then might law enforcement have a chance at being perceived as legitimate and earn the trust of the populace and the government, on whose behalf it operates.

Integrity is reflected at three levels: the **political** level, the **organisational** level and the **personal** level.²⁷ Within all three, SP personnel can contribute to countering corruption, not least by investigating crimes. This aims to dispel the perception that some “are above the law”, a notion that severely undermines the establishment of the rule of law. Providing, showcasing and enforcing codes of conduct to law enforcement agencies, selecting, grooming and disciplining leaders and practitioners all fall into the remit of SP in supporting Building Integrity.

Investigating factionalism within the public administration, election frauds, criminal patronage networks and organized crime networks are all required. The pursuit of those who use power or authority to exploit natural assets and resources, cultural heritage and foreign aid with which they have been entrusted with by virtue of their office, are relevant SP contributions to BI. Land and title expropriation, border

²⁷ Adapted from the Allied Command Operations Building Integrity In Operations Handbook February 2020

control corruption, sexual exploitation and abuse are other remits in which SP operatives can contribute to Building Integrity through both SP missions. They can conduct or participate in the investigations and seek to improve the performance of HN personnel at all levels in acquiring a Building Integrity approach, not merely avoiding being corrupt, but integrating anti-corruption and counter corruption behaviours throughout their activities.



THE “SUPREME ALLIED COMMAND FOR TRANSFORMATION (SACT)” REQUEST FOR SUPPORT

On August 16th, 2024, the Supreme Allied Command for Transformation issued a *Request for Support*, asking all relevant contributors to support the Strategic Command in the process of defining the perimeter and areas of intervention on Human Security.

According to the request:

<<NATO's Human Security Approach and Guiding Principles are drawn from that of the United Nations which conceptualizes human security as a multi-sectoral approach to security that identifies and addresses widespread and crosscutting challenges to people's survival, livelihood and dignity.

Taking such an approach means embedding consideration for the comprehensive safety and security of the populations in all stages and levels of Alliance operations, missions and activities, wherever NATO operates, with the objective of preventing and responding to risks and threats to all people, especially in conflict or crisis situations. According to the *NATO Human Security Approach*, the term 'human security' relates to “*risks and threats to populations where NATO has operations, missions or activities, and how to mitigate and respond to them*”.

NATO's Human Security Approach focuses on Protection of Civilians (PoC), Conflict Related Sexual Violence (CRSV) Countering Trafficking in Human Beings (CTHB), Children and Armed Conflict (CAAC), Cultural Property Protection (CPP) and Building Integrity in Operations (BIIO)>>.

In this regard, the following four *contributions* were requested to the recipients of the “RFS”:

<<

A) Contribute to define the role of the Military in Human Security at NATO.

B) Contribute to operationalization of the NATO Human Security policy through Protection of Civilians, as the primary means of implementation of MC2HS at NATO.

C) Contribute to the development of a proposal for a Military Framework for Human Security for a Standardized Approach in NATO.

D) Contribute to the provision of guidance for inclusion in the planning and conduct of operations in order to develop a human security mind-set.

>>

The deliverables are expected to be completed by December 2025.

Given the mentioned Request for Support, NATO SP COE was in a position to benefit from the results of the 2023 International Conference, that provided the necessary advanced knowledge on the topic, sufficient to propose suitable solutions to the above-listed questions.

Here in a comprehensive manner, from the advantaged point of view of the many experts below, these answers to the SACT Request are developed in a who, now and then, have contributed to the Centre's knowledge on the subject. In fact, starting a thorough rethinking of almost all SP-related activities from the perspective of Human Security has begun.

We think that Stability Policing can play a central role, within NATO, in the Human Security remit. This is how.

a) Contribute to define the role of the Military in Human Security at NATO.

More than half of the world today lives in urban areas, and by 2050, it is expected that it will reach over two-thirds²⁸.

²⁸ UN-Habitat 2022, World Cities Report: <https://unhabitat.org/wcr/>.

This means that the battlefields of the future will be characterized by a higher degree of urbanization, with a higher likelihood of the presence of civilians in the vicinity of the frontlines, certainly in very close proximity – or in correspondence – of the combat zones.

Civilians will be a constant presence in the battlefield of the future. Civilians are already protected by the rules of the International Humanitarian Law, that in general through the principles of distinction, precaution and proportionality ensure that non-combatant bodies are not affected by the combat.

More obligations on the military authorities are imposed by a broader understanding of the International Humanitarian Law: as for example *occupying powers* have the full obligation to ensure the well-being – as described by the IV Geneva Convention – of the civilians present in the areas under their responsibility.

But what defines the very idea of occupying powers?

According to International Humanitarian Law, *<<a territory is considered occupied when it is actually placed under the authority of the adverse foreign armed forces. The occupation extends only to the territory where such authority has been established and can be exercised>>*²⁹. In case of occupation, *<<the occupying forces [...] are, generally speaking, bound to take the necessary steps to restore law and order and public life and maintain them as well as possible>>*³⁰.

So it appears that the military powers have to take care of civilians – apart from the rules of combat strictly intended – only in case of “*occupation*” of a foreign territory.

The reality of the modern warfare describes a different scenario.

If we consider the NATO military operations, even from a mere defensive perspective, as said before, there will always be civilians

²⁹ Source: ICRC casebook, glossary section.

³⁰ Source: ICRC casebook, glossary section.

in the area of operations, at least in the proximity (if not on correspondence) of the frontline.

At that point the presence and authority of the Host Nation – whose very concept excludes the idea of “occupying” power – over the civilians in the area will be limited by the general management of the operations, that will be up to the international/NATO Command.

Moreover, with the exception of the formally “occupied” territories, it is to be assumed that NATO – or the Coalition of willing of the time – will be operating in support of the Host Nation, with a unity of intent with respect of the military and political objectives of the campaign.

In other words, the civilians trapped in the area of the conflict will look at the NATO/international force as responsible of their protection and living, particularly when and where the Host Nation’s capabilities will be depleted or impeded by the general trend of the conflict and the related conduct of the military operations.

Given these premises, it appears inconceivable that the NATO Commander refuses to protect the Host Nation’s population – its own people, whose defense is deemed to be assured – from the threats induced or caused by the conduct of war, when the primary authorities are *incapable* or *unwilling* to provide that protection.

NATO Human Security Approach and Guiding Principles take into account this scenario, blurred from the perspective of the International Humanitarian Law, but clear in the *human-centricity* of the Alliance’s care.

NATO’s understanding of Human Security should therefore be intended as a conceptual bridge between the legal condition and obligations of an *occupying power*, and those that NATO assigns to its commanders in the field, bound by a human-centric, ethical approach to military operations.

Under this perspective, having accepted the idea of a logical obligation of the military powers to be committed towards Human Security principles in all phases of the military campaign, it is possible to better define the role – and therefore the perimeter – of this commitment towards the civilians:

- the **role of NATO Human Security set of rules** is to **integrate the existing rules of armed conflict with further precautionary and protective measures**, extending both the area and the contents of the mentioned mandatory care.
- the **role of NATO Military** (at strategic/operational/tactical level) is to **ensure the security of the communities** insisting in their respective areas of operations, up to the threshold defined by NATO policies and international applicable laws, **integrating or temporarily replacing**, if necessary, **the Host Nation’s capabilities**, or **assuming the whole responsibility** when **occupying power in** accordance with the International Humanitarian Law.

As highlighted in the outcomes of the International Conference “*Stability Policing within NATO – Rethinking the paradigm to address future security challenges*”, hosted by the NATO SP COE on 26 September 2024, the future battleground, as **physically extended** and **multi-dimensional** as it will be, will see the substantial presence of civilians involved in the conflict, and **the civilians themselves will become part of the battleground**, as “**contested**” terrain (see as example the “battle of narratives” that accompany the “physical” battle).

This new reality of warfare will require a substantial shift towards the “**human-centricity**” of operations, and NATO Military Commanders at all levels will have to learn how to carry-out their warfare tasks taking also care of the **human portion of the battlefield**.

This important shift in the military mind-set towards civilians will assume, for its implementation, the form of many different **lines of**

effort (see the next “question”), being the “**education and training**” LoE the most important.

In fact, the most relevant change requested of the military Commander is re-thinking how operations are conceived, planned, simulated (as example during exercises) and conducted.

There shouldn't be any more room for hypothetical battle scenarios free of civilian presence: as said, not only civilians will be present on the battlefield, but they will become **the battlefield**.

NATO military will ensure – through the implementation of the actions included in the 6 “*cross cutting topics*” – the security of those human beings involved in the conflict as a part of the planning at all levels, ensuring that *security* will be one of the objectives – at strategic, operational and tactical levels – of the whole operation.

b) Contribute to the operationalization of NATO policies on Human Security through Protection of Civilians, as the primary means of implementation of MC2HS at NATO

Protection of Civilians is certainly the wider portion of the whole Human Security endeavour.

As already highlighted before in the present paper, the Protection of Civilians includes all efforts taken to **avoid, minimize and mitigate the negative effects arising from NATO and NATO-led military operations on the civilian population**.

Protection of Civilians in particular involves safeguarding civilians from **conflict-related physical violence or threats of physical violence** carried-out by **any of the actors of the conflict or within the conflict**, which includes establishing a safe and secure environment (SASE).

The key point to “operationalize” this principle is to define the perimeter of the threat that can be considered relevant under a Human Security perspective.

The first element of relevance is clearly the **connection the threat and the condition of conflict** in which the subject to protection – the civilian communities/individuals – are involved.

Many of these can be direct or indirect threats to the physical integrity of civilians during a conflict.

Accordingly with the aim of the NATO's comprehensive endeavour in the field of Human Security, it clearly appears that this requested connection between conflict and threat cannot only be **direct**, in a sort of teleological relationship.

In fact, paradoxically, in that case the whole care towards civilians would be limited to the remit of war crimes, that are already defined by the international law, and to which all NATO entities are already bound to respect (being NATO an ethical entity).

In other words, there would not be any need of a *Protection of Civilians Policy*.

The key point to describe this relationship is, therefore, a **direct or indirect connection with the conflict**.

In this sense, the whole *framework of Protection of Civilians* introduced in NATO's *Protection of Civilians Handbook* and *AJP-01 - Annex A* (fig. 1 on page 16 of the present paper) must therefore be considered as a set of measures/provisions for the **human beings condition of physical threat** *within* the conflict, *because* of the conflict, but independently from a **direct unlawful/criminal will** of a specific *actor* in the conflict.

Clearly, this approach enlarges substantially the range of intervention of the military force in the protection of the civilians, but the alternative would be the reduction of its scale only to war crimes, making the whole policy redundant and overall insufficient, given its objectives.

In order to provide a reasonable, logical, lawful and sustainable *perimeter* for the military obligations to protect the civilians, it is necessary to set a number of *parameters*.

The proposed **parameters to define the range of intervention** – and *responsibility* – of the NATO Force in the field of *protection of civilians* would therefore be the following:

- a condition of **physical threat to the life** of civilian individuals/groups;
- a **connection** – whether *direct or indirect* – between the physical threat and the **condition of conflict** in which the aforementioned civilian individuals/groups are involved;
- the **lack of capability/will** of the Host Nation’s Governance to ensure the minimum acceptable level of protection, according to the threshold indicated by the applicable International Law and NATO policies,
or as an alternative
the **nature of the occupying power** assumed by the NATO Force.

To *operationalize* the policy on Protection of Civilians, once the **perimeter** of military intervention/responsibility has been defined as per the mentioned parameters, it is then necessary to define *the actors* available and exclusively dedicated, within the NATO Force, to operate within that perimeter, and the **activities** to be conducted accordingly.

– ***Military Activities in the Protection of Civilians.***

It is difficult to list the activities that answer to the need to protect civilians. In fact, this difficulty stems from the connected need to list the *threats* that may affect the civil society bodies during a conflict which, it is logical to assume, can take many and numerous forms.

To summarize and simplify the classification of direct threats to the lives of civilians during conflicts – or better: to “operationalize” them – a useful tool can be, as mentioned

before, the *framework of Protection of Civilians* introduced in the NATO *Protection of Civilians Handbook* and *AJP-01 - Annex A* (fig. 1 on page 16 of the present paper).

This *framework* reflects – with a remarkable precision – the obligations of the *occupying powers* indicated by the international humanitarian law, therefore supporting the assumption highlighted at the beginning of this paragraph, that labels the non-extension of the “occupied communities” involved in the conflict as a contradiction in terms.

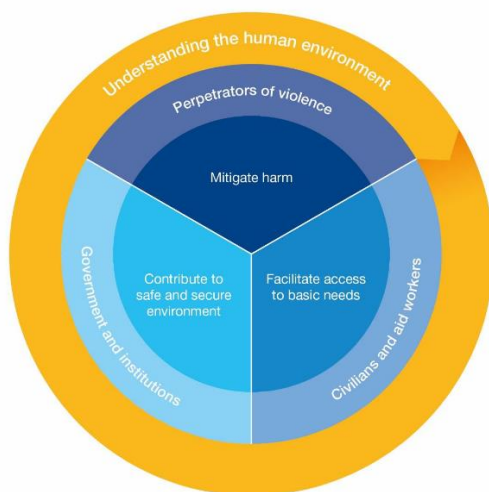


Figure 1 – Concept of the Protection of Civilians framework

Therefore, in the framework of the *Protection of Civilians*, NATO could structure its answer to the specific issue with the planning/execution of **3 main Military Activities**:

- **Activity 1: Contribute to a safe and secure environment.**

As said, direct – or indirect – harm to civilians can come from many directions, from many actors, and in many forms. The idea of protection of civilians must, therefore, be connected to the conflict itself, as a form of mitigation of the conditions of harm and risk determined by the conflict.

This area of the *framework* does not answer to direct actions of the military against civilians, that are regulated by the set of laws applicable in occasion of a conflict, and that is considered – we will see later – within the other sector “*mitigate harm*”.

In fact, this area of competence regroups those risks to the population that are amplified by the conflict, even if not directly.

Criminality is the most relevant of those threats.

Therefore, **Policing** is the most obvious (military) answer to the threats posed by criminality and crime-induced violence, whether ordinary criminality, confessional (included **ethnic**, **sectarian** or **political violence**) or organized.

NATO Stability Policing might certainly be considered the **core function** of the “**Contribute to a safe and secure environment**” military activity.

An immediate objection could be that NATO – and with it the military commands – is not an institution dedicated to the fight against crime, or to support justice.

This position is *legally*, *logically* and *ethically* wrong, and also short-sighted if we consider the typical objectives of the NATO missions themselves.

It is legally wrong, as said before, because there are precise obligations stated by the international humanitarian law that demand that the military commands under certain circumstances

(as occupying powers) must ensure the basic services to the controlled people, and security being one of them³¹.

Unfortunately, neither the Hague Regulations, the Geneva Conventions, nor Additional Protocol I directly refer policing, although such activities are an inherent part of the **detention, internment, and prosecution of criminals or security detainees authorized by humanitarian law** (Geneva Convention IV, art. 64-78).

Moreover, in respect of the performance of a policing function << the occupying authorities, **being responsible for maintaining law and order**, are within their rights in claiming cooperation of the police>> regarding the suppression of criminal activity³².

From a *logical* perspective, as said before, it is inconceivable that obligations of NATO Commands towards foreign (temporarily) occupied citizens were not applicable – or irrelevant – in the presence of friendly communities. The legal forms of this endeavour would clearly be submitted to accurate legal considerations, where the host nation's prerogatives and sovereignty must clearly be preserved and/or reinforced.

From an *ethical* perspective, NATO cannot – clearly – ignore the suffering of people as a direct consequence of the conflict to which NATO forces participate, well beyond the merely legal obligations descending from International Humanitarian Law.

³¹ Occupation Law <<[...] aims to ensure the **protection and welfare of the civilians** living in occupied territories. The occupying power's responsibilities include *inter alia* the obligation to ensure humane treatment of the local population and **to meet their needs**>>. ICRC *International Humanitarian Law on Occupation*,

³² Geneva Convention IV Commentary, above note 15, Art. 54, p. 307. See M. Sassòli, above note 11, p. 665, who considers that <<[p]olice operations are not directed at combatants (or civilians directly participating in hostilities) but against civilians (suspected of crimes threatening public order)>>.

Finally, the protection of civilians is always, **fully functional to the military objectives of a campaign.**

An example – in negative – of this assumption is the conduct of the **war in Afghanistan**, from what concerns the protection of civilians from crime.

As a first consideration, there's evidence in literature – but also from *observations* during the ongoing conflicts³³ – of the increase activity of criminality, and in particular of organized crime, during open conflicts.

This consideration alone should lead to the conclusion of the **relevance of policing throughout the full spectrum of conflict.**

This consideration is not just valid from a humanitarian perspective, but also for the achievement of the military objectives of the mission, in compliance with military laws and regulations.

Criminality, and organized crime in particular, pose a significant threat to the civilians present in the area of responsibility: under a comprehensive interpretation, the **Human Security principles must include the protection of civilians from harm coming from any malicious agent, including criminal organizations**³⁴.

But this obligation should also be considered within a mission-oriented perspective, where “**winning hearts and minds**” of the local population might well be a key for the success of the operations (or the key factor for their failure).

³³ “NATO SP COE Observatory on the Israel-Hamas Conflict 2023-2024. First 200 days of the conflict. Report”, November 2024 (NR).

³⁴ “comprehensive safety and security of the populations into all stages and levels of Alliance operations”, NATO Human Security Approach and Guiding Principles, 2022.

On the topic, according to **Ms. Hosna Jalil**, the former Afghan Deputy Minister of Interior (2018-2021), “*the death toll rate in Afghanistan out of the criminal activities was 150% higher than the death toll rate out of terrorist activities and insurgency*” (Vicenza, NSPCOE Police Capacity Building Course, Keynote Speech, December 2nd, 2022). At the same time, of all the law enforcement that the Coalition trained and deployed during the conflict, a percentage between 10% and 14% of them was dedicated to actual police activities (keynote speech pronounced in occasion of the international conference “*Stability Policing Within NATO: rethinking the paradigm to address future security challenges*”, Vicenza, 26 September 2024).

In synthesis, **the inability to protect civilians even from criminality, was one of the reasons why the Western Coalition lost the trust of the Afghan people.**

Furthermore, in general, as already observed, breaking the rule of law through the conduction of illegal activities and trades very likely constitute an **obstacle to the achievement of the military objectives** of the operation (particularly in case of stabilization operations).

Criminal activities, when not contained, tend to **destabilize** the social texture of a given area (for example through sectarian violence), and to propose the criminal organizations as profit-oriented alternatives to fill the gap in the non-delivering governance functions.

In this sense, the military actions to protect civilians can be regrouped within the general understanding of the military activity “**policing civilians in a conflict context**”.

This *activity*, in general, considering Human Security, can assume the form of a **Police Capacity-Building** mission, or a **Police Temporary Replacement Mission**, or a combination of both, according to the analysis of the context (“Policing Gap” and

“Security Gap” analysis) and the planning of subsequent operations, and the appropriate **legal framework**.

- **Activity 2: Facilitate access to basic needs.**

Another relevant form of potential harm to civil population during conflict is the **difficulty to access basic needs**.

From the perspective of an occupying power, is valid what already mentioned in the previous paragraph.

In fact, from a legal perspective, as a first point, it is important to note that, according to the IV Geneva Convention, art. 55, **it is the responsibility of the *Occupying Powers* in a conflict to support civilian populations with adequate food and medicine supplies** “to the fullest extent of the means available”³⁵.

That means that **failing in the delivery** of *adequate* food and medicine to the population in need might result in responsibility under International Humanitarian Law.

In other words, “an attempt”, maybe through a contractualization of the task, would not be enough, since the IV Geneva Convention requires, in general, the sustainment of people up to an adequate condition. Therefore, an “*obligation of results*”, notwithstanding the introduced temperament of the objective difficulties that might determine a war zone³⁶.

In any case, the incapacity to provide this kind of support to local population would certainly backfire against the occupying powers **in terms of narrative** and potentially lead to **accusations of**

³⁵ ICRC Commentary to the Geneva Conventions of 1949.

³⁶ “The rule that the Occupying Power is responsible for the provision of supplies for the population places that Power under a **definite obligation to maintain at a reasonable level the material conditions under which the population of the territory lives**”.

ICRC Commentary to the Geneva Conventions of 1949.

using starvation as method of warfare (activity that can constitute a war crime)³⁷.

The core function of the military action “Facilitating access to basic needs” is to be considered, from this perspective, as a set of Humanitarian Aid Delivery activities.

As shown in the many incidents reported in the recent or ongoing conflicts around the globe³⁸, the **Humanitarian Aid Delivery** is a complex matter, that deserve an accurate planning, under the risk of huge loss of human lives.

They also show the need for specific capabilities typically **identified with the full spectrum of police capabilities**³⁹ to manage the delivery action.

The intelligence preparation⁴⁰, the itinerary planning, the key-leaders engagement, the creation/preparation of a security zone for the delivery, the deployment of the appropriate reconnaissance and Crowd and Riot Control-capable assets, and the investigation

³⁷ Art. 54(1) of Additional Protocol I to Geneva Conventions, 1977.

³⁸ “NATO SP COE Observatory on the Israel-Hamas Conflict 2023-2024. First 200 days of the conflict. Report”, November 2024 (NR).

³⁹ It is better **to avoid** an involvement of contractors. Although they may have a police background (but which one?), they might not have the necessary equipment and structure to carry out so sensitive operations. Moreover, there would be a lack of or at least **controversial international acceptance** and/or legal coverage both in International Armed Conflicts (IAC), and in post IAC/NIAC (Non-International Armed Conflicts - as the international community has already been faced during the most recent last 25 years).

⁴⁰ Both **military and police-intelligence** preparation of the operation is needed. It may be still topical to apply the outdated concept of “*Green Box and Blue Box*”. The Green Box to provides an enlarged monitoring of the Area of delivery (e.g. using UAV, Drone, Helicopters and a QRF in case of very dangerous and uncontrolled clashes and riots). The Blue one assigned to the exclusive jurisdiction of MP/GTF assets, with the full spectrum of police capabilities (to escort convoys, to secure the proximity and the area of delivery, to control the crowd, to use of non-lethal weapons as water cannons etc.).

of the incidents that might occur, they are all (but the list is definitely much longer) activities that should be supported/integrated by the **Policing set of skills/capabilities**. Moreover, what looks like being the **crucial element in the conduct** of the operation, is the **police expertise**, particularly when in presence of the described **magnitude of the civilians involvement** (civilians gathered in the thousands, apparently during the mentioned incidents. This magnitude of incidents was not unusual in theatres of operations of the '90s, such as "*Operation Restore Hope*", in Somalia).

NATO is not provided with a **modern, comprehensive tactical doctrine or a handbook**, to help field commanders in planning and executing Humanitarian Aid Delivery operations.

That does not mean that there are no instructions in the wider NATO doctrinal remit⁴¹ on the topic⁴². These indications are in fact present but dispersed between two level (2) publications that deal only with the *principles* of humanitarian aid (**AJP-3.26 Allied Joint Doctrine for the Military Contribution to Humanitarian Assistance**, and **AJP-3.28 Allied Joint Doctrine for the Military Contribution to Stabilization**), and in a set of descending guiding documents and publications⁴³ that in part do not see NATO as the

⁴¹ The NATO agreed definition for Humanitarian Assistance stands: "*As part of an operation, the use of available military resources to **assist or complement the efforts of responsible civil actors** in the operational area or specialized civil humanitarian organizations in fulfilling their primary responsibility to alleviate human suffering*".

⁴² "*Specific types of military **support** to HA include: disaster relief; **support to refugees, returnees, stateless people, internally displaced persons and asylum-seekers**; technical assistance and support; Chemical, Biological, Radiological, and Nuclear Consequence Management (CBRN CM); **public security***". AJP-3.26

⁴³

- NATO Policy for the Protection of Civilians (PO(2016)0407(INV))
- Military Committee Concept for the Protection of Civilians (PO(2018)0227-AS1)
- MC 343/1, NATO Military Assistance to International Disaster Relief Operations (IDRO)

originating entity. That happens because the Alliance does not consider the subject to be **of its exclusive competence** and instead focuses on the role of NATO as 2nd/3rd responder, in support to other entities such as the Host Nation, the UN, other IOs and NGOs⁴⁴.

The observed **mediatic echo**, and the connected **strategic effects** of incidents regarding humanitarian aid delivery, along with considerations based on the potential **legal accountability under the International Humanitarian Law**, should lead to the assignment of a different relevance and priority to the issue, even when the Military Force is not in the conditions of assuming *occupying powers*.

Subsequently, **field Commands should be provided with the appropriate set of skills and capabilities to face these challenges**.

In any case, the need to cooperate, in this specific sector, with **national or international humanitarian relief agencies** of the

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- ACO Directive 83-2, ACO Guidance for Military Medical Services; Involvement with Humanitarian Assistance and Support to Governance, Reconstruction and Development
 - Inter-agency Standing International Committee of the Red Cross Handbook on Data Protection in Humanitarian Action
 - NATO A Practical Guide to Public Information during a Crisis (Budapest Guidelines III)
 - United Nations Inter-Agency Standing Committee Non-binding Guidelines on the Use of Armed Escorts for Humanitarian Convoys
 - United Nations Office for the Coordination of Humanitarian Affairs Oslo Guidelines: Guidelines on the Use of Foreign Military and Civil Defense Assets in Disaster Relief
 - Protection of civilians ACO Handbook
 - Civil Military Guidelines and Reference for Complex Emergencies
 - Capstone Concept Joint Military Operations in an Urban Environment

⁴⁴ *"The military contribution to HA is intended to support and/or supplement the efforts of non-military actors, including the HN civil authorities, IOs, and NGOs that have the primary responsibility to provide assistance". AJP-3.26*

most diverse nature and expertise, definitely requires a **Unitarian approach**, from an Operational Command perspective, that now is not detectable in NATO's doctrine.

The still essential role that NGOs have in the specific remit is still undeniable, even though **the role and responsibilities as primary actors of the humanitarian relief in general will progressively tend to fall on the Mission Command**, despite the "subsidiary" NATO approach detectable in the currently available doctrine.



- **Activity 3: Mitigate harm.**

As said before, this sector includes all those activities that are connected to the conduct of war, and the need to respect to the maximum extent possible, the laws of war (International Humanitarian Law).

So, at first sight, NATO Force is already provided with the needed set of rules and processes to ensure the mitigation of harm towards civilians. Moreover – and this is the old approach to human security – CMI/CIMIC activities would support the Force in mitigating the deleterious effects of accidental harm to civilians caused by military actions.

Accidents, incidents caused by incaution, or willing disrespect for International Humanitarian Law might qualify as **war crimes**, and as **war crimes must be investigated**.

Once again, the new approach to Human Security requires from Military Commands a more proactive approach than the current one.

From this perspective, a more assertive stance should be given to ***Investigating War Crimes as an essential function to prevent and*** – to some extent – ***to investigate the commission of war crimes***, thereby contributing to “Mitigate Harm” military activity.

Investigations on war crimes carry nowadays a level of complexity that are in general unparalleled, with reference to ordinary crime investigations.

This complexity is amplified by the use of new technologies, both in the warfare itself and in the decision-making process that at each level influence the conduct of war.

The current NATO approach to war crimes is insufficient with respect to the complexity of this kind of investigations, and also when we consider the per-during strategic-level disruptive effects that inadequate investigations can bear on the force and the Alliance as a whole.

War-crimes allegations, in the current major conflict scenarios, showed in fact to be a powerful argument in **the war of narrative at strategic level**.

Being NATO an **ethical Organization**, the respect of all applicable international laws, including the – most compelling – International Humanitarian Law, is a “trademark”, whose possible violations demands immediate and thorough investigations, as **counter-narrative measures** but also as **a means through which to preserve the morality and integrity** of the military actions at all levels.

In this framework, a **credible and fit-for-purpose forensic capability** in the field of war-crimes investigations, apart from a merely disciplinary/judicial perspective, can be considered as **a tool available to the Commanders in the war of narratives**, whether **to unveil and to prove the opponents’ criminal behaviour, or to deny – based on factual evidences – allegation of criminal behaviour by their own troops**.

The problem is – and recent history proves it – that during military operations, war-crime investigations are typically carried-out with a *traditional approach*, limiting the search for evidence and data to a very superficial layer, connected to the expertise of the typically expressed ordinary forensic.

Moreover, for NATO, they currently fall under the Nations’ responsibilities.

This approach determines a limited capability, that **exposes the Force to the risk that, after a certain amount of time, groups of free-lance forensics, with access to resources and provided with advanced scientific skills** – such as an NGO, or a popular enquiry journalism firm – after a much more thorough investigation **can disprove the findings of the official investigations**.

The **damage to the institutional credibility** is, typically, **enormous**, with consequences that might bear effects for

decades, and can range from **accusations of ineptitude to allegations of complicity** of an Institution (image damage), but also of single, specific, senior officers, maybe retired, or still in career (criminal responsibility is always individual).

As said before, to make this picture even more complicated, the complexity of this kind of investigations lays also in the difficulty of a thorough analytical approach in a **non-permissive environment** (as an active warzone), with the subsequent impossibility to adopt the typical care and thoroughness that would characterize a forensic investigation in peacetime.

This **vulnerability**, in the modern context of war of narratives, and considering the relatively cheap availability of experts – even at a very high level – supporting NGOs and enquiry journalism, **is intolerable** for an ethical political-military organization such as NATO.

Therefore, NATO should be provided with the capability to deploy, across the whole spectrum of the conflict, sophisticated investigation and forensic⁴⁵ capabilities, able to

⁴⁵ In March 2016 NATO SP COE issued the “**Stability Policing Framework Concept for Forensic in NATO Stabilization and Reconstruction Operations**”, that connects the need of credible forensic to the conduction of **Stabilization and Reconstruction Operations**. In the mentioned document, a list of “*main forensic sciences*” was indicated as follows: Biometrics, Forensic Ballistics, Blood Splatter Analysis, CBRN Forensics, Computational Forensics, Computer Forensics, Digital Forensics, Forensics Accounting, Forensics Aerial Photography, Forensic Animation, Forensic Anthropology, Forensic Archaeology, Forensic Architecture, Forensic Art, Forensic Astronomy, Forensic Biology, Forensic Botany, Forensic Chemistry, Forensic Dactyloscopy, Forensic Document Examination, Forensic DNA Analysis, Forensic Economics, Forensic Engineering, Forensic Entomology, Forensic Epidemiology, Forensic Facial Reconstruction, Forensic Geology, Forensic Geomorphology, Forensic Geophysics, Forensic Intelligence, Forensic Investigation, Forensic Limnology, Forensic Linguistics, Forensic Meteorology, Forensic Medicine, Forensic Odontology, Forensic Pathology, Forensic Photography, Forensic Podiatry, Forensic Profiling, Forensic Psychiatry, Forensic Psychology, Forensic Seismology, Forensic Serology, Forensic Social Work, Forensic Toxicology, Forensic Video Analysis, Marine Forensics, Mobile Device Forensics, NATO Military

operate in a vast array range of scientific fields/disciplines, in a complex and possibly non-permissive environment, and on a scale of magnitude unbearable for ordinary forensic, and whose findings should bear the quality, thoroughness and reliability to match the highest standards available in the international arena.

In other words, NATO Commanders should rely on a **NATO tool** whose level of accuracy would guarantee the **non-deniability of the official findings**, and the subsequently deliberated **strategic narrative**.

This Allied Unit/Entity would operate in the respect of the applicable laws on national jurisdictions, but as a multinational entity, delegated by the NATO Military Command as a qualified – and impartial – investigative body.

This is an evolution that is not easily achievable, since it implies a **radical change in the approach to forensic** and to investigations on war-crimes.

As said before, **NATO credibility as an ethical institution** might be at stake, and at least a cognitive and doctrinal investment in this sector might be crucial to sustain this posture that is the very foundation of the Alliance.

What would suit the modern investigative challenges – and this is the piece of advice that can be taken from this *Observatory* – is a **NATO standing investigative capability**, possibly framed in the shape/category of already existing units (as an example the **Stability Policing Unit** has the flexibility and structure, from a police capability perspective, to be tailored for this task), valorised within the NDPP but possibly made independent from the ordinary

dynamics of targeted capabilities, as a **dedicated body belonging to the NATO Force Structure** as a strategic asset.

– ***Military Actors in the Protection of Civilians.***

All Military Force/Command Structures are the implementers, at all levels, of the NATO Policy on Protection of Civilians. As said before, in fact, what is required of the NATO Military in general is a shift of mentality towards a different understanding of the role of civilians on the battlefield and in the conflict as a whole.

This translates in a harmonic effort towards a protective attitude towards the human beings involved in the conflict, from the conception to the planning and the execution of the military operations.

Yet on the field it is paramount to identify – and task – dedicated Units in charge of the **active protection of civilians**, with the aim to achieve its broader objectives.

The ideal military tool to be entirely dedicated to the *Protection of Civilians* already exists in the NATO's Doctrine, being also valorised in the NATO Defence Planning Process: the **Stability Policing Units**, as described through the relevant doctrine and descending Capability Codes/Statements, are expeditionary, independent units whose focus is – precisely – the stabilization of a conflict/crisis area through the exercise of the function of governance that is policing. Policing, as described by the relevant UN definition, is <<*a function of governance responsible for the prevention, detection and investigation of crime; the protection of persons and property; and the maintenance of public order and safety*>>⁴⁶.

⁴⁶ UN Sec. Council S/2016/952 10 Nov. 2016 – Report of the Secretary-General on UN policing.

In other words, **policing is entirely focused on the protection of civilians**, since crime, and public disorder/unsafety are direct threats to human beings.

The Stability Policing Units are the NATO tool intended to project the function of policing within the conflict/crisis area.

If we look at the list – not exhaustive – of the military actions in the remit of protection for civilians, it is possible to note how the vast majority of those activities are intended to prevent/counter human behaviours that can abstractly be defined as “*crimes*”.

In a conflict context, those illegal activities – crimes – affect even more directly the life of the civilians involved in the conflict, determining a more severe threat to the integrity of the human beings victims of those activities.

In particular, Stability Policing Units can absolve NATO Command of the vast majority of the obligations of Human Security perspective, and in particular in the *protection of civilians*.

From a capacity-building role to a temporary replacement of the local law enforcement agencies, a SPU – or more SPUs – can support the Military Command across the full spectrum of the conflict.

CIMIC Units can of course contribute to the interaction of the NATO Command with the civilians involved in the conflict, yet their contribution would not cover the “active protection” requested by the new HS approach. In fact, while in the past the remit of protection of civilians was limited to the application of the “do not harm” principle, CIMIC role was in fact to connect with civilian authorities in order to verify accidental damage to the civil society determined by the Force, and to mitigate the negative effects.

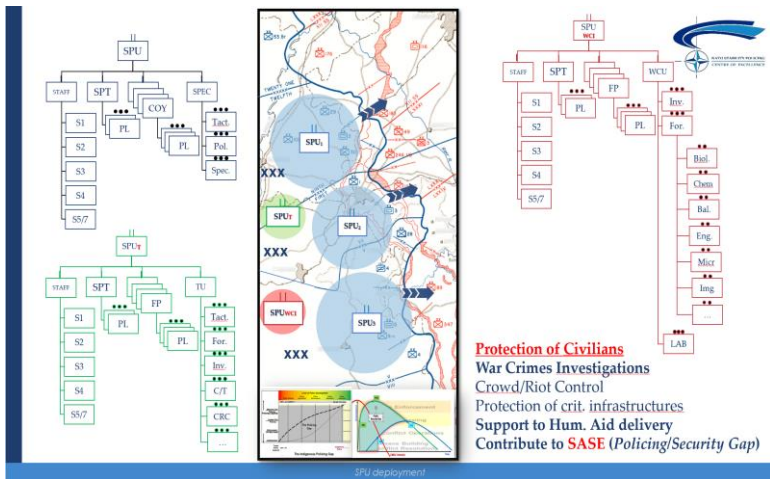
The new approach requires an *active* role, and the capability to actively protect the civil societal bodies in a remit often not contiguous with the military competence.

For this reason, while a CMI approach can definitely play a relevant role in engaging civilian bodies and addressing their

concerns, a more proactive stance is instead needed, provided with the necessary legal framework.

Stability Policing – and as a consequence the SPUs – through the analysis of the existing capabilities on the field (the so called “policing gap analysis” and “security gap analysis”), can support the force with the planning and execution of temporary replacement missions and/or capacity building missions.

Consequently, with the use of already existing analysis and operational tools, HS – and in particular the cross-cutting topic *protection of civilians* – can enter in the NATO operations’ planning process at all levels (strategical, operational and tactical), as the fundamental and essential step to guarantee the respect – also from a legal perspective – of the Commander’s obligations for the protection of civilians.



E.g., deployment of BN-level SPUs within art.5 Ops., with differentiated tasks.

c) Contribute to the development of a proposal for a Military Framework for Human Security for a Standardized Approach in NATO

As mentioned in the previous paragraph, the scheme already outlined in the *Protection of Civilians Handbook* and *AJP-01 - Annex A*, and already utilized in this paper, seems sufficient to constitute the framework for a standardized NATO approach to Human Security, and in particular to the Protection of Civilians.

In fact, the other *cross cutting topics* can actually be framed in the same scheme, being theoretically ascribed to the categories of crimes (traffic in human beings, corruption, traffic of cultural heritage artefacts) and war crimes (Conflict-Related Sexual Violence, Destruction of Cultural Property, the phenomenon of Child Soldiers).

Therefore, the standardized approach towards the activities to counter the violations of human security can be the same proposed for the protection of civilians cross-cutting topic:

- the **parameters to define the range of intervention** – and *responsibility* – of the NATO Force in the field of *Human Security*, would therefore be as follows:
 - a **connection** – whether *direct or indirect* – of the considered cross-cutting topic threat **with the condition of conflict** in which the civilian individuals/groups are involved;
 - the **lack of capability** of the Host Nation's Governance to ensure the minimum acceptable level of countering the mentioned conducts, according to the threshold indicated by the applicable International Law and NATO policy, *or, as an alternative*, the **nature of occupying power** assumed by the NATO Force.
- a set of *Military Activities* intended to support the *Human Security* in the AoO, so described:

- contribution to Safe and Secure Environment. As with the *protection of civilians*, this activity is mainly dedicated to the physical protection of the non-combatant human beings present in the AoO;
 - facilitate access to basic needs. This *activity* should include all the basic needs of the civilian population, including the access to the possibility to report abuses or crimes, also war crimes;
 - mitigate harm. This *activity*, its *core function being the investigation of war crimes*, should be considered as the main factor of prevention of the commission of war crimes, but also the main source of *retribution* for the committed crimes, both from enemy and friendly forces, and therefore the main tool to preserve the ethical narrative of the Alliance (functional to “win hearts and minds” of local population).
- a catalogue of *Military Actors*, or *Critical Enablers*, that will range across all the Force components, from the planning of operations to their conclusion, but among which it will certainly be needed to consider Stability Policing and Civil-Military Interaction Units, as **main provider** of *Human Security* across the full spectrum of the conflict.

d) Contribute to provision of guidance for inclusion in the planning and conduct of operations in order to develop a human security mind-set

As said before, Human Security must be a constant endeavour of any military, at any level, during operations.

In fact, starting from the *mitigating harm*, any military activity must carefully consider the impact it will have on the human beings present in the area of operations.

Of course, that starts from the **targeting process** – as it is obvious – but also must involve less-than-lethal activities, such as logistic manoeuvres.

In this sense, the first step, at all levels, is from a mind-set perspective, achievable through education and training programs tailored for each function/hierarchical level.

Moving from an individual perspective to an organizational one, clearly the NATO Operations' Planning Process must reflect the needs of this mind-set change.

NATO COPD should reflect Human Security principles, through the production of annexes/paragraphs addressing each of the proposed *activities* on a structural way, also incorporating dedicated cells/SMEs in the Planning Groups at all levels.

In this regard, it would not be advisable to allocate these SMEs within the Command Group as *advisors* of the Military Commander: as for the Stability Policing, this assignment of thematic SMEs (for SP is the Provost Marshal) outside the joint planning groups (at least at the strategic and operational level), proved to be not entirely effective.

Experiences gathered in exercises outside the NATO C/FS (e.g. the Italian Staff College exercise “Machiavelli”, on the year 2020 edition) showed a better performance of those SMEs when included within the JOPG (the “Machiavelli” is an Operational Level CMO planning exercise), being able to influence the plan from the beginning (e.g. also within the *Comprehensive Preparation of the Operational Environment - CPOE*)⁴⁷, while if included in the CG as adviser (as it is normally the case with the Provost Marshal)

⁴⁷ See on this topic the article published in the Italian Defence Magazine “Informazioni della Difesa”, by L.Bramati “*Operazione Machiavelli*”, May 2020.

their chances to influence the trajectory of the plan proved to be more limited⁴⁸.

Moreover, the existing toolsets should be further valorised from a HS perspective: the reference goes inevitably to the NATO assets that might be entirely dedicated to the Human Security remit, such as the Stability Policing Units/Components and the CMI/CIMIC Units/components.

The creation of a ***Functional Planning Guide*** dedicated to Human Security might be a useful tool to support the decision-making process in the operation planning – including the related exercises – but also the mentioned Stability Policing and CMI/CIMIC related *Functional Planning Guides*, if existing, should reflect the primary need to cover HS aspects.

With reference to the Stability Policing remit, NATO SP COE has started a process aiming to propose a *Functional Planning Guide* dedicated to Stability Policing planning, which will encompass a strong reference to the HS remit, including competence, role and responsibilities of SPU assets and units.

At the same time, exercise scenarios should be enhanced from a HS perspective, proposing to the exercised Units the prevalence of urban warfare contexts, including the presence of civilians in the area of operations.

In fact, urbanized environments are expected to progressively become the most likely warfare scenarios for open conflicts and crisis of any kind, bearing the additional complexity – for the military operations – of a probable high concentration of human beings exposed to multiple risks and certainly in constant need of primary goods.

⁴⁸ NSPCOE will also support this observation within the AJP 3.22 revision process, as per the relevant RFF issued by NATO SACT.

From this point of view, the urbanized scenario is supposed to be the most challenging, also because of the presence of civilians, and therefore the most relevant to develop an appropriate HS mind-set.



CONCLUDING REMARKS AND RECOMMENDATIONS

The June 2023 conference emphasized the critical role of a harmonized overall approach and of interoperability when tackling current and future security challenges from a HS perspective.

The SACT RFS on Human Security certainly reflects the need to develop a transversal attitude of all military components towards the Human Security component of the operational conduct and planning. Subsequently, as this convergence has clearly highlighted, it is essential to address in a structural way all the inconsistencies and shortfalls that have been detected or foreseeable, and try to seek to clarity on Human Security at all levels.

This paper, that encompasses the outcomes of the conference and re-proposes them in the form of a structured and comprehensive answer to the SACT RFS, has indeed confirmed the need for a military-strategic **HS Framework**.

The Adoption of a single overarching HS policy including relevant CCTs, with a single action plan and reporting line was already in fact analysed and discussed during the conference, as it would facilitate the implementation of a harmonized and drastically evolved approach to Human Security.

As we mentioned – and this was also the focus of the RFS – the key point is to implement a **real shift** from an old and *static* approach to HS (the one based only on the “mitigate harm” line), to the new proactive consideration.

Flexibility was also a recurring theme to provide a framework allowing for commanders’ freedom of action, while allowing for a case-based approach.

With reference to the Stability Policing remit, it is important to note that the vast majority of the Conference participants agreed to the identification of Stability Policing as the most adequate and comprehensive set of tools to support NATO HS approach.

In fact, the conference outcomes provided a set of *recommendations* for the role of SP within HS.

It should be noted that the CAAC policy and the updated CTHB policy that were adopted during the Vilnius NATO Summit address some of the recommendations identified during the targeted syndicate sessions of the conference.

Although the changes have so far been made for the two CCTs mentioned, this partial approval confirms that the findings of the conference align with the Alliance's agenda, approach to HS, and priorities.

Therefore, the recommendations on the other CCTs can also be used as an input for further policy or guidelines development and adaptation, including the policy about Cultural Property Protection.

Operationalization of Human Security and recommendations for the role of Stability Policing

NATO operations, missions, and North Atlantic Council approved activities in (armed) conflicts and crises benefit from the inclusion of Stability Policing (SP) to respond to police-and justice-related needs of the Host Nation, its governance, its Indigenous Police Forces, and its populace including from a **Human Security perspective**.

In particular:

- NATO at all levels from political to tactical – including from an SP point of view – requires a harmonized approach to Human Security (HS) and related Cross-Cutting-Topics (CCTs);
- an executive SP mandate, i.e., conducting law enforcement activities, should be supported by a provision on the use and threat of the use of force and coercion measures, which is **lacking** in current HS-related policies and in AJP-01;
- the responsibility for ensuring HS lays primarily with the Host Nation. SP as a military capability enables the presence and

expertise of law enforcement whenever and wherever required by the Alliance to also deter, prevent and investigate Human Security crimes and the related CCTs'. This is attained through the two main missions of SP, namely the indigenous police forces (capacity building) and their temporary replacement (executive policing):

- *reinforcement*⁴⁹ consists in creating new or improving the performance of existing Host Nation law enforcement agencies, until the latter or follow-on forces can assume relevant responsibilities. SP can monitor, mentor, reform, advise, and train and partner;
- *temporary replacement* (substitution) bridges the period until these forces reach the desired levels of performance;
- the complexity of HS necessitates a wide range of military and non-military actors operating in a comprehensive approach with which SP can successfully interact, thanks to its nature as a military capability and its civilian-oriented and population-centric perspective. SP and other HS-related actors intervening in a crisis should be able to start operating immediately in the so-called 'Day Zero' integration. Agreements and mechanisms (e.g., training, exchanging information) should have been prepared and tested beforehand;
- SP can support the understanding of the local/human environment. SP Subject Matter Experts (SMEs) can in fact contribute to assess, identify, and geo-locate threats and opportunities in local contexts, bringing the law-enforcement perspective;
- attacks within Human Security or anyone of the CCTs constitute are crimes and might be indicators of even more severe violations,

⁴⁹ SP Reinforcement differs from the NATO Agreed term for reinforcement, which is defined as the process of relocating and/or reallocating forces to strengthen military capabilities as a means of conflict prevention, crisis management or defence.

such as genocide or ethnic cleansing. Preventing a crime from happening or stopping it in its initial stages is always preferable. SP activities include presence patrols, active engagement and establishing trust with local populations and stakeholders as well as enforcing a credible deterrence.

- the SP response to crimes that have already happened entails investigating such crimes, pursuing/arresting perpetrators (criminals, insurgents, terrorists), gathering evidence, dismantle criminal networks, as well as seizing their assets including illicit capital;
- during a crisis, the Host Nations might need support on managing and controlling borders, an activity that SP can perform, participate in or support HN capacity;
- SP capabilities can perform or support the collection and analysis of law-enforcement and specifically HS-crime-related information, feeding the intelligence cycle through *Law Enforcement Intelligence* (LEINT) thus improving situational awareness for the whole force;
- a common approach on SP would enhance the resilience of NATO Nations both as single entities and as elements of the Alliance, against military and non-military threats and challenges, including hybrid ones;
- a concrete framework that incorporates SP considerations at the strategy level, would allow for design and force generation in a way that recognizes the added-value of SP;
- common SP-focused trainings in accordance with NATO standards would increase military and civilian actors' awareness, facilitate interactions and foster an overall more effective and cooperative performance;
- the scheme already outlined by the *Protection of Civilians Handbook* and *AJP-01 - Annex A*, should constitute the framework for a standardized NATO approach to Human Security, and in particular to Protection of Civilians;

- the **parameters defining the range of intervention** – and *responsibility* – of the Force in the remit of Human Security must be clearly defined, along with the definition and analytical description of a comprehensive set of *Military Actions*, including those connected to the Stability Policing doctrine;
- a defined basket of *Military Actors* capable of taking on the HS mission exclusively for the NATO Command is strongly recommended: the Stability Policing Units, because of their flexibility and robust connection with the civilian world (“*human-centricity*”) should be considered the priority contributors/enablers of the NATO Human Security policy;
- the Operations’ Planning Process must be adapted in order to accommodate the newly issued parameters for mission accomplishment, that include the Human Security implementation in all phases of the operations;
- exercises should pivot towards the presence of civilians within the AoO, with subsequent HS concerns. A focus on operations within urbanized areas could support this pivot.

As a final remark, it is important to underline the strong and urgent need for all NATO components to adopt the shift of mentality requested by the Human Security “revolution”.

Military Commanders at all levels will continue to focus on the complexities of the traditional manoeuvres, directed towards the achieving of the military objectives of the campaign. This is natural and not incompatible with the Human Security approach to the operations. Although it is important to underline the fact that **actions will also be requested, demanded**, under penalty of personal accountability, since the whole topic of HS is focused on Human lives: **Stability Policing Assets, Knowledge and Units** can be the answer to the Military Commander’s needs, being the bearer of a **set of activities that will take care of the Human Security portion of the mission** – diverse from targeting – in so doing **relieving the leadership from legal and**

moral responsibilities for the protection, survival and welfare of the civilian population cohabiting with the conflict.

However, to have access to this *tool* it is necessary to enhance and facilitate the access of SP doctrine, principles and analytical tools to the **Operations' Planning process**, through the appropriate valorisation and engagement of the relevant Subject Matter Experts, both in the SP and/or the HS remit.



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ANNEXES

Participating organisations

Arma dei Carabinieri
Atlantic Forum
Bocconi University
British Army
Carabinieri Vicenza
Centre of Excellence for Stability Police Units
Civil-Military Interaction Unit, Network Politics
College of William and Mary
Defence General Staff
European Centre of Excellence for Countering Hybrid Threats
European Gendarmerie Force – Permanent Headquarters
EUROPOL
Finnish Defence Forces International Centre
French Gendarmerie Nationale
Guardia Civil
Guardia di Finanza
HQ Allied Rapid Reaction Corps
International Committee of the Red Cross
Istituto Affari Internazionali
Italian Committee for UNICEF
John Jay College of Criminal Justice
Koninklijke Marechaussee (Royal Marechaussee)
Multinational CIMIC Group
Mondo Internazionale APS
NATO Allied Command Transformation
NATO Allied Joint Force Command Naples
NATO Allied Land Command
NATO Assistant Secretary General
NATO CIMIC Centre of Excellence

NATO Defence College
NATO Military Police Centre of Excellence
NATO Rapid Deployable Corps Italy
NATO School Oberammergau
NATO Security Force Assistance Centre of Excellence
NATO Stability Policing Centre of Excellence
NATO Supreme Headquarters Allied Powers Europe
Norwegian University of Life Sciences
Sapienza University
Saxion University
SEFAT
Stimson Center
UK Army 11th Security Force Assistance Brigade Outreach Group
United Nations Interregional Crime and Justice Research Institute
United States Air Force
United States Army Civil Affairs and Psychological Operations
Command
United States Army Peacekeeping & Stability Operations Institute
United States Department of Defence Office of the Under Secretary of
Defense for Research and Engineering
United States Marines Corps Manpower & Reserve Affairs
Headquarters
United States Marine Corps University
United States Special Operations Command
Università degli Studi di Genova
Young Atlantic Treaty Association

List of Acronyms

A: Army
ACO: Allied Command Operations
ACT: Allied Command Transformation
AJP: Allied Joint Doctrine
BI: Building Integrity
BIIO: Building Integrity In Operations
CAAC: Children and Armed Conflict
CC: Carabinieri
CCT: Cross-Cutting Topics
CHMR-AP: Civilian Harm Mitigation and Response Action Plan
CoE: Centre of Excellence
CP Cultural Property
CPP: Cultural Property Protection
CRSV: Conflict Related Sexual Violence
C-SASE: Contribute to a Safe and Secure Environment
CTHB: Combatting Trafficking in Human Beings
CZE: Czech Republic
EDT: Emerging and Disruptive Technologies
ESP: Spain
EUROPOL: The European Union Agency for Law Enforcement Cooperation
FABN: Facilitating Access to Basic Needs
FOGO: Flag Officer General Officer
FRA: France
GC: Guardia Civil
GN: Gendarmerie Nationale
GTFs: Gendarmerie-Type-Forces
HRL: Human Rights Law
HQ: Headquarters
ICRC: International Committee of the Red Cross
IHL: International Humanitarian Law

IO: International Organization
IPF: Indigenous Police Forces
ITA: Italy
J: Jandarma
KMar: Koninklijke Marechaussee (Royal Military Police)
LEINT: Law Enforcement Intelligence
LL: Lessons Learned
MC2HS: Military Contribution to Human Security
NATO: The North Atlantic Treaty Organization
NGO: Non-Governmental Organization
MH: Mitigate Harm
MoJ: Ministry of Justice
MRM: Monitoring and Reporting Mechanism
NLD: The Netherlands
NSPCoE: NATO Stability Policing Centre of Excellence
PoC: Protection of Civilians
PTSD: Post-Traumatic Stress Disorder
RL: Refugee Law
SHAPE: Supreme Headquarters Allied Powers Europe
SME: Subject Matter Expert
SP: Stability Policing
THB: Trafficking in Human Beings
TUR: Türkiye
UNSCR: United Nations Security Council Resolution
UHE: Understanding the Human Environment
UN: United Nations
UNICEF: United Nations International Children's Emergency Fund
VP: Vojenská Policie

Questions to groups

Generic questions asked to all syndicates:

- NATO in its AJP-01 looks at Human Security inspired by the UN approach and states “A.27 The notion of human security is distinct from the responsibility to protect and does not entail the threat of the use of force or coercive measures.”
- What are the implications for Stability Policing? Should AJP-01 be amended?
- If and when a dedicated policy about Human Security is going to be developed, should a “Stability dimension” be added (as in the policy for the Protection of Civilians)?
- If and when a dedicated policy about Children and Armed Conflict is going to be updated, should a “Stability dimension” be added (as in the policy for the Protection of Civilians)?
- In NATO a concept defines a capability thoroughly looking at 4 different aspects, namely Doctrine, Organization, Training, Materiel, Leadership development, Personnel, Facilities, Interoperability (DOTMLPFI). In such a document, Human Security and Cross-cutting-Topic specific links to SP would be described.
- Should NATO develop a Stability Policing including HS and CCT-related content?

CCT specific questions:

PoC

- Can you elaborate on the measures NATO has taken in terms of SP to mitigate harm to civilians? Consider both missions of reinforcement and temporary replacement of the Indigenous Police Forces?
- The POC Policy dates back to 2016. Since then, have you noted any flaws, inconsistencies in the integration of the PoC into NATO and NATO activities, particularly from an SP perspective? In your opinion, what areas or aspects of the SP dimension within the NATO Policy for the Protection of Civilians can be further advanced or strengthened? Are there any specific gaps or challenges that need to be addressed to improve the effectiveness of that aspect of the policy?
- Collaboration with other actors and agencies is essential for SP just as for an efficient and more sustainable POC (as stipulated in the policy). Therefore, how have you or would you like to see NATO address this in different environments (missions, operations, training or in HQ for instance)?
- From an SP perspective, what synergies exist between the implementation of the NATO Policy for the Protection of Civilians and the promotion of Human Security? How can the policy effectively address the root causes of insecurity and vulnerability, beyond immediate physical threats to civilians?
- How can the implementation of SP in the spirit of the NATO Policy for the Protection of Civilians contribute to long-term peacebuilding and conflict prevention efforts? How can it address the underlying grievances and drivers of conflict that pose risks to the security and well-being of civilian populations?

CRSV

- In your opinion, what are the main challenges for Stability Policing in preventing and addressing Conflict Related Sexual Violence?
- Can you elaborate on the differences between sexual harassment vs sexual exploitation and abuse vs CRSV? Do you think the different concepts are widely known or there is still the need of improvement? Consider both SP missions of reinforcement and temporary replacement of the Indigenous Police Forces.
- What are the legal frameworks and international conventions aimed at fighting Conflict-Related Sexual Violence that SP practitioners should consider/implement?
- In your opinion, what are the common misconceptions, weak-points or myths surrounding the role of the SP in CRSV, and how they can be fought?
- How can national governments, local communities / organizations promote gender equality and women's empowerment to prevent CRSV in an Sp perspective?
- How can SP support survivors of CRSV? What is the role of Stability Policing in preventing and responding to CRSV?
- What specific measures can Stability Policing forces take to enhance the safety of survivors?
- In the NATO Policy on CRSV, under the section responding to CRSV there is this step: "Do not interrogate or interview victims/survivors" What is your interpretation of this policy from an SP point of view? Do you think this should be readdressed specifically for SP?

CTHB

- What measures are taken by NATO to make sure that its personnel involved in SP operations are not involved in or complicit in trafficking-related activities?
- Given that Human Trafficking rates are considerably high and that it represents a major income for the crime networks, hence resourcing other types of crime, how do you see a role for SP? Consider both its missions of reinforcement and temporary replacement of the Indigenous Police Forces
- Migrant smuggling and human trafficking are widely confused. Given that victim identification is crucial in the context of CTHB, what kind of differences are there in terms of SP while dealing with such issue?
- What are the primary challenges faced by SP forces in addressing trafficking in human beings, particularly in conflict and post-conflict zones? Could you give some examples from the past lessons?
- How can SP forces engage with relevant actors such as international organizations, NGOs etc. on CTHB?

CAAC

- What does Stability Policing do in the protection of children in armed conflict?
- Can you elaborate on the measures NATO SP has taken or could take to mitigate harm to children, particularly in terms of harm mitigation from its own actions?
- How familiar are you with UNSCR 1612 (2005)? Can you elaborate on SP implications, considerations, issues about the 6 “grave violations” against children that it identified give examples of ways you encountered such situations and went about them (preventively and/or retrospectively)?
- What is the Monitoring and Reporting Mechanism (MRM) and how would SP personnel apply it? Have you seen any inconsistencies in NATO’s use of the MRM in general or regarding SP?
- How does the NATO Policy for the Protection of Civilians intersect with other human security-related frameworks and cross-cutting topics, both within and outside the NATO SP context? How do they intersect?
- UNICEF present at the Oslo June 2023 CAAC conference as a co-organizer gave recommendations to governments on how to better protect the latter. UNICEF Executive Director said, “Protection services for children must build upon existing systems and community structures, and support children’s rights, participation, and their best interests”. Even though NATO is not the primarily responsible agent for the protection of children (national governments are), how can it use its system and specifically SP and both its missions (reinforcement and temporary replacement of the Indigenous Police Forces) to do more for CAAC?

DISCLAIMER

This report is the independent view of the NATO Stability Policing Centre of Excellence (NATO SP COE) and the report 's joint team. The decision to note or approve the report's content and its recommendations by NATO competent authorities will be promulgated in the Headquarters Supreme Allied Command Transformation's cover letter, in its capacity as the report's customer.

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