Stability Policing: A Tool to Project Stability
Stability Policing: A Tool to Project Stability

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Contents

Foreword - General Denis Mercier
NATO Supreme Allied Commander Transformation iv

Preface - Lieutenant General Jeffrey Lofgren
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Deputy Chief of Staff Capabilities Development vi

Acknowledgements - Colonel Vittorio Stingo
HQ Supreme Allied Command Transformation
Stability Policing Expert ix

Contributors xi

PART 1: INTRODUCTION TO THE NATO STABILITY POLICING

Chapter 1 3
Challenges and opportunities of developing a NATO Stability Policing capability
Vittorio Stingo

Chapter 2 25
Developing a NATO concept: identifying Stability Policing requirements through workshops
Bianca Barbu

Chapter 3 53
Stability, a need for pragmatism
Francois du Cluzel

PART II: DIFFERENT INTERNATIONAL PERSPECTIVES

Chapter 4 65
Policing in the United Nation
Maria Appleboom & Giorgio Giaimo
Chapter 5 85
  Genesis of the European Union Crisis Management
  Capacity for Stability Policing
  Luigi Bruno

Chapter 6 99
  Brief description of Policing in the African Union
  Aderemi Adenoye

PART III: CHALLENGES OF AN UNSTABLE WORLD

Chapter 7 105
  How to Satisfy Three Missing Requirements
  for NATO Stability Police Success
  Michael Dziedzic

Chapter 8 121
  Corruption as a new threat and Hybrid Institutions
  Michael Hartman

Chapter 9 139
  ISAF’s Role in Security Reform in Afghanistan
  Rafi Nadiri

Chapter 10 147
  Police Development
  Vern White

Chapter 11 159
  Fostering Nation-state Stability Resilience through
  Stability Policing Best Management Practices
  Joshua G. Behr and Thomas L. Reese

PART IV: FUTURE DIRECTIONS

Chapter 12 185
  Improving Support to the Afghan Ministry of Interior Affairs
  Catherine Royle and Matthew Hing
Chapter 13
The future role of Gendarmeries in National and International Contexts
Hans Hovens

Chapter 14
Consolidating Gains in Population Centric Areas through Stability Policing
Karen Finkenbinder

Afterword - Dr. Robert Barry Murphy
Political Advisor to the Vice Chairman of the US Joint Chiefs of Staff and NATO Supreme Allied Commander Transformation

Acronyms
I am pleased to introduce this first edition of the “Stability Policing: an instrument to Project Stability.” I launched this initiative to provide a forum for the study and exploration of innovative ideas to guide NATO’s capability development in this area. In Warsaw, the Alliance took action based on the complexity driven by the emergence or resurgence of state actors as potential peer competitors coupled with the increasing threat of terrorism. These changes to the strategic environment drove a renewed emphasis on deterrence and defence while at the same time underscoring the importance of projecting stability.

This volume covers the subject of Stability Policing, which allows NATO to operate in a proactive posture in order to prevent escalation of conflict, changing the way in which the Alliance engages in this complex strategic environment. In line with the larger summit aspirations for Projecting Stability, Stability Policing capabilities based on future requirements must be driven by a functional analysis approach. While many nations individually possess a Stability Policing capability, the development of such a capability for the Alliance poses a range of issues along the Doctrine, Organisation, Training, Materiel, Leadership, Personnel, Facilities, Interoperability (DOTMLPFI) spectrum as well as legal and operational considerations. This volume is designed to provide perspective, promote thoughts and present opportunities to facilitate transparent debate and development of an operational Stability Policing capability for the Alliance.

Headquarters Supreme Allied Commander Transformation has led a yearlong series of conferences and workshops focused on development of a Stability Policing Concept for the Alliance. These conferences and workshops have brought together representatives from academia, industry, Centres of Excellence, Non-Governmental Organizations, Partners,
NATO Nations and representatives from the European Union, the United Nations, and the African Union to discuss and debate this topic on issues ranging from strategic, operational and tactical considerations to legal, ethical and policy concerns. This volume provides a small sampling of material from that community for your consideration. Their studies are presented in a high quality, peer-reviewed and edited volume, which is released publicly to encourage wide readership and debate. It is a significant step towards a proactive posture for the Alliance and a key enabler to the larger aspirations of projecting stability.

Denis Mercier
General
French Air Force
Supreme Allied Commander Transformation
It is a pleasure and honor to introduce this first volume of “Stability Policing: an instrument to Project Stability”. This collection of articles was developed to inspire innovative and transformational thinking. I hope that the wide-ranging ideas provided in this volume assist in the conceptual thinking regarding a Stability Policing concept and capability and will be useful in future work where this capability could be utilized.

A core task of my Capability Development Directorate at Headquarters Supreme Allied Commander Transformation (HQ SACT) is to drive transformation and innovation in NATO by overcoming organizational constraints, challenging established ways of working and thinking, and taking a long term perspective on what change is possible. To do this we use many tools such as studies, concept development and experimentation, networking with experts from Nations, academia, and industry, and collaborative online venues at our HQ SACT Innovation Hub.

The Stability Policing concept development team brought together a group of talented authors to share their experiences and perspectives while also discussing challenges and exploring trends which may affect future stability policing operations. This effort has provided a wide range of perspectives from the UN and EU to NATO as well as diverse views from judicial perspectives, trainers, stability policing practitioners, political advisors, academia, International Organizations and host nation representatives on various aspects of Stability Policing. This compendium is the result of a yearlong series of conferences and workshops to develop a Stability Policing Concept for the Alliance. These articles will stimulate discussion regarding future capabilities which will add to the Alliance military toolbox and shape views on how NATO will undertake future operations.

Stability Policing activities aim to establish a Safe and Secure Environ-
ment, restore Public Order and Security, counter Irregular Activities, such as terrorism and criminal activities, and establish the conditions for stable governance and development, through the provision of military forces with a special capability of civil policing. By supporting the re-establishment and maintenance of security to local populations, Stability Policing also contributes to the re-establishment of law and order, to the reinforcement of security institutions and to the re-building of these institutions, not only from a training perspective, but also from an ethics perspective, supporting the development of institution accountability. Stability Policing can encompass the temporary replacement or reinforcement of indigenous police forces and can be conducted throughout all phases of a conflict, defusing the causes of a conflict during a war and in a post-warfare environment. Thus, stability policing activities can support the prevention of crisis escalation into a major engagement or the re-ignition of combat activities after the conflict. A combination of military and non-military actors can be engaged to achieve these goals. Stability Policing is not a solely military matter but it is part of a comprehensive approach to crisis management. The assumption is that in order for NATO to project stability it needs to rely on more than just purely military capabilities. The civil-military character of Stability Policing and the unique expertise, experiences, and capabilities provided by gendarmerie-type forces, military police forces or any military force with tailored training, amongst many Alliance nations are key enablers to project stability. Given this however, there is a need to explore if more is needed beyond existing capabilities. I would like to congratulate the ACT Stability Policing Concept Development Team, the authors of this compilation who also provided insightful comments as guest speakers at the conferences and the NATO Stability Policing Centre of Excellence which has provided invaluable support in organizing and conducting these conferences and workshops. This volume represents one piece of a yearlong NATO Stability Policing Concept Development process which includes a series of four conferences and workshops designed to support the development of a NATO Stability Policing concept by the end of 2017. This effort has provided a wide range of perspectives from the UN and EU to NATO as well as diverse views from judicial perspectives, trainers, stability policing practitioners, political advisors, academia, International Organisations and host nation representatives on various aspects of Stability Policing. Allied Command Transformation offers this collection in an effort to
enhance our community of interest with representation from additional NATO, National and Partner organisations, as well as International Organisations, Non-Governmental Organisations, Think Tanks, Academia and Industry. Expanding the Stability Policing community of interest will help increase collaboration and develop synergies with other relevant projects and communities of interest that may be able to contribute to or have an impact on a potential NATO capability. The exchange of ideas across a vast network of subject matter experts with unique perspectives and experience provides the greatest opportunity to realize a relevant, innovative and operationally sound capability for the future. I hope that you enjoy reading these articles and I encourage you to engage actively in coming discussions.

Jeffrey Lofgren
Lieutenant General
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Acknowledgements of the NATO Project Manager

This compilation explores and examines Stability Policing from multiple perspectives. It provides insights into some of the many challenges associated with conducting Stability Policing operations, as well as NATO’s efforts to develop a capability in this area as part of the larger “Projecting Stability” aspirations of the Warsaw Summit. This volume is the product of the hard work and dedication of many people to which we owe a great debt of gratitude.

First and foremost, we are grateful for the authors and fellow editors, whose contributions, at no cost to NATO, and patience dealing with chaining timelines, multiple revisions and reviews, made this endeavour possible. It has been a pleasure and an honour working with such an esteemed group of subject matter experts to produce a work that is at the forefront of current analysis in this field.

This book, as well as the overall Stability Policing concept development, would not have been possible without the generous assistance of the Stability Policing Centre of Excellence. We offer them a special thank you for their tireless efforts supporting the process for the Alliance. Their diligent efforts have made all three concept development conferences and workshops first-class events in every respect and their review and suggestions have immeasurably improved this volume which they have supported from the outset.

Moreover, the participants to the NATO CD&E campaign were profoundly committed to the effort and provided terrific suggestions and solutions, as well as the outstanding moderators of the working groups.

Finally, the NATO ACT Stability Policing Concept Development Team’s dedication and diligence to see this project through to completion has been remarkable and would not have been possible without the support of the Visual Information Office, the Transformation Network...
Branch, the Innovation Hub and the Capability Engineering and Innovation Division.

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Contributors

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Maria Appelblom was the Director of the United Nations Standing Police Capacity in Brindisi, Italy from 2014-17. She has been with the Swedish Police since 1987 and has managed positions such as Deputy Head of Division, Deputy District Commissioner and District Commissioner in the Stockholm County area. She has been manager of several international development projects for the Swedish Police, among them two European Union-financed projects, one on improving gender equality and enhancing capacity to handle violence against and trafficking in women in the Nordic and Baltic countries, and the other on establishing good practices for dialogue and communication in policing political demonstrations in 12 European Union countries. Ms. Appelblom is also one of the founders in 2001 of the Nordic-Baltic Network of Policewomen and remained its elected President during the first six years. She has been involved in voluntary work for democracy and human rights as well as women’s rights. She has been President of the Stockholm Chapter of the Swedish United Nations Association and is since 2007 a Member of the Board of the Kvinna till Kvinna foundation, She has been a member of International Police Association (IPA) since 1996 and was also a board member of the Stockholm chapter of IPA Sweden for several years. She was awarded the IPA World Police Prize in 2016 for her tireless work for human and women's rights. She has Masters Degrees in Law and in Human Rights.
Bianca Barbu is an analyst in the Decision Support Section of the Operational Analysis Branch at NATO Headquarters Supreme Allied Commander Transformation. She has vast experience in applying analytical techniques to defence problems and conducting various forms of applied research to acquire a deeper understanding of defence-related sociotechnical issues and to bring about better solutions. She has extensive diplomatic experience within the European Commission, United Nations and NATO. She holds a PhD in Physics from the University of Warwick (UK) and is fluent in seven foreign languages.

Joshua G. Behr PhD has conducted studies, modeled, and published insights related to community resilience, catastrophic events, disposition of vulnerable populations in the post-event recovery processes, political factions and insurgencies in failed states, and weakening governance and stability policing interventions. Much of this involves connecting both modeling and data from several systems to produce actionable, policy-relevant knowledge and forecasts. His work is of much interest to housing officials, emergency planners, and homeland security officials.

Luigi Bruno was born in Avellino, Italy, son of a Carabinieri Station Commander. In 1978 he joined the “Nunziatella” Military School and later the Military Academy (Carabinieri Branch). He also attended the senior management course at the Italian War School and graduated in Political Sciences from Siena University, Internal and External Security Sciences from Rome Tor Vergata University, and International and Diplomatic Sciences from Trieste University. During the first 15 years of active duty in law enforcement, he served as commander of various Carabinieri territorial units in Italy. His first international experiences was with the United Nations in El Salvador as Police Monitor within the Human Rights Division (ONUSAL 1992-1993) and later 9 months in Bosnia-Herzegovina (BiH) as Operations Desk Officer at the Main HQs UNMIBH-IPTF (1997-1998). He was appointed Provost Marshal at Joint Command South (NATO Sub-regional Headquarters) in Verona (1999-2002, and during this time he served for six months with the Kosovo Force in Pristina as Headquarters Security Officer (September 2000 - March 2001). In 2002 he was appointed as Programme Officer of the Planning Team of the first European Union Police Mission (EUPM) in BiH, which took over from UNMIBH-IPTF. In January 2003, EUPM was launched, and he was
appointed Chief of the Strategic Analysis Office until May 2004 when he became Chief of the Programme Development and Coordination Department, double hatted as Secretary of the BiH Police Steering Board whose members were the Directors of BiH Police Services. In June 2005 he was assigned to the Centre of Excellence for Stability Police Units (to help launch this new institution, help design its training syllabus, and he then taught as Chair of Crisis Management for two years. In January 2008, he joined the newly-established European Union Civilian Planning and Conduct Capability (CPCC) in Bruxelles as operations desk officer of the EUJUST LEX mission for Iraq and in 2009, he moved into the CPCC Planning & Methodology Section dealing with civilian Common Security and Defence Policy (CSDP) planning and doctrine development. In June 2013 he retired from the Carabinieri Force and continued working at the European External Action Service as Temporary Agent within the same unit. He regularly lectures at the European Union Agency for Law Enforcement Training and European Security and Defence College (ESDC) courses on civilian CSDP. He is co-author of the Organization for Security and Cooperation “Democratic Policing” and of the “ESDC Handbook on mission and operations.”

Francois du Cluzel is an analyst in the Future Solutions Branch in Headquarters Supreme Allied Commander Transformation (ACT). He is one of the lead project officers of the ACT Innovation Hub. Prior to working at NATO, he spent almost 25 years as an officer in the French Army. He holds a Master of International Relations from the University of Strasbourg. He has Bachelor Degrees in Law, Politics and Security Science.

Giorgio Giaimo, born near Turin, Italy in 1960, graduated in domestic and international security sciences at Rome University and is an Italian Carabinieri Officer. He served as United Nations Formed Police Units Team Leader in the Police Division of the Department of Peacekeeping Operations in New York from 2008 to 2012. Since then he has been serving as Public Order Adviser of the UN Standing Police Capacity (SPC) in Brindisi, Italy. During his assignment at the SPC, he was deployed to the United Nations Mission in South Sudan (UNMISS) to develop the mission’s crowd control capacities. Between 2015 and 2016 he deployed to the United Nations Mission in Kosovo to serve as Senior Police Adviser.
to the SRSG. Giaimo attended the Nunziatella Military School in Naples, the Carabinieri Academy, and the Carabinieri Officers College in Rome, joined the United Nations after a 29 year career in the “Arma dei Carabinieri” during which he had wide domestic and international experiences, including with NATO and the European Union. Before joining the United Nations, he was the Chair of Peace Support Operations at the Centre of Excellence for Stability Police Units 2005 to 2008.

Michael Dziedzic is a retired Colonel with over 20 years of experience in the international civil/military and stabilization field whose career has blended the worlds of theory and practice. His scholarly positions have included Professor at the Air Force Academy, the National War College, and Georgetown University and Senior Fellow or Senior Program Officer at the International Institute for Strategic Studies, the Institute for National Strategic Studies, and US Institute of Peace. His field experience includes postings in a number of societies emerging from protracted conflict, including El Salvador, Bosnia, Kosovo, and Afghanistan. His publications include works that have shaped the way the U.S. approaches peace and stability operations: Policing the New World Disorder identified a recurring “public security gap” in international interventions which led to the creation of the Center of Excellence for Stability Police Units; Quest for Viable Peace proposed that “conflict transformation” is the essence of the transition from war to sustainable peace, and this concept was adopted by the State Department’s Coordinator for Reconstruction and Stabilization as the paradigm for U.S. strategic planning and was incorporated into the US Army Field Manual 3-07 on Stability Operations; Criminalized Power Structures: The Overlooked Enemies of Peace and Combating Criminalized Power Structures: A Toolkit provide empirical evidence that criminalized power structures are the predominant spoilers of peace operations and proposed six recommendations for coping with them effectively. Progress toward implementing these recommendations can be obtained at: http://www.paxadvisory.com/cps/progress.

Karen Finkenbinder, Ph.D., is the Rule of Law, Justice and Reconciliation Advisor at the Peacekeeping and Stability Operations Institute (PKSOI), at the U.S. Army War College in Carlisle, Pennsylvania. At PKSOI she teaches peacekeeping to senior military leaders, has served on many
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Michael E. Hartmann was Director of the Rule of Law program for the United Nations Assistance Mission in Afghanistan (UNAMA) from 2013-2017, which included UNAMA’s technical support of the design, development and operation of Afghanistan’s Anti-Corruption Justice Centre (ACJC). Additionally, he specialized in serious anticorruption police and prosecution units, trial/appeal courts, and the release of the extensive report, “Afghanistan’s Fight Against Corruption: The Other Battlefield” in April 2017. He is currently drafting a Special Report for the US Institute of Peace on the ACJC. Previously, he was advisor to the Attorney General’s Office of Indonesia for the US Agency for International Development (2010-11), Criminal Justice Programme Manager for the UN Office on Drugs and Crime in Afghanistan (2008-10), and advisor to the Attorney General of Afghanistan for the US State Department (2005-07). His international prosecution work includes being Senior Crown Prosecutor (Barrister) and war crimes coordinator for Australia’s Regional Assistance Mission to Solomon Islands mission (2012-13), and he was the first UN-appointed international prosecutor for Kosovo (2000-05), appealing
before Kosovo’s Supreme Court and investigating and prosecuting trials of genocide, war crimes, terrorism, corruption, assassinations, rape and ethnic hate crimes. In Bosnia, he served as team leader for the UN Mission in Bosnia-Herzegovina’s Judicial System Assessment Programme and as the Bosnia field representative for UNODC’s anticorruption project (1998-2000). In 2003, he was a senior fellow at the United States Institute of Peace, and in 1996 the Senior Fulbright Scholar, Law, in Pakistan. From 1983 to 1998, he was an assistant district attorney in San Francisco, prosecuting rape and murder cases. He taught Criminal Trial Practice at the University of California Berkeley Law School from 1993-96 and was also adjunct faculty for the University of California Hastings Law College and University of San Francisco Law School.

Matthew Hing is in the British Army and a member of the NATO Allied Joint Forces Command in Brunssum. As the Chief J5 in the UN mission in the Democratic Republic of Congo he gained valuable experience working with non-military actors. He served in Afghanistan in 2009-2010 where he instigated the Ministry of Interior Support Team and continues to work to improve international assistance to the Afghan police.

Hans Hovens started his career in 1974 within the Dutch Marine Corps. After serving five years as an officer in the Corps, he continued his service at the Royal Netherlands Marechaussee until retirement in 2013. He was one of the founders of the UN Standby Force of the Royal Military Police, trained for tasks as military police and civilian police and was the first commander. In 1999 he was Head of Operations of the Multinational Advisory Police Element in Albania. He worked with the European Frontex Agency, the preparatory working group for the European Gendarmerie Force (EGF), the association of European gendarmeries and police forces with military statute. Throughout his career he has been engaged in the development and provision of education in humanitarian law, human rights law, and police ethics. He was a member of the police professional group of the Dutch Section of Amnesty International, the chief editor of brochures on the history of the Marechaussee, and is presently chairing the Foundation of the Marechaussee Museum and is on the supervisory committee for a book about 200 years of Marechaussee history. He has written several articles and book chapters and has edited a book on the future of the gendarmerie concept and a book on building police integri-
ty in post-conflict missions. Currently he is completing his PhD dealing with the explicit or implicit use of police strategies by international peace-keeping forces controlling crime in early post-conflict societies.

**Ahmad Rafi Nadiri**, has worked for the last 13 years as a defense lawyer, human rights advocate and civil society activist and has had a crucial role in good governance implementation. He has designed and implemented numerous capacity building trainings and workshops for lawyers and other legal and judiciary institutions. In 2010 he became a member of the leadership of the Afghanistan Independent Bar association (AIBA) and since 2012 he had been the director of its western zone. He has been a part of NATO’s Science Peace and Security program, and he is co-director of the “Cross Cultural Training on Afghanistan’s Silk Network.” This program allows Afghan students and citizens to share experiences with their NATO counterparts. Nadiri has lately been engaged with the stability program of NATO and has successfully implemented a workshop on this program in Afghanistan. He is currently a lecturer of law, and member of the commission on elimination of violence against women in Herat.

**Thomas L. Reese** BA Engineering and MBA has technical experience in military, non-profit, private industry, government and academia. He has invested years in facilitating the transfer of Modeling and Simulation technologies to applied research. His work includes elicitation expertise to generate ground truth data to inform simulation and modeling. Recently, he has developed approaches to understanding the dynamics of unrest and instability in conflict zones.

**Catherine Royle** is a former British Diplomat who now works for NATO as Political Advisor to the Commander Allied Joint Forces Command in Brunssum. She has been involved in the international effort to support the Afghan police and Ministry of Interior since 2010, including as the Head of the Secretariat of the International Police Co-ordination Board 2012-2013. She instigated the Ministry of Interior Support Team and continues to work to improve international assistance to the Afghan police.
Vittorio Stingo is a Colonel in the Italian Carabinieri Corps. He was born in Naples, Italy and attended the Nunziatella Military College and afterwards the National Military Academy in Modena, graduating at the Carabinieri Officer’s School in Rome. As a lieutenant and captain he was a Platoon and Company Commander of the Carabinieri Special Police Forces “Tuscania”. He was deployed in several international missions, mostly under the NATO umbrella or Italian flag, in the Balkans, Afghanistan, Iraq, Somalia, Libya and Palestine. He received the highest military Order of the Italian Republic, the Military Order of Italy, for leading a successful special operation in Afghanistan during the Enduring Freedom Mission in 2003 together with US forces. After promotion to major he was a Territorial Police Company Commander, first in central Sardinia and later in Milan. In 2011, as lieutenant colonel, he served at the Carabinieri Headquarters in Rome as Chief of the International Operations Section. Since August 2015 he has been the Stability Policing Expert at NATO - Supreme Allied Transformation Command in Norfolk, Virginia. He graduated at the European Security and Defence College (ESDC). He has Bachelor Degrees in Law, Politics and Security Science.

Vern White has an extensive background at the supervisory/senior executive and administrative levels of the Royal Canadian Mounted Police over a 30-year career and is currently a Senator in the Canadian Parliament. He was sworn in as Chief of Police of the Ottawa Police Service in May 2007. Prior to that, he was in charge of numerous operational and administrative units and supervised staff working as public service employees and in operational policing roles in both a unionized and non unionized environment. Between 1992 and 1995, he was the primary investigator for the Giant Mine investigation, the murder of nine miners at Yellowknife, Northwest Territories. Between 1994 and 1996 he was the Sergeant-in-Charge of Community Policing (including responsibility for Aboriginal Policing and Drug Awareness) for the Northwest Territories. At the end of this posting he received a Commanding Officer’s Commendation for excellence in professionalism and dedication to duty. Between January 1999 and March 2000 he was responsible for organizing and planning security for the Arctic Winter Games at Haines Junction and Whitehorse, Yukon. This involved all aspects of security for 1,500 athletes, dignitaries, guests and media from three countries. He received a Master’s Degree from Royal Roads University in Conflict Analysis and Management and a Professional Doctorate in Police Leadership from the Charles
Sturt University. He has been a guest lecturer on community problem solving and restorative justice at the University of Alaska in Anchorage. He received the United Way Community Builder of the year Award in 2010 and the Queens Diamond Jubilee Medal in 2012.
PART 1: INTRODUCTION
Chapter 1

Challenges and Opportunities of Developing a NATO Stability Policing Capability

Vittorio Stingo

As commander of 1st Brigade, 1st Armoured Division in Ramadi, Iraq in June 2006, Colonel Sean MacFarland was told “Fix Ramadi, but don’t destroy it.” MacFarland decentralized his brigade’s operations and set up security posts all over Ramadi and the surrounding area to protect the population while the brigade conducted isolated attacks to defeat enemy forces. As the situation on the ground developed, MacFarland realized that the key to fixing Ramadi was to win over the tribal leaders. He discovered the sheiks wanted protection for their own tribes and families and made them an offer: “If the tribal leaders encouraged their members to join the police, we would build police stations in the tribal areas and let the recruits protect their own families.” The tribes agreed. Once the tribal leaders switched sides, attacks on U.S. forces stopped, almost overnight, in those areas. It was the tipping point that led to defeat of Al-Qaeda in Ramadi. In the end, he accomplished the desired outcome using approaches he could not foresee at the outset.¹ Ramadi (Iraq), 2006

Introduction

It was in August 2015, when as recently appointed Stability Policing Expert at NATO HQ Allied Command Transformation in Norfolk Virginia, USA, I went through the US Army Operating Concept 2016-2018 cited above, and realised how necessary it was to fortify the Alliance by exploring opportunities to develop a new capability: Stability Policing.

Challenges and Opportunities of Developing a NATO Stability Policing Capability

Constant changes to the international security environment require NATO to deal with new challenges on a daily basis. On the one hand, the Alliance is engaged with worldwide asymmetrical threats and non-state actors such as terrorists, insurgents, and various other criminals, including those that operate by exploiting new cyber communication technologies. The roles these actors play both in domestic and international affairs have been identified as an emerging security instability trend.\(^2\) There are human and economic themes that are dominating the world scene that will continue to shape global, regional and local security considerations: changing demographics, urbanisation, human networks and fractured identities.\(^3\) Resource scarcity, energy issues and shortages of food and water will exacerbate existing tensions and may lead to increased competition to control and/or retain access to vital resources.\(^4\) The societal, political, military and economic environment will, in the future, most likely be influenced and shaped by this fast-growing evolution and profound transformation.

Michael Dziedzic, in one of his pamphlets\(^5\) illustrated that even though security is the foundation upon which all other aspects of a peace mission must build, peace operations have routinely been plagued by tremendous gaps in public security. Among the biggest challenges we are faced with today and will face in the near future are the public security gap and the spoiler threat from criminalised power structures\(^6\) that have plagued most international interventions since the end of the Cold War.

Mass migrations, evolution in technologies, cyber threats and social engineering, natural disasters, weapons of mass destruction, sprawling urbanisation, transnational organised crime and unaccountable and ineffective governments are generating persistent instability and potential new conflicts around the globe. These emerging factors and

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associated uncertainty and instability require a new approach and demand a new body of specialised assets capable of increased operability in extremely uncertain environments.\(^7\)

**The International Role of Policing**

The role of police is an important but largely overlooked aspect of contemporary counterinsurgency and stability operations. Although academic and policy specialists have examined the role of international police in peace implementation environments, the question of how they should be organized, trained, and equipped for counterinsurgency campaigns has received little systematic attention.\(^8\) Similarly, military doctrine and the professional military literature, while not ignoring the subject entirely, do not consider it in any systematic way.\(^9\) If the broader topic of police and counterinsurgency is under examined, the subject of mentoring, advising, training, and partnering with foreign police forces is even more neglected.\(^10\) As an example, military personnel preparing to deploy to Afghanistan for the police mentoring missions had few sources of information and analysis available to them.

In the post-Cold War era, anarchic conditions within sovereign states have repeatedly posed serious and intractable challenges to the international order. Many nations have been called upon to conduct peace or stability operations in response to dysfunctional or disintegrating states (such as Afghanistan, Somalia, Haiti, the Former Yugoslavia, and Libya). Among the more vigorous therapies for this kind of disorder is revitalising local public security institutions – the police, judiciary, and penal system.\(^11\)

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\(^7\) Massimo Pani, Stability Policing: Toward New Operational Capabilities, NRDC-ITA magazine, Solbiate Olona, December 2016.


In Afghanistan, the NATO approach has emphasized the importance of “winning” local populations over to the side of the government by building the legitimacy of the state. According to this line of reasoning, legitimacy increases as the state is increasingly able to deliver essential public goods, such as education, transportation and security. Establishing a uniformed, government police presence across Afghanistan was a pillar of this approach. Nearly every institution associated with the Afghan state, including the Afghan National Police, was riddled with what in Western terms is considered corruption, “the abuse of entrusted power for private gain.”

Fig.1 Italian Carabinieri approaching local population (Afghanistan, January 2002).

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universal. But there were degrees of corruption. The challenge for police advisors was to determine what level of corruption was acceptable. In the judgment of most, petty pilfering of police supplies was tolerable, but stealing from the public, peddling drugs, and selling weapons to the Taliban represented “red lines”.

The rural areas of Afghanistan have a long history of providing for their own security and administration of justice. Throughout the countryside, law enforcement was usually the responsibility of local, traditional authorities rather than the Afghan government.

Fig.2 Italian Carabinieri mentoring Khost Province Police Commander (Afghanistan 2003).

In his publications about criminalised power structures (CPS), Dziedzic examines ten case studies that demonstrate CPS are a predominant cause of the failure of peace and stability operations. CPS, and spoilers generally, are not monolithic: they vary in their orientation toward the peace process and in their propensity to use violence. This requires a

13 With salaries low even by Afghan standards, many policemen engaged in petty theft and pilfering (such as selling gasoline intended for police vehicles) to provide for their families. While hardly desirable, such behaviour is understandable. Less defensible was the widespread predatory behaviour by the police.

strategy that is appropriately tailored to the nature of this recurrent threat, which ranges from irreconcilables to kleptocratic supporters of the peace process. Stability police forces are essential to deal with this leading threat. One of the most decisive tools in coping with CPS is criminal intelligence-led policing, which cannot be accomplished successfully without the capabilities of a stability police force.

Many peace operations have included varying degrees of policing activities, ranging from mentoring, monitoring, partnering and assisting indigenous police to actual law enforcement when the local police force was absent.\textsuperscript{15} Reading the old US publications dealing with counterinsurgency, military assistance to civil administration, frontier operations and multinational operations, we can find some chapters on “armed native organizations”.\textsuperscript{16} Soldiers and cops are different jobs and require different training. Police officers are trained to be flexible on an individual level and adjust their attitudes to the prevailing situation on the streets (an example is the escalating-de-escalating use of force); militaries tend to be less flexible.\textsuperscript{17}

It is also important to highlight that police cannot function without the support of a judicial and penitentiary system that very often will need to be buttressed with an international cohort in the form of “Hybrid Justice Institutions”.\textsuperscript{18} Efforts at re-establishing local police forces must go hand-in-hand with reforms in other legal sectors as well. Only then can a lasting effect be achieved.

Only a few NATO countries have civilian police capabilities within forces with a military status (the so-called Gendarmerie or Carabinieri type forces), while many others have military police capabilities, many of which only focus on policing their own military forces without any experience policing civilian populations.

\textsuperscript{15} Erwin Schmidl, Police Functions in Peace Operations: An Historical Overview” in Oakley et al. Policing the New World Disorder.


\textsuperscript{17} Oakley, et al., Policing the New World Disorder.

\textsuperscript{18} As defined by International Judge, Agnieszka Klonowiecka-Milart, and International Prosecutor, Michael Hartmann during the NATO Stability Policing Conference in Bucharest, Romania, February 2017. See also Michael Hartmann at Chapter “Corruption as a New Threat and Hybrid Justice Institutions as the Antidote” of this publication.
Policing and its role in the wider rule of law and justice system is a key issue in conflict-ridden environments. The police are frequently the main government interlocutor with citizens and represent the institution that most affects the population. As they exert a pivotal role in leveraging the relationships with the citizens, the police can have exceedingly positive or painfully negative effects.

As the Afghan theatre has shown, a lack of trust between the general public and a police force that is exploitative, too military-oriented, and inadequately equipped to solve crimes will provoke a deterioration of the security situation. As a result, there is a need for police reform strategies that are more civilian police oriented, aimed at community policing and accountability, and able to provide a safe and secure environment as well as economic well-being and freedom.

For all the said reasons, it is critical that local police learn how to gain the people’s trust and confidence through appropriate and specialised training and accountability in order to effectively respond to the needs of their constituency and help develop the society in terms of security and prosperity. An unaccountable, ineffective and repressive police force, often associated with corruption (bribes, mismanagement and embezzlements) could trigger violence and fuel radicalisation.

In 2012 the top U.S. commander in Afghanistan told Congress “I assure you (the Senate) that the relationship between the coalition and our Afghan security forces remains strong, the U.S. is “on track” and intends to stick to its strategy of a steady and responsible transition in Afghanistan, including the planned withdrawal calendar, despite recent setbacks that have made the relationship between the U.S. and Afghanistan increasingly complex; the coalition and its Afghan allies have made real, sustainable progress against the insurgency”.19

Today, in 2017, the focus remains on security, working to promote a peaceful and democratic political transition in Afghanistan. There are many major risks associated with this security transition process. First of all, the increasing number of international forces killed or injured by members or infiltrators of the Afghan National Security Forces (ANSF) has significantly undermined the trust levels necessary for an effective

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embedded trainers program. A second concern is who will pay for the costs (currently estimated at about $4 billion) of sustaining the ANSF after most international forces have left. The main concern is the political sustainability of the ANSF as many Afghans fear that the Afghan National Army and even more the Afghan National Police could fairly quickly fragment along ethnic lines and become future forces for instability rather than stability.

Given the international response to the emerging crises, there is increased interest and scrutiny in the ability of the military to perform critical police functions in a nation whose infrastructure and social contract have been destroyed, leaving domestic law enforcement ill equipped to handle the typical immediate increase in lawlessness (looting, burglary, etc.) that flourishes in the post-cataclysmic chaotic free-for-all.20

While the Army is adept at crushing organized resistance, they are a blunt object and thus ill suited for the more delicate and precise

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project of “establishing basic law and order” and “defeat[ing] or deter[ing] criminal organizations, terrorists, and insurgents.” 21 These jobs should be performed by Stability Policing in order to free up military resources to perform the tasks for which they were designed, trained, and outfitted. The officers of the Stability Policing Unit would be tasked with “lead roles in policing, judiciary, and corrections efforts” throughout the world, wherever the military is deployed or wherever “future foes” might adopt resistant postures. While the report recognizes that their “findings do not minimize the role” played by the traditional military, they could always use a hand from a police partner trained to “supplement its [the Army’s] activities overseas” and impose the “rule-of-law” on the chaos and disorder so prevalent around the globe, particularly just before the arrival of troops.22

The United States Institute of Peace (USIP) recently organised an event to provide a platform for the US Government policy community to discuss the importance of a police reform component to contribute to the broader strategy to counter ISIS. The presentations and the discussions explored the efforts of the Italian Carabinieri to impart a stability policing capacity with the Iraqi police, in response to a request by the Iraqi Government. Stability Policing will allow the Iraqi police to address threats ranging from violent extremism and terrorism to insurgency and to build the confidence of the community in the police. The goal is to help the police work with the communities and be recognized as protectors. The police, rather than the military, approach to police capacity building affords the Iraqi police a capacity to recognize that communities are prospective allies in the quest for security rather than relating to them as potential enemies.23

Since June 2015, the Italian Carabinieri have contributed to the Framework of the Global Coalition to Defeat ISIS by training 7,000 members of federal and local Iraqi police, many of whom work in areas with a major risk of infiltration or subversion by ISIS. The Carabinieri are implementing curricula and courses tailored toward the wide spectrum of stability policing skills, in partnership with the Iraqi Ministry of Interior and according to Coalition Authorities’ requirements, which include an unprecedented ethnic and religious balance among the trainees. The


22 See note 21

strategic value of the application of Stability Policing principles, as a booster of community resilience against terrorists’ infiltration, has been widely recognized. This recognition is particularly important in this delicate phase of the campaign when the Iraqi newly trained police forces appear to be successful in protecting people from sectarian violence, contributing to the stabilization of liberated areas and avoidance of mass displacements.

Police forces have a key role in the implementation of a pacification process, provided that, within those police forces, all ethnicities, religious affiliations and social groups are represented. Iraqi Prime Minister Haider Al-Abadi, in February 2017, stated that the availability of a professional police is essential for not only the stabilization of areas liberated from ISIS but also in order to avoid the mistakes made in the past, where the Iraqi Army had been employed with public order tasks. In those occasions, the Army had revealed itself as clearly unsuitable for police tasks and caused severe frictions between the central government and local communities. Those frictions had contributed, in a non-marginal way, to the diffusion of pro-ISIS sympathies.

At the beginning of 2017, the Chief of Iraqi Ministry of Interior Training Directorate, Gen. Abdul Kareem, has requested the Global Coalition to support the training of Iraqi female police units in order to allow the estimated 15,000-20,000 policewomen to reach the same professionalism as their male colleagues. These days, Iraqi police leaders are consistently asking for more specialized police professional courses, such as evidence collections/forensic courses, organized crime investigation, community policing/engagement, etc., showing a substantial maturity in terms of police professionalism.

**NATO Stability Policing**

When it comes to NATO’s involvement in such situations, the Alliance needs to establish its role and procedures on how to intervene, contribute, and assist in support of international efforts for security and stability. These types of operations consist of post-intervention security stabilisations (as was done in the Balkans), training of local security forces (as is currently being done in Afghanistan), and development of security policies for new governments (much like what NATO has begun to implement in some countries).^24^ NATO missions and involvements respond to numerous

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complex situations in fragile and war-torn countries, thus contributing extensively to crisis management and to coherence and coordination of the international community’s efforts to re-establish security, development and control. These initiatives represent Stabilization and Reconstruction (S&R) activities, as intended by NATO. They may be components of operations conducted within the framework of Peace Support Operations, Humanitarian Assistance, Defence Against Terrorism Operations, Counterinsurgency and Major Combat Operations. In some cases, these activities will overlap. S&R includes support to establishing long-term stability and strengthening governance, local capacity building, and the promotion of ownership by legitimate national authorities, encouraging rule of law and providing the basis for economic, human and social development.

![Map of combined joint task force operations](http://www.iraq-businessnews.com/wp-content/uploads/2016/02/ScreenHunter_2834-Feb.-11-10.58.png)

This is the area in which the new Stability Policing concept

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26 NATO Allied Joint Publication (AJP)-3.4.5 Military Support to Stabilization and Reconstruct.
is growing. It is defined\textsuperscript{27} as activities conducted throughout the full spectrum of conflict aimed at establishing a safe and secure environment for the local population, restoring public order and security, countering irregular activities, and creating the conditions for improved governance and development. Such activities may include the reinforcing or temporary replacement of the indigenous police forces in order to contribute to the restoration and/or the maintenance of public order and security, rule of law and protection of human rights. Under a Comprehensive Approach, a combination of military and non-military actors will be employed to achieve this goal.

The need for NATO to establish a military capability for Stability Policing emerged during the Stabilisation Force (SFOR) operation in Bosnia and Herzegovina. In 1997, Supreme Headquarters Allied Powers Europe recognized the need to respond to the so-called public security gap. This grey area emerged between the SFOR military capabilities and the unarmed UN International Police Task Force mission. Both groups lacked executive powers and local police force capabilities and were often either incapable or unwilling to enforce the law. Nobody could or would take responsibility for “rent-a-mobs” that were orchestrated by local authorities opposed to efforts to implement aspects of the Dayton Accord relating to refugee returns. The gap was filled by a military unit capable of performing specialized police tasks, the NATO Multinational Specialized Unit, formed by gendarmerie style forces with full police capabilities. Since then, this model has been implemented several times and has received contributions from military police units and infantry forces trained to perform specific security missions. This approach has evolved into the current Stability Policing.

\textsuperscript{27} NATO Allied Joint Publication (AJP)-3.22 Stability Policing.
In this context, Italy, through the Carabinieri Corps, together with Czech Republic, France, the Netherlands, Poland, Romania, Spain and Turkey supported NATO with the establishment of the NATO Stability Policing Centre of Excellence (NATO SP COE) in Vicenza, Italy. The NATO SP COE contributes to Alliance’s efforts to provide stabilisation and reconstruction support in post-intervention scenarios by serving as a doctrinal hub and think tank for the development of studies and projects related to the new capability.

Through this initiative, NATO will be better able to tackle future security challenges generated by failing or collapsed nation-states, which will allow the Alliance to engage in capacity building programs by providing injections designed to help stabilise a failing state by reinforcing or, if there is a void, replacing critical institutions and indigenous police forces. Moreover, the application of the Stability Policing concept is not just a concern for the military but requires, as stated, a comprehensive approach of the international and local institutions and agencies, military and police forces, as well as the judiciary and penitentiary systems, in a joint effort to create a safe environment.

http://www.nspcoe.org/
In light of the new strategic context and constantly and rapidly evolving security challenges, NATO has to continuously assess and adapt its posture and capabilities to ensure that it remains ready to engage and respond to crises situations. At the Warsaw Summit in July 2016, the NATO Heads of State extended their commitment to “projecting stability” and “strengthening security” beyond NATO borders. The Allies “seek to contribute more to the efforts of the international community in projecting stability and strengthening security outside our territory, thereby contributing to Alliance security overall.”

NATO needs a coherent and focused strategy to support the institutions of failing countries by carefully selecting certain areas of intervention where the Alliance truly can provide added value and critical resources while simultaneously making a significant and valuable impact on security. In order to achieve this, NATO will project stability through stability operations with the aim to prevent crises and major military engagements. It is no secret that stabilisation and reconstruction support internal security and have become essential factors for the success of lasting peace. NATO’s Supreme Allied Commander Transformation (SACT) recently stated that “… the breadth of instability affecting the Euro-Atlantic area together with challenges such as hybrid warfare and aggressive non-state actors compel the Alliance to increase the pace of its adaptation. From a military perspective, the complexity [of the scenario] requires us to change our mind-set and the way we conduct warfare…My intent is to rapidly enhance and sustain a modern and agile system by supporting and improving today’s operational capability, understanding and shaping the future, and bridging the two.”

The requirement to substitute, if necessary, and support local police forces as part of NATO’s contribution to a comprehensive approach has been underscored in recent operations in Kosovo, Iraq, and Afghanistan. While the Military Committee (MC) has undertaken the effort to develop a Security Force Assistance concept (SFA Concept) to address the need to train and develop indigenous military security forces, the need to address local police forces remains unfilled. The MC recognized this void in the SFA Concept by stating that “there may be a requirement to fully support the security sector

29 Warsaw Summit Communiqué, Art. 80, July 9, 2016 www.nato.int/cps/en/natohq/official_texts_133169.htm
reform by training and mentoring police forces and advising local government officials in the areas of law and order and rule of law when other actors are hampered and unable to do so”.

However, Stability Policing is not formalised within NATO. NATO does not currently have a dedicated Stability Policing capability nor does the NATO Defence Planning Process currently include a requirement for it, even though several NATO nations contribute to and have forces experienced in this type of mission. In current operations, Stability Policing activities are conducted through widely diverging capabilities provided by the Nations who train their personnel to various national standards.

Allied Joint Doctrine for Stability Policing identifies that specialized assets should be used to conduct Stability Policing activities, however these assets have yet to be identified. What makes Stability Policing activities so specialized is that the majority of military forces are not trained or highly experienced in conducting policing tasks in a civilian environment. It is, therefore, necessary to identify and develop these specialized assets and unique capabilities required to conduct Stability Policing activities.

Thus, Stability Policing activities can help prevent crisis escalation into conflict or the re-ignition of combat activities after conflict by suppressing the source of instability; they can be conducted as preventive intervention to stabilize an existing justice sector/police structure in order to prevent the collapse of governance or to re-establish a safe and secure environment after an overwhelming natural disaster. Similarly, Stability Policing activities may include working with those who are supporting the host nation’s judicial and corrections system to ensure that such tasks as evidence collection and preservation meet judicial standards.


As the Alliance further engages in projecting stability, the emerging and rapidly changing security environment will require the Alliance to adapt to a multitude of challenges. The transition of the world into a multipolar and multi-dimensional one, with a multitude of state and non-state actors, the increasing role of non-state actors and increasing multifaceted threats create the potential for further instability and could threaten the Alliance’s security. In order for NATO to project stability it needs to rely on more than just purely military capabilities. The civil-military character of Stability Policing can provide unique expertise, experiences, and capabilities. Stability Policing plays a key role in projecting stability, by helping prevent crisis escalation into conflict or the re-ignition of combat activities after the conflict, thus contributing to the establishment and maintenance of a safe and secure environment for the local population, restoring law, order and security, countering irregular activities, restoring governance and development.

The development of a NATO Stability Policing Concept will support the identification of the requirements needed to develop and implement a Stability Policing capability, in order to fulfil the projecting stability aspirations from the 2016 Warsaw Summit Declaration. The
civil-military character of Stability Policing and the unique expertise, experience, and capabilities provided by Gendarmerie or Carabinieri-type forces\textsuperscript{33} amongst many Alliance nations can help bridge the existing gap between military forces and traditional civilian police and provide the Alliance with a capability that enables a more holistic approach to crisis management.

**Conclusions**

Stability Policing provides the Alliance with a holistic approach to crisis response that includes the availability of military forces with a special capability of policing. NATO Stability Policing will, in many respects, have a decisive function in the forthcoming operational campaign horizon.

The Stability Policing concept development team has conducted three workshops and conferences to date which identified the need to have common principles, understanding, and international standards, as well as equipment and procedures within all the Stability Policing players (i.e. assets that will be employed in supporting improvement of security and rule of law, in upholding justice and respect of human rights and in providing support to the civilian population in affected countries).

A further broad resolution stems from this remarkable purpose: partnering. A particularly important aim of the workshops was not only fostering a community of interest that will be called upon to discuss and develop the above-mentioned main topics and those to come in the ensuing workshops, but also to promote cohesion among partners.

NATO missions have seen the involvement of many national players and other stakeholders that have contributed to operations together with external partners and participants. Future campaigns will require a more tight-knit cohesion of very empowered actors across multiple fields ranging from industry, international organisations, non-governmental organisations and international think tanks. Partnerships are needed in particular across the criminal justice chain supporting investigations (software and other technical means), the activities of public prosecutors and judges (mentoring and advising these high officials on how to ensure smoother cooperation with local police units and to manage files with

\textsuperscript{33} Such forces include the National Gendarmerie (France), the Carabinieri (Italy), the Royal Marechaussee (The Netherlands), Guarda Nacional Republicana (Portugal), Jandarmeria (Romania), Guardia Civil (Spain), Jandarma (Turkey), and Military Gendarmerie (Poland).
international standards), the prosecution services and, finally, prisons and correctional facilities (gender responsive and meeting socially acceptable standards). All the latter tasks can be performed by police forces with military status, civilian defence contractors or international organisations; they will, however, require the support and critical commitment of industry (engineering, manufacturing, etc.) and use of state of the art technical development.

There are a number of hurdles to be overcome before the use of Stability Police Units to address the public security challenges of peace and stability operations can reach its potential. Chief among these are the limited availability of such units from countries with solid democratic orientations. “Our objective is clear: We will degrade, and ultimately destroy, ISIL through a comprehensive and sustained counterterrorism strategy,” then-US President Barack Obama said in September 2014.34 In Iraq and in Syria, the campaign against the group Daesh is under way and largely successful. But as the jihadist caliphate in the Middle East physically diminishes, the immediate dangers of terrorist attacks in the West have increased significantly. Actual and prospective militants are no longer asked to join the fight defending dwindling Daesh territory in the Middle East. Instead, they are to focus on attacks in their countries of origin.35 But not just in Europe, much work on the way to crippling Daesh remains to be done. Developing a safe and secure environment for the local population is the key to tackle future challenges.

As the Alliance prepares to engage in projecting stability in future operational environments, the emerging and rapidly changing security environment will require it to adapt to a multitude of challenges. From a conflict spectrum perspective, this could include not only traditional conventional threats but also non-conventional threats such as hybrid threats or terrorism, without a clear frontline, or even massive migration and cross-border criminal threats. From an internal security perspective, the Alliance may have to address issues such as lack of Host Nation governance or security institutions, radicalism or even economic failure and lack of basic resources.

Identifying and deterring high-end threats is a critical task to

establish law and order. The emerging security challenges may require the Alliance to engage in a variety of activities that could include border control, countering organized criminal groups, performing crowd and riot control, training and mentoring indigenous police forces, and supporting the re-establishment of law and order. Most military forces do not have the experience and are not trained to conduct this type of activities, especially in a civilian environment. Thus, in order to address some of the emerging security challenges, the Alliance will require a combination of the capabilities of military forces with those of traditional civilian police. This includes a sophisticated criminal intelligence, surveillance, evidence gathering, border patrol, close protection, and high-risk arrest capacity to cope with political violence and extremism.

Stability Policing Units, by their nature, can conduct both military operations as light infantry troops, when needed, and interact effectively with local populations and institutions. This stems from their “modus operandi” which seeks to establish a close, visible and accessible relationship with the public in the performance of their typical policing activities.

In today’s constantly changing and rapidly evolving environment, security operations are likely to increasingly become an intrinsic part of NATO missions. The development of a NATO Stability Policing capability would improve the Alliance’s ability to respond to the emerging security challenges and to its overall commitment to projecting stability. Stability Policing activities are not isolated to only one stage of the conflict; rather they can be conducted throughout all phases of a conflict, by preventing and/or defusing the causes of a conflict, enhancing the security and safety of the population during a conflict and providing support to stabilisation in a post-warfare environment.

Promoting interoperability among NATO, the EU, and the UN will increase international capacity to provide Stability Policing Units to be employed under a military chain of command. Promoting interoperability between pure Military Units and Stability Policing Units will also be crucial to prepare assignments to missions, by integrating their efforts effectively.

The Stability Policing workshops recently held in Rome, Bucharest and Amsterdam achieved resounding success and were attended by 550 international experts, military, civil servants, police officers, academia and industries from 82 worldwide organisations and institutions.
Some of the main highlights focused on what the future operational goals of Stability Policing should target: border control, counter-terrorism and hybrid activities.

The logo of the project took inspiration from the Greek mythology. Atlas and his brother sided with the Titans in their war against the Olympians, the Titanomachy. When the Titans were defeated, many of them were confined to Tartarus, but Zeus condemned Atlas to stand at the western edge of Gaia (the Earth) and hold up the sky on his shoulders for eternity. According to the ancient Greek poet Hesiod, Atlas stood at the ends of the earth towards the West.\textsuperscript{36}

\begin{figure}[h]
  \centering
  \includegraphics[width=\textwidth]{logo.png}
  \caption{The logo of the SP CD&E Campaign}
\end{figure}

\textsuperscript{36} Hesiod, Theogony 515
Stability operations have become an inescapable reality of foreign policy. Establishing security with soldiers and police is critical as it is difficult to achieve other objectives such as rebuilding political and economic systems without it. The cost of not fixing this gap is significant.
Chapter 2

Developing a NATO concept: identifying Stability Policing requirements through workshops

Bianca Barbu

Introduction

In light of constantly and rapidly evolving challenges, the new NATO Strategic Concept,² adopted by heads of state and government at the NATO summit in Lisbon in 2010, describes the requirement for the Allies to “develop the capability to train and develop local forces [police forces included] in crisis zones, so that local authorities are able, as quickly as possible, to maintain security without international assistance.”³ This requirement is also mentioned in Serial 1.7 of the Updated List of Tasks for the Implementation of the Comprehensive Approach Action Plan (CAAP) and the Lisbon Summit decisions on the Comprehensive Approach (CA).

The requirement to support local police forces and to substitute for them, if necessary, as part of NATO’s contribution to a CA has been accentuated in recent operations in Kosovo, Iraq, and Afghanistan. Although NATO has experience in providing assistance to local forces in crisis zones, there is

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1. This article does not reflect the views of the author or of NATO. It is a compilation of multiple discussions between members of the Stability Policing community of interest, captured throughout the duration of the various workshops conducted between October 2016- June 2017.

2. NATO Strategic Concept: Active Engagement, Modern Defence: Strategic concept for the defence and security of the members of NATO, 19-20 November 2010.

3. Ibid.

no dedicated Allied Doctrine for Stability Policing (SP) except Allied Joint Publication (AJP) 3.22. While the Military Committee (MC) has undertaken efforts to develop a Security Force Assistance (SFA) concept to address the need to train and develop indigenous military security forces, the need to address local police forces remains unfilled.

The MC recognized this void in the SFA concept by stating that “there may be a requirement to fully support the security sector reform by training and mentoring police forces and advising local government officials in the areas of law and order and rule of law when other actors are hampered and unable to do so.”

AJP 3.22 identifies that specialized assets should conduct the mentioned activities; however, NATO does not have a specific SP capability, nor does the NATO Defence Planning Process (NDPP) have a dedicated SP capability code. It is, therefore, necessary to develop a NATO concept for SP that will help identify the aforementioned capabilities.

With a linkage to the NATO Warsaw Summit outcomes and a focus on the NDPP gaps, NATO Headquarters Supreme Allied Commander Transformation (HQ SACT) elaborated a proposal to develop a new capability to tackle future challenges in failing or collapsed states. This effort should allow the Alliance to be engaged in capacity building by providing injections that would help a failing state to react, by strengthening or replacing the state’s fundamental institutions, with a reference to the indigenous police forces and related bodies. The aim is to identify capabilities required for leading the full spectrum of policing activities aimed at creating a safe and secure environment for the population; restoring law, order and security; countering irregular activities; and restoring governance and development either through the re-establishment of law and order (substitution missions) or the strengthening of the rule of law (strengthening missions).

**Execution**

A series of workshops in Rome, Bucharest, and Amsterdam were planned and designed to support the development of a NATO SP concept by the end of 2017.

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Rome, Italy (24-27 October 2016)

The event was organized by NATO HQ SACT and was to gather together a community of interest, update them on the topic and request their help and support on shaping and developing the NATO SP concept. The main aim was to establish a baseline of current knowledge by understanding and/or identifying the complexities and variables involved in building a viable SP capability. A variety of diagnostic techniques were employed to capture and sort participants’ contributions during discussions.⁷

Although the participants have never been formally asked to confirm the need for a SP capability, they have strongly done so during the dialogs carried out throughout the workshop. They have highlighted the need for a clear, NATO-wide accepted definition of SP and they have pointed out gaps or duplications in existing organizations that should be closed or revised to enable a more efficient and smooth transition to creating civil security. SP can encompass the temporary replacement or reinforcement of indigenous police forces and can be conducted throughout all phases of a conflict, defusing the causes of a conflict during a war and in a post-warfare environment. Thus, SP activities can support the prevention of crisis escalation into a major engagement or the re-ignition of combat activities after the conflict.

In accordance with AJP 3.2 “Allied Joint Doctrine for Land Operations”, military forces in any campaign will undertake a range of tactical activities.⁸ These will include stability activities which seek to create and maintain civil security, to support civil authorities and to build security force capabilities as appropriate. Doctrine for these stability activities is given in Allied Tactical Publication (ATP) 3.2.1.1 “Guidance for the Conduct of Tactical Stability Activities and Tasks”.⁹ The participants have mentioned that what makes this task so specialized is that the majority of military forces are neither trained nor experienced in conducting policing tasks in a civilian environment. Such skills are created and maintained by working on a daily basis with civilians, serving their needs. Additionally, many civilian organizations do not want to be associated with military

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⁸ NATO Allied Joint Doctrine for Land Operations, AJP-3.2.
⁹ NATO Guidance for the Conduct of Tactical Stability Activities and Tasks, ATP-3.2.1.1.
entities; as such they are reluctant to ask for or accept support. Although all military forces may be involved in a variety of stability activities, the unique capabilities of Carabinieri and Gendarmerie type forces are well suited for building civil police capabilities and capacity and maintaining security and control.

In addition to a clear definition, SP’s objectives, tasks, and size; its speed of deployment and area of intervention; its limitations; its institutional capabilities; where it should be located; how it should be staffed (standing force, reserve force, or hybrid force); and its cost should all be clarified. Once these points are addressed, the personnel that will perform these tasks and their training should be taken into consideration. The processes through which such personnel are identified/recruited and their training facilities and programs must be elaborated and put in place.

• Safe and Secure Environment (SASE)

Establishing security and creating a safe environment are essential for any NATO mission as without it accomplishing other high-level objectives such as attempting to recreate a stable, socio-economic and/or political system is practically impossible. In order to address such objectives, a clear, NATO-wide, approved definition of what is meant through SASE is needed. This definition should encompass two main requirements: i) support the establishment of a secure environment in which people and goods can circulate safely and where licit political and economic activity can take place free from intimidation and ii) support building an indigenous policing capacity so that the host government can establish security on its own. Both requirements come with tasks and objectives which should be clearly identify and tasked.

Quintessential parts of SASE are cultural awareness and local ownership. In the same vein as the previous requirements, a clear, NATO-wide approved definition for each one of them is required, as are the objectives and task lists associated with the identified definition.

The workshop brought forward an unequivocal truth. “Winning” the military war is most of the time the easiest part of the battle; establishing and maintaining a safe and secure environment is the real challenge. The work towards this goal must start even before any conflict has erupted, at the very early stages of any perceived instability, and continue all the way throughout and to the end of the conflict. SP units (SPU) might even be
in the position to support the de-escalation of the conflict. To support this goal SPU must have accurate and complete situational awareness (SA) of the area of operation, possible criminal threats, and potential limitations. This requires good intelligence capabilities and engagement and collaboration with all actors (local authorities, United Nations (UN), European Union (EU), non-governmental organizations (NGOs), etc.) at all times. SP must be conducted within the boundaries and with the local population’s values in mind, as their acceptance of the mission’s objectives is critical. Strategic communications (STRATCOM) play a vital role, and their messages must be coordinated. Amongst the many messages they put out, it should always be emphasized to the local population that the end goal of these missions is to ensure a successful transfer of authority (TOA) to the local police (local ownership). Such forces must be accountable before the TOA and the local population should have trust in them.

- **Emerging Security Challenges**

  Identifying and deterring high-end threats is a critical task to establish law and order. This includes a wide range of functions based on the type of threat and its position on the conflict spectrum. While dealing with traditional threats (regular warfare), some tasks for SPU highlighted by the participants may include (but are not limited to) searches and seizures, rescues, crime scene protection, and community relations, etc. If dealing with irregular threats such as hybrid warfare, terrorism, mass migration, economic failure, and lack of basic resources some tasks may include (but are not limited to) identification of potential failed states (on a case by case basis); public acceptance of current/future SPU actions; training, advising, and mentoring essential host nation (HN) police units; preventing escalation of conflict; maintaining SA; and preparing exit strategies/back up plans, etc.

  Emerging security threats overall might concentrate on such things as identifying when and where organized crime, militias, or insurgents move into an area and put down roots. This could include what we normally think of as criminal organizations, as well as political parties and government organizations that have failed or been criminalized. Technical skills include gathering and preserving physical evidence, identifying and interviewing key witnesses, interrogating and processing subjects, analyzing intelligence and evidence, and building cases. These tasks can include building capacity in the Ministry of Interior (MoI), developing an institutional training base, developing the capacity to do such technical
police work as laboratory forensics, and conducting on-the-job training. Performing these tasks requires developing specialized skills in ministry capacity building (such as how to run a human resources department or create a budget), creating an institutional training base for new police officers, developing advanced training, and deploying mentors and trainers who work every day with police in the field.

As a critical element of the overall law enforcement effort, its principal focus must be to help build the indigenous government’s policing units. It needs to advise those who are helping develop capacity in the MoI on policing requirements, advise those who are creating the training base on what it ought to train, and work with international civilian police to ensure that there is a common understanding on how the police forces as a whole will operate. Similarly, an SPU may need to work with those who are helping the host country’s judicial and corrections system ensure that such tasks as evidence collection and preservation meet judicial standards and also that police treat prisoners humanely. Importantly, the SPU should not be viewed as the trainers and mentors of all police (though it could help to do this if the need is pressing). It will not be large enough for this task and doing so would make it all but impossible for the SPU to do the tasks for which it should be designed. Its specialized skills would arguably be better used on other tasks such as working on a CA of SP with respect to the HN, International Organizations (IOs), NGOs, NATO and other allied nations, preparing contingency plans or establishing long-term partnerships that would help prevent and/or counter regular and irregular threats.

Clear definitions for emerging security threats, counter-terrorism and border control must be approved NATO wide, and the tasks associated with them clarified and approved.

**Stability Policing with and for Partners**

Undoubtedly SP activities cannot be performed in vacuum. A wide range of organizations (military, civilians, local, international, etc.) must coordinate their efforts and resources to enable the successful resolution of each incident/mission.

The main differences that should be looked at are i) the implication for SP operating with Partners, meaning part of the local authorities, HN or other bodies that ensure specific responsibilities are completed by contributing Nations and ii) the implication for SP for Partners, where pre-
sumably one contributing body/Nation will be responsible for all associated implications. Such definitions must be approved NATO wide and the tasks associated with it clarified and approved.

- **Requirements Identification**

  **Doctrine:** Current documentation should be revised and enhanced, relevant links to existing documentation must be emphasized and collaborations with all relevant existing bodies and/or organizations (scientific, academic, industry, military, non-military, etc.) must be built. All relevant stakeholders (UN, EU, Organization for Security and Cooperation in Europe (OSCE), IOs, NGOs, etc.) should be approached to develop the required doctrinal documentation. Lessons learned (LL) from current and past operations should be reviewed and appropriate information included in doctrine.

  **Organization/Interoperability:** The issues that stand out are the lack of specific planning capabilities; the lack of a dedicated chain of command for SP; lack of information management and sharing mechanisms; lack of legal requirements that will support the rule of law and processes associated with the identification, implementation and sharing of information and specific LL within NATO; lack of common doctrine and standards and the necessity to exercise together in joint exercises with specifically dedicated SP injects. These are just some of the organizational aspects that should be considered when designing this asset; ideally it should be a “plug in capability”, adaptable to each specific mission.

  **Training/Personnel/Facilities:** One of the intricacies of SP operations is that they require a wide cross section of civilian and military activities. In addition to the obvious common standards and certification, the force should include monitoring, mentoring, advising, partnering and liaising with local police forces for feedback into training. Though many nations train their personnel to various national standards, NATO qualifications for key tasks should be developed. While it is left at the discretion of the nation to identify the competency levels required for specific operations, the community would strongly benefit from a review and standardization for such requirements. Additionally, such training and/or/personnel selection should be conducted in specifically dedicated and adequately equipped facilities. Training each nation’s own forces is only part of the requirement. Additional effort must be invested into local police capability building (PCB) as part of the exit strategy. Their specific training needs and
requirements (financial, personnel, equipment, etc.) must be accounted for and mapped.

**Materiel:** Interoperability and standardization should drive the material to be purchased and employed in common operations. Such materiel should be versatile and tailorable to fit variable mission’s needs. Planning processes for gradual donation of equipment to the host nation must be synchronized.

**Leadership:** It is obvious that trying to implement a new structure might lead to push back from certain leaders and/or organizations. Such push back is natural and comes with every attempt to implement change. A healthy balance must be struck between awareness of requirements and their implications, expectations for their implementation and reality. Leaders must be made aware of named requirements and perceived outcomes if in/ not in place. In this context a very clear understanding of local ownership and cultural awareness is required; sensitivities related to a specific area of operation, accountability of local leaders and sustainability of the local form of government must be accounted for and their implications addressed early on. Cultural awareness assessment and leadership engagement go hand in hand and must be conducted constantly until the fulfillment of the mission.

**Bucharest, Romania (27 February - 2 March 2017)**

The second workshop was organized by NATO HQ SACT in cooperation with the Romanian MoI and the Romanian Gendarmerie; it was used to further advance the NATO SP concept development. The event focused on identifying the optimal architecture for SP at strategic, operational and tactical levels as well as exploring and understanding the complexity associated with three other lines of effort focused on SASE, threats and missions, and collaboration with other actors necessary to build a viable NATO SP capability. The last three lines of effort built on the requirements identified during the first workshop.

**Strategic Level Architecture**

It became apparent that NATO, including the North Atlantic Council (NAC), Military Committee (MC), Allied Command Operations (ACO), and Allied Command Transformation (ACT) with all their subordinates commands, is seen as a strong player as it has a wide variety of
capabilities (planning, logistics, intelligence, etc.), can intervene in a wide variety of situations (based on the mandate) and has a relative short response time (compared with civilian counterpart). As a strong player, it has been emphasized several times that ACO and ACT should strengthen cooperation with IOs including the EU, UN, African Union (AU), OSCE, the International Police Organization (INTERPOL), the European Gendarmerie Force (EUROGENFOR), etc., NATO partner countries and any other relevant actors based on the specific area of operation. Such actions could have a more proactive nature if exchange liaison officers and planners would be imbedded in these organizations and if the establishment of a Joint Training Centre could be agreed. The development of common standard operating procedures (SOPs), curricula, and capability catalogue would help create unity of effort. This will support the development of a NATO joint SP training package and train the trainers course.

NATO’s role in interfacing with the HN, state and non-state actors, heads of main security and defense institutions should not be taken lightly. NATO has the ability to ameliorate crisis situations via political/diplomatic means and credibility that comes from its ability to perform stability operations in the country and help manage the TOA to the HN after a peace settlement has been negotiated.

Many components of a NATO nation’s government are involved when its military assets are to be deployed in a crisis. Inter-ministerial coordination and collaboration between the Ministry of Defence (MoD), MoI, Ministry of Foreign Affairs, Ministry of Finance, Ministry of Justice (MoJ) and all government security agencies can complicate the establishment and prioritization of the mission’s chain of command and clear delineations between specific areas of responsibility. Additionally, NGOs, think tanks, religious and civic organizations, the press, and civil society must be given due consideration. All entities listed above should work together on delivering the adequate STRATCOM, information operations (INFOPS), psychological operations (PSYOPS) message to the public (in the area of operation, back home in their nation and internationally).

Participants confirmed that the tasks to be performed by SP units are not new (neither to NATO nor to the nations); however, the notion of considering such actions/tasks in planning for all phases of an operation is. It was underlined that SP advisers should be consulted from the incipient stages of an operation and included at all stages of decision-making processes. All NATO nations should consider the identification of such
Developing a NATO concept: identifying Stability Policing requirements through workshops

advisers as part of their national structure. If such positions were to be implemented, adequate and uniform training across all NATO Nations should be implemented. As such, transitioning such capabilities to NATO (on a case-by-case basis, depending on the mission to be executed) should be seamless. These advisers would already be versed in executing the tasks that they would be expected to perform and regardless of the nation they would have streamlined tactics, techniques and procedures (TTPs).

The participants had difficulties identifying exactly what the organizational architecture should look like, but they did agree that some flexibility must exist and that such a capability should be tailorable and adaptable. It was emphasized that all nations have their sovereignty and their particular national caveats will drive the implementation of such a capability. The national strategy, current financial constraints, legislation, judicial system, investment in training, rule of law, and human rights aspects are just some of the caveats to be considered. The development of a SP Contribution Matrix might alleviate some of the current uncertainty and lack of clarity regarding the availability of such assets.

Discussions related to the current political-military climate highlighted areas that should be looked at first. Divergent national priorities, conflicting opinions, and lack of cohesion do not instil confidence in the implementation and survival of such a capability. The lack of qualified subject matter experts (SMEs) in HQs leaves room for misinterpretation and appropriation of SP tasks by other functions/capabilities, while the real focus should be on current SP documentations which should be reviewed and revised. Additionally, the constantly evolving security threats (cyber threats, criminalized power structures, etc.) should be given particular attention and when possible ways ahead for dealing with them should be institutionalized.

**Operational Level Architecture**

Some actors identified at NATO strategic level were also identified at the operational level; however, it was emphasized that there is a need for better communication between the strategic and operational level via the appropriate chain of command and via the necessary diplomatic channels.

At the national level, the establishment of an SP Task Force HQ that could coordinate the law enforcement bodies such as gendarmerie, police, coast guard, customs, border and immigration police, penitentiary
system, judicial power and the court of justice with the Joint Force Command (Army, Navy, Air Force) should be considered. Additionally, one of the most important topics is the judicial aspect which should be essential as without it SP cannot be effective.

Different countries have different ways of organizing their national structures, and the communication aspect among the different actors was brought up several times. The interaction among all the moving parts would be greatly served by the establishment of liaison officers positions that could/should monitor all activities.

Additionally, at both NATO and national levels the most talked about characteristics were the plug-in capability. Understandably so, depending on the situation, the SP Task Force would be created via a political mandate and coordinated by the appointed leader of the operation. NATO would have the ability to perform such tasks in a Joint Combined capacity; such a force should be trained and be interoperable.

At the operational level, the local population - as a primary customer - starts to take center stage. Protection of civilians, freedom of movement and maintenance of security are among the things that need to be taken into account while aiming to create SASE. SP provides this by stabilization, capacity development of the police, support of the troops and the local community and enhancement of the rule of law. These are all challenges that come with preparing the ground for TOA and should receive attention at the operational as well as the tactical level.

The constantly changing environment creates additional challenges which the operational level may not be ready to face. As such, continuous work must be done to ensure that the forces are adaptable, trained, agile, and able to assimilate troops or skills not originally envisaged.

One of the ways of making the force better is by looking at past operations and creating a data base of lessons identified that if corrected and implemented have the potential to become LL, avoiding past mistakes and issues.

The topic of the minimum contributions at this level was also addressed, but as at the strategic level, the participants believe the NATO nations are the ones responsible and the ones who should look at their national strategy and identify the contributions they are willing to make. The participants pointed out that said contributions should not necessarily
come from the armed forces of the nation. There are many civilian organizations that are better trained and have the personnel that could deal with SP issues in the case of a crisis.

The participants clearly stated that the mechanisms for performing SP functions exist within NATO; however, what is missing are the SP assets: a chain of SP planners and advisers, the expertise in planning, assessment, etc. The other aspect that makes current SP tasks stand out is that at some point during the operations they will have to perform policing functions, and they will need access to policing information. Personnel that understand and have the expertise on police planning must be contributors while preparing and performing the operation. Special advisors have to provide advice to the commander, and planners and advisors should be in touch at all times. Additionally, there is a need for a legal advisory team linked to SP to respond to the legal needs of the mission, clarify the legal framework, and help the justice system reform the criminal code and to uphold the law. A HN gender and cultural awareness adviser in the area of operation should also be provided.

The participants identified a series of other issues in today’s reality. They believe that SP functions have little to no visibility; this is not helped by the fact that SP has no specific joint structure or standardization. These challenges are clearly reflected in the lack of doctrine and associated documentation; there is a need for SOP development and acknowledgment of SP in pre-conflict, conflict, and transition to a stable environment. There also needs to be a review to identify if NATO can perform SP missions and, if so, which kind.

To enable the SPU to prepare for operations, the identified SP capabilities and tasks must be prepared either in dedicated national training centres (which might prove to be expensive) or by training the trainers and then having a network of training centres and mobile education training teams (METT). Additionally, the skills acquired should be practiced in exercises. Of course, training should be conducted following preapproved NATO training standards.

**Tactical Level Architecture**

At the tactical level, NATO SPU subordinated to the entities listed in the operational level must interact with planners, advisors, intelligence units, national and international organizations, NGOs, commanders of
various units at different levels, representatives of the population (civil and religious community figures) and coordinate their efforts towards mission implementation. Of note is that at this level, the SPU should have manageable, digestible and easily implementable rules of engagement.

At the national level, SPU should be in contact with interagency security groups, civilian police experts in the area of operations, representatives of legal/judicial authorities, educational institutions and the media. The units have to feed information to the operational and strategic level.

SP specialists are pivotal for achieving the goals of the mission. To enhance their effectiveness, they must have very good relationships and communication with the local population, creating to the best extent possible a positive, trustworthy environment, deterring crime, maintaining order, demonstrating to the locals that criminals are prosecuted and justice is applied. The civilians’ perception of events is vitally important. A delicate balance must be struck between performing the tasks needed and militarizing cities or regions, which could/would create animosity towards the SP forces in the local population. SP forces should be able to create an environment where local judicial authorities and prosecutors can grow stronger and more confident in performing their tasks; however, the judicial system should not come under the NATO umbrella. These recommendations should lead to an efficient SP mission both in terms of goals and in terms of financial assets.

To ensure a smooth transition during the TOA process, the tasks of training, mentoring, advising and partnering should be considered early on in the mission. SP forces should be competent and fully qualified in providing all four aspects mentioned. All activities should be adapted to the local culture and a comprehensive pre-deployment training program should take place. While training the local forces it is essential to ensure the maintenance of equipment past the life time of the operation. A team of experts with experience in the field should provide a standardized curriculum and help establish training centres.

To ensure a smooth exit strategy, leaders of the local population should be mentored and advised. These activities should be performed by individuals with experience in the field, who have an already established relationship with the leaders who are aware of cultural customs and familiar with international law.
Developing a NATO concept: identifying Stability Policing requirements through workshops

The partnering aspect of the SP forces task must be aligned with the goal of the mission. All TTPs should be coordinated with trusted locals with focus on interoperability, cultural awareness (to include a gender adviser), and a common legal framework. Clearly stipulated measures of performance (MOP), measures of effectiveness (MOE) and a code of conduct and demonstrated accountability mechanisms for police officers based on agreed upon training (certified at national and NATO level) should be put in place as a monitoring step before any final steps are taken towards the TOA.

Today, SP training is provided at national level on a case-by-case basis, but there is no agreed upon structure or SP tasks. The curricula and guidelines vary from nation to nation and so does the training conducted by the SP units for the HN.

NATO should look into developing and managing a dedicated vetting system for SP tasks. Training and exercises could be conducted either in training centres within the nation or in a training centre in a partner nation. Some of the areas that require this are human rights, legal standards and procedures (to include handling of detainees), basic police training, leadership training, standard training modules, train the trainer, creation of dedicated SP training structures, and quality assurance and standards for monitoring the training. SP troops trained in the same fashion should be interoperable, and share the same equipment and TTPs. Additionally, if all these could be streamlined with IOs who also are mandated to provide SASE, it would create unity of effort, increased communication and interoperability. All of these would be impossible without trainers capable of training and mentoring staff and distributed throughout the area of responsibility.

Safe and Secure Environment (SASE)

SP cannot succeed in their mission without support from entities other than NATO who are willing to take steps such as a thorough assessment of the environment, the likely spoiler threats to the mission, a strategy for dealing with them, and a mandate to do so. The most important characteristics of SP forces should be their versatility, flexibility and their combat capability.

Obtaining the desired SASE requires that SP forces are fully aware of their surroundings in a short amount of time and that support and co-
operation with local actors is earned in a timely fashion. The intelligence system (collection and dissemination of information) plays a crucial role in this. Gathering information about the HN, criminal activities, security concerns, government issues, judicial and penitentiary issues, other fractions or actors’ plans and ambitions, etc. places the SP forces in a better position to allow them to perform their mission; however there are many limitations that need to be taken into consideration such as different nations and organizations have different information and intelligence sharing criteria, most of the time putting more “red tape” between various bodies that slow down or totally inhibit the process. Technology plays an important part as there are no standardized technological requirements between nations that would allow the sharing of information. A review of the constantly changing informatics environment needs to be considered as we move more towards virtual entities and cyber domain activities.

In addition to the above, SP forces also have the role of helping the local police forces and law makers establish and implement a legal system that is accepted by all identity groups in the local population. Once established, implementation relies heavily on trained and accountable local police forces and legal system. SP forces should train the police forces, but the responsibility for training the local justice system should fall with other international bodies (such as UN). There must be clear minimum criteria for accountability and impartiality that must be met. These criteria must be socialized and agreed by local decision makers or NATO should reconsider its role. SP forces should also develop a strategy for dealing with obstructionists in the HN, including enforcement of the rule of law targeting prominent political-criminal actors. It is imperative that throughout this process SP forces maintain a high code of moral conduct, instilling trustworthiness, confidence and credibility.

Such characteristics can be sustained through a high level of cultural awareness which needs to be considered in the pre-deployment training. The social structure, the current government mandate, local religious and ethnic aspects, local customs and norms, positive discrimination and gender awareness are topics that should be discussed in detail and included in mission planning.

These aspects should guide the way that local police forces are trained and considered when analysing possible societal changes and their effect, current vs past police assessment, new vs past political institutions and instruments of power, NATO and national caveats and limitations.
SP forces should always bear in mind that the goal of their mission is to eventually TOA to a local government that is viewed as legitimate by all identity groups who were involved in the conflict. Before engaging in any activities, a strict and detailed evaluation of the local power players should be performed regarding their capability and contribution/opposition to a SASE (this should avoid unintentional support for a criminal or terrorist organization). In order for this to happen successfully, legitimate local authorities and civil society members should be involved in all processes from the beginning of the mission. This would allow for training on the job and also would help develop a list of standards emphasizing accountability that can be agreed between NATO and the HN, adapted and acted upon. Such standards could potentially be socialized with other international organizations such as UN, AU and EU based on the mission. SP missions should also look into what are appropriate local laws and policing methods vs NATO nations’ laws and policing methods and try to understand the national police structure and formal judicial system and any obstacles to local ownership. Local laws should be thoroughly understood, and SP should support the assessment of the legal framework in the host country (and if necessary work to amend per international standards and mission requirements) while also supporting the assessment of detention capabilities and possible violations triggering national caveats. In this context, their work with NATO and partner legal experts must also include proposals for necessary revisions to the legal framework to enable effective operations to deal with spoilers and threats to the mission and ensure that disputes can be solved through informal/traditional mechanisms.

Upon a successful TOA the HN should be able to successfully deal on its own with criminal organizations, security threats, illegitimate actors, political considerations, legal and ethical considerations, etc.

**Threats and Missions**

Further work is required to understand the implications for SP of a wide range of emerging security threats including those found in the SFA and Framework for Future Alliance operations and other similar works. Flexibility and adaptability of the SP capability/function to the widest array of threats is required.

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It is difficult to assess the tasks and responsibilities of SP in the absence of a clearly defined mandate. The forces should be involved only when dealing with emerging threats with implications for creating instability situations requiring SP assistance to re-establish public order and provide humanitarian assistance; however, such a list can never be exhaustive. Examples might include: high impact cyber threats that disrupt public order, mega-cities turmoil, conventional war, terrorist attacks, escalatory use of force, large-scale natural disasters or man-made disasters (e.g. power plant accidents) with public order and humanitarian relief implications, rapidly assembled violent demonstrations and riots enabled by social media as a precursor to destabilization, etc.

Based on each specific event, different skills and capabilities might need to be employed. Of note is that NATO has a capability gap in “soft power” assets used in pre-conflict situations to de-escalate or stabilize the situation. SP can fill that gap, but NATO needs to define and develop said capabilities in more detail (e.g. SP specialized sub-capabilities); however, the law enforcement expertise of SP (with partners in the criminal justice process) will be necessary to combat emerging security threats from corruption when linked with criminalized power structures that undermines the legitimacy of governments.

Corruption is a key factor undermining counter-terrorism efforts, as it erodes the efforts to build popular support for the government. SP could play a key role in counter-corruption efforts (including specialized investigative units). Such efforts rely heavily on a proper understanding of the environment, cultural awareness and bonding with the local population supported by command and control interoperability and civilian-military cooperation and collaboration at political and diplomatic levels. Understanding the context allows preventative measures to be put in place, deterring radicalization.

Due to current life events, border control has taken centre stage in the arena of SP in many countries. The disruptive impact of mass migration (both at source and at destination) has highlighted security implications for public order and border control, quarantine enforcement, logistics, transnational organized crime, facilitation of infiltration of criminal actors, new technologies (UAVs) in the context of cross-border smuggling, etc.

All of these issues escalate from being the problem of a single na-
tion and turn into regional crisis situations. SP is best suited to deal with such crises, but they require a mandate and political guidance in resolving the issue by coordination among all neighbouring countries. Key players, caveats, logistics and available resources will dictate planning considerations. NATO should put in place legal agreements, standardization of equipment (and its availability) and information/intelligence sharing conventions that would allow SP units the ability to perform their mission.

**Partners**

SP forces alone are insufficient in the absence of a functional criminal justice process. For SP to effectively contribute to the end state, it should be embedded within a broader Rule of Law effort (e.g. hybrid justice institutions) conducted as a part of comprehensive approach.

The first step should be an in-depth stakeholder’s analysis in the area and an understanding of how they influence the HN and the mission, alliances, their obligation to other partners and their impact in the area. All of these should be taken into account in mission planning, by having a liaison officer that can be the link between the mission, the Joint Task Force and the Provost Marshall’s Office (PMO).

SPU should have a common understanding of the plan, a clear appreciation for how much support they will get (from HN and from partners) and how much support they can give. This should be reflected in a common training curriculum and legal binding memorandums.

All activities conducted by SP forces have as a goal of creating a safe and secure environment for the local population. The protection of civilians, all human rights aspects and enhancement of good governance programs (e.g. building integrity, strengthening justice institutions, revisions to the legal framework to enable effective prosecution of spoiler threats etc.) should be considered as a shared effort among all NATO partners (e.g. HN, NGOs, IOs, etc.).

Many of the actors involved have extensive experience in various fields that NATO should leverage. For example, the UN has a comparative advantage in terms of a coordinating function, long-term relationships and knowledge of the host country, government and actors.
Amsterdam, The Netherlands (15-18 May 2017)

The third workshop was organized by NATO HQ SACT in cooperation with the Royal Dutch Marechaussee and was used to further advance the NATO SP concept development by testing certain aspects of the already existing documentation through scenario-based discussions. The workshop focused on identifying if the draft concept and current doctrine (AJP 3.22) is sufficient to support the execution of replacement missions, reinforcement missions and coordination with internal and external parties.

**NATO Internal Coordination**

The current NATO structure, all its subordinate commands and their organization were reviewed, and participants noted that with regards to mission analysis (assist/advise the commander) SP SMEs/planners must be incorporated in NATO at all levels (strategic, operational and tactical). It was agreed that SP SMEs presence in NATO could also assist the mandates of other collaborating organizations. The participants emphasized that in order for this to be institutionalized it should be reflected both in the concept and in the current doctrine.

Lively debates have been had as to which type of police force would be more suitable to perform SP tasks: gendarmeries, MPs, civilian police, contractors, etc. The group agreed that NATO should define the tasks to be executed based on the mission and the nations should assign the most suitable service to deal with it. They did stress that in the end all NATO nations are sovereign and have the right to choose who they send to the theatre of operation, but its NATO’s responsibility to make its needs known clearly.

However, the tasks that SP should perform and the type of mission that SP can get involved in are not clearly defined. Both aspects should be considered, proposals made, agreed/vetted by the nations and included in current SP documentation. Additionally, to support mission planning and development NATO and the nations should develop an SP Capability Matrix to identify the assets available to perform such tasks/missions, enhanced by having the capability codes and statements reflected in the NDPP.

To support task and mission implementation and institution-
alization, NATO and the nations should work on developing a common training and exercise certification and validation process. Nations should then send personnel specifically trained and experienced in policing (according to NATO standards) to tackle SP in crisis situations. Additionally, this should also help in defining the level of training required for the HN police forces and/or other authorities. Such requirements should be clearly stipulated and clarified and build toward a successful TOA. Setting up standards for the effectiveness of local forces/authorities is fundamental for their long-time resilience and sustainability, and in the preparation of an effective exit strategy.

Human rights violations by HN police forces, despite the presence of NATO forces on the ground, was mentioned as an extremely sensitive topic. NATO does not currently have the means to handle such situations, but it should address it by establishing appropriate legal agreements between NATO and HN.

Participants noted that the TOA requirements are not mentioned in the concept. All conditions and stipulations need to be updated and included. The language should allow for some lenience as it is understood that political considerations and specific mission requirements will have to be factored in.

The group looked at command relationships, Rules of Engagement (ROEs) and use of force. They concluded that a detailed definition/delineation of ROEs should not be included in the concept as such requirements are part of the operational level, but they did highlight that such a connection must be made.

The team identified a failure to mention command relationships and linkages in the concept. In their opinion, the SP commander must be part of the Force Command Group (in whichever form this will be set up) like all the other forces on the ground. This individual must be supported by experts at staff level. They also stated that the SP commander must take into consideration the collaboration and interaction with the first responders in area of operation, as it helps in the development of good relationships with the local environment and agreement about a standard for an acceptable level of security.

Special consideration must also be given to the NATO mandate and the Status of Forces Agreement (SOFA) to ensure transparency and
that national and international regulations and obligations are respected. Consideration regarding the mandate should be captured in the concept and/or doctrine.

**Replacement Mission**

The environment of replacement missions was assessed and the essential information needs for NATO were identified. Participants concluded that when such missions are to be performed a comprehensive stakeholder and Political, Military, Economic, Social, Infrastructure, Information (PMESII) analysis is required, and the linkages among all actors and domains must be clarified. Cooperation with HN authorities and other organizations in the area is vital, and SP forces should work together with the local community to create an environment of trust, credibility and voluntary collaboration. These issues must be addressed primarily at the strategic level, but they will have the greatest impact at operational and tactical levels.

Current SP documentation does not provide standards and guidance for cooperation with all the authorities mentioned, according to participants. Of great concern was the lack of doctrinal and conceptual guidance in dealing with the judicial sectors (e.g. HN courts, international courts), the role of SP forces in supporting reform of the HN’s legal framework (particularly the criminal code) and the legal framework under which detention operations could/should be performed.

The linkages between a HN court and international courts and/or hybrid courts would greatly be served by the establishment of liaison officers capable of facilitating the collaboration and the completion of some (mission specific) tasks. Reporting should be coordinated via a regional NATO commander, and information regarding prosecution should be carefully safeguarded. Hybrid courts should deal with gross human rights violations and crimes against the mandate such as murder of political rivals when there is a mandate for protection of civilians, theft of international assistance, and espionage against the mission. Replacement missions in areas with ethnic or other identity group discord can result in SP forces being viewed as an occupation force, and executing their policing function will likely result in the alienation of one of the ethnic communities. A partnership with the HN police and use of a hybrid court should be considered in doctrine.
Restoring order in a crisis situation cannot be performed without a stable judicial system. Reforming the judicial system and the criminal code of a sovereign country might not necessarily be the responsibility of SP forces, but they should have the option and mechanisms in place to enable them to seek advice and assistance from expert international organizations such as the EU, UN, OSCE, etc.

Detention operations should have procedural and informational requirements clearly specified in SP documentation that discuss rules and international standards, integrity of the detainees and operational military needs.

Replacement missions require the nations to contribute to the operation with a wide variety of assets such as translators, analysts, liaison officers, public police, border police, mentors, advisors, trainers, financial units, high-risk arrest units, K-9, air surveillance, etc.; however, none of these assets are centralized, streamlined and synchronized. The nations should create a Capability Matrix for SP where the availability of such assets should be captured, and their training should be standardized by NATO.

The success of the mission depends on the ability of SP forces to establish their credibility with the local population and local authorities. Problem oriented policing, which combines community policing with intelligence-led policing, identifies and solves the problems of greatest concern to the population and should be adopted as a best management practice for SP.

Their credibility is intrinsically linked to their ability to create SASE by performing their tasks; however, their tasks are not clearly specified and/or documented. All coordination, liaison, communication and information sharing requirements (internal and external) for performing these tasks should be reflected in doctrine, to include also the SP forces responsibility to train local police forces, vet them and identify standards for their training and performance.

SP forces are adaptable, deployable worldwide, able to cope with all types of conflicts, able to organize and work at all levels of command, flexible and interoperable, but NATO should adopt more standards for SP capabilities reflected in the appropriate documentation.
Reinforcement Mission

While considering the strategic, operational and tactical level actions associated with reinforcement missions, three general themes were assessed: planning, executing and assessing.

The concept should have a clear definition of SP; the purpose, roles and functions of SP; a list of capabilities required; political direction and guidance; situational awareness considerations; and a legal framework and clarifications regarding the mandate. The planning of SP missions and related aspects should be described at doctrinal level and should mention that personnel with SP knowledge should be in charge of this aspect. The concept should emphasize how SP enhances NATO overall and how it is nested within the Comprehensive Approach, stabilization and reconstruction and the projecting stability ambition as laid out in the Warsaw Summit Declaration.

The document should identify the condition for SP, its limitations, its linkages and functions and should provide a complete list of related concepts (SFA, Security Sector Reform, Counter-insurgency, Counter-terrorism, etc.) and their distinct differences/limitations.

The revision of AJP 3.22 and the development of an ATP that bridges the gap between the AJP and the operational and tactical level guidance was recommended. The AJP and associated ATP should address guidance for planners on force structure development for NATO operations.

Participants noted that special attention has to be given to “partial replacement” missions, the legal framework, validity of all NATO missions’ mandates, and the executive mandate requirements from the HN. The differences between military forces and SP forces needs further development and clarification.

Executing SP missions requires vetting and recruiting of local forces for which standards have to be agreed prior to the start of the mission. It might not be NATO’s mission to bring about organizational reform, but it is NATO’s role to support the HN governments in ensuring they are able to implement the necessary adjustments.

PCB must be conducted with support from other organizations and should allow non-NATO organizations to take over in the end. It has to be made clear that the political level has oversight over the military op-
Coordinating and liaison requirements and associated challenges within the chain of command, international criminal court, HN (including the MoI, MoJ, MoD), EU, UN, other IOs, NGOs, etc. were identified. Participants suggested that effective coordination will require a body/organization to be assigned or to take a supervisory role with detailed mechanisms for coordination and support of the forces by establishing a federated mission networking approach, developing a key leader engagement matrix, reviewing the legal framework, and coordinating and exploring the information sharing and interoperability requirements between police, military, HN and civil-military operators. All these considerations should be reflected in the concept.

Additionally, the group also stated that NATO should show initiative towards collaboration with external actors. This is not to say that all decisions and agreements have to be harmonized, but the organization should be more forward leaning, and this should be institutionalized.

The team had lively debates as to where the coordination cell should be placed. While some participants felt strongly that this cell should be set up within the PMO, others felt that the interest of the mission would be better served by an independent cell. They did agree that the positioning within the organization may not be as important as the functions that it was going to serve. If NATO could agree on a decision on this topic, this should be reflected in the concept.

SA of the area of operation is vital as it highlights all relevant actors (friend vs. foe, including prospective spoilers), issues, partnerships and obligations of various fractions. On the ground, NATO has to ensure that it is not allowing various bodies to perform overlapping functions; wherever possible this should be de-conflicted with planning performed by other entities.

The concept should also look into the Comprehensive Operational Planning Directive (COPD) and stress all the appropriate linkages. The planning function may be served by the creation of a SP functional planning guide.
Contributing to SA is an understanding of the legal framework that has to be followed and if necessary modified. Cooperation (and reach back) with experts in IOs at various levels is paramount. The established standards for legal agreements have to be factored in and reflected in SP documentation. All agreements would also have to account for cultural differences, cultural property protection, religious considerations, and gender balance.

To support the mission and the follow on coordination with external actors, the nations should look into the training of their troops. This training should take into account all caveats highlighted above and be streamlined across all NATO nations. The criteria for NATO training have to be documented (in doctrine and in the concept) and institutionalized.

The tasks that SP forces should perform should also be agreed and due consideration given to expanding to other operational environments such as maritime, air and cyber.

Of particular concern was the role of SP forces in protection of civilians. It was not clear to what extent was the responsibility of SP forces to cover this and to what extent other actors should be involved and/or allowed to be involved.

Communication and information sharing with external bodies spurred many debates. Among the concerns raised was that NATO is not an information-sharing friendly organization. It over-classifies information, and rarely declassifies. This is also true for many nations, so maybe NATO’s behaviour is just a by-product of these actions. If at all possible, NATO should strive to put in place technical agreements for information sharing with as many external actors as possible and reflect the mechanisms to do so in SP documentation. This would enhance its SA and contribute to CA.

Past operations have also produced a lot of lessons learned and information on how to handle a variety of issues. These data are already available in the international community and within the NATO nations, but they are not necessarily centralized or streamlined. NATO has the Joint Analysis and Lessons Learned Center (JALLC); this should be its first stop while trying to obtain information regarding any aspects of planning and execution of SP mission.

NATO should try to coordinate its STRATCOM, PSYOPS and IN-
Developing a NATO concept: identifying Stability Policing requirements through workshops

FOPS messages with the other actors in the area of operations. De-confliction of such messages with the UN and EU is essential, as it would contribute to the overall expectation management of all local actors. The SP Task Force would greatly benefit from having such requirements and guidelines centralized in a handbook. AJP 3.10, Chapter 3 could help with the coordination and planning. ¹²

Logistics requirements and donor equipment processes also have to be aligned and documented. Many nations have identified issues concerning the appropriate equipment to bring to the mission or the number of assets that they should prepare. It is NATO’s responsibility to make the nations aware of the requirements of each mission. Such capabilities should be coordinated and clearly documented.

Sharing MOPs and MOEs with the other entities in the field is a great first step in the conduct of periodic assessments; however, to enable de-confliction of assessment methodologies and standards, all metrics should be socialized and to the extent possible agreed with the other actors. These metrics should be clearly captured in SP documentation; constant reviews should be conducted and the metrics adjusted as required.

Conclusions

The series of workshops supported the establishment of an SP community of interest which addressed a variety of topics and concerns. The workshops emphasized that indeed SP is a key element in achieving NATO’s wider ambition of projecting stability; however, in the event of a crisis there are many moving parts and components that should be thought of and coordinated (i.e., CA) prior to having boots on the ground. Training of forces (strategic, operational and tactical level); leadership engagement and buy in (at NATO, international community and HN level); local community engagement and relationship building (via local leaders); security, safety, emerging threats and planning considerations; advising and mentoring the local police; and legal considerations are a small fraction of the matters that should be addressed. Since a change in government or a crisis situation does not change the police in that country, SP forces should strive to establish an ethos of public service in the indigenous police and thus engender confidence of the population in the police, while being aware of and following local and international law requirements, national caveats and

¹² NATO Allied Joint Doctrine for Information Operations, AJP-3.10.
cultural sensitivities. Regardless of the area of operation or of the nature of the mission, collaboration and coordination with all actors in the area is crucial.

In terms of concept development, the discussions brought forward some very holistic issues such as the definition of SP, SASE, etc.; the need for the SP community to be innovative and highly adaptable in dealing with new threats, new enemies, new global environments; but also some issues that refer to extremely tangible topics such as setting up and/or improving current institutionalization of LL; increased and improved interoperability and information sharing; coordinated training and materiel requisition and improvement of current TTPs; restructuring the PMO to include SP advisers at all levels (strategic, operational, tactical) in HQs to develop and agree doctrine, SOPs and other guiding documents; developing training and performance standards (for both SP units and HN police); and enhancing coordination, collaboration and information sharing with partners to enumerate a few.

The information collected during this endeavour will contribute to the development of an updated SP Concept by HQ SACT which will be presented to the NATO nations toward the end of 2017.
Chapter 3

Stability: A Need for Pragmatism

Francois du Cluzel

Introduction

In the context of the Stability Policing Concept Development, the HQ Supreme Allied Command Transformation (ACT) Innovation Hub was tasked to focus on the local perception of stability by reaching out to people from different cultures, backgrounds and environments to determine what could be the causes of instability in different places in the world.

Assessing the political, military, economic, social, and cultural backgrounds, as well as the various levels of post-intervention resilience of a country, leads to a recognition that the diversity of each country and conflict and the difficulty of generalizing about might even have negative consequences in another country, which leads to adopting a very pragmatic approach to face the challenges raised by instability. Additionally, there are some crucial principles of stability. In other words, the solutions implemented by one country that produced stability might not work in another location and there is a need for the military to better grasp the social and human environment before the operations to be able to meet the expectations of the population and build the trust that will be one of the main keys to success.

Building on this generally well-accepted statement and leveraging its broad community, the Innovation Hub led a study on the causes of instability across cultures and the perception of stability. The Innovation Hub proceeded in two distinct ways: first, by organizing workshops in different countries outside of NATO and then by interviewing some prominent experts on stability. The workshops were held in India, Afghanistan, and Kosovo and focused on the specific causes of instability in these diverse cultures and locations, while the interviews highlighted

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1 This article does not represent the views of the author or of NATO. It is a compilation of multiple discussions between experts and members of the Innovation Hub Community, as well as posts on forums about Stability written between July 2016 and July 2017.
the experiences of senior officials in post-intervention areas.

**The Causes and Perception of Instability**

Determining the underlying causes of instability of an area is a very complex process. By sponsoring the organization of workshops in Afghanistan, India and in Kosovo, the Innovation Hub tried to measure the causes of instability and the perception of stability from local people. These workshops were conducted by locals, gathering local leaders to provide indicators of the factors that have driven instability in the regions at stake.

**Security as a Prerequisite for Development and Governance**

Building a safe and secure environment is a prerequisite for reconstruction and development. For instance, most of the Afghans participating in the workshop in Herat complained about the lack of security and the incompetence of local and national governance. However, while they admitted that the security situation has significantly improved since 2001 and that their life was better today than it was under Taliban governance, they all desire a safer, securer environment to accelerate their development and achieve better governance.

**Fragile States and Lack of State Capacity**

The weakness of states is often seen as the main source of instability in Africa, particularly in West Africa.\(^2\) Political instability is particularly accelerated by well-identified factors such as the rampant corruption of elites along difficult democratic transitions combined with a strong political awareness of the younger generations.\(^3\)

The insecurity and violence that develops around the world, especially in Africa, is ultimately the result of the incapacity of the state to assume its core functions. No economic development can be sustainably achieved without the existence of a legitimate and capable state.\(^4\) The

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2 Interview of Dr. Clay Drees, June 2017.
3 What social scientists label ‘Youth Bulge’.
4 The part of the “informal economy” which escapes the control and taxation of the state represents up to 80% of the global economy of the West-Africa countries, according to LGEN Clément-Bollée, interview May 2017.
incapacity of weak and illegitimate governments to respond to social contestations may be exacerbated as well by extreme weather events and environmental degradation underlying social and political tensions, inequalities, and demographic conditions that are already putting pressure on resources and governments. As stated in the Strategic Foresight Analysis (2015), climate change is likely to accelerate cross-border migration and urbanization, or even increase the number of conflicts.\footnote{NATO Headquarter Supreme Allied Commander Transformation, “Strategic Foresight Analysis 2015 Interim Update to the SFA 2013 Report,” 23. http://www.act.nato.int/images/stories/media/doclibrary/160121sfa.pdf.} Weak states cause limited resources and rampant corruption that only nourishes the distress of citizens and exacerbate the frustrations within the state. To get out of this vicious cycle implies not only international aid but also a supervisory authority.

\textit{Study Cases}\footnote{For more details on the workshops see https://innovationhub-act.org/content/world-stability-campaign.}

\textbf{Afghanistan}

Participating Afghans agreed that the implementation of stability along Western values and models is inadequate in the specific Afghan socio-cultural and political environment. The perception of stability by Afghans is, surprisingly, well received: during the workshop in Afghanistan, interviewees unanimously recognized that stability has largely increased ever since the fall of the Taliban in 2001. Nevertheless, there is still a real need for better governance, accelerated development, and higher security; the fight against corruption is seen as the number one priority. The most commonly expressed needs of the population are very basic: security, prosperity, and freedom of movement. However, Afghans feel like the International Community is not responding to the needs of the population. The help is widely supply-driven, and driven by donor capabilities rather than a response to the actual needs of the Afghan people. As an example, the Afghan National Army is regarded as being built-up and trained to counter insurgency but not to provide daily security to Afghans, which has a direct negative impact on the entire process of stabilization of the country.
Additionally, replacing *ex abrupto* the existing structure of Afghanistan by Western-like structures is seen as an offense by the Afghans who reacted aggressively towards the interference of foreigners in their domestic affairs. For example, the desire to centralize political and administrative decisions in Afghanistan does not meet the needs of a population that mainly focuses on local affairs. This has fueled rancor and increased the number of insurgents. Imposing a system of foreign values on a country proud of its culture and multi-millennial history has been regarded as an affront by Afghans.

Stability hinges on a universally-accepted impartial political system that should represent the diversity of a society at every level. The problem is crucial in Afghanistan where authorities tend to favor their kinship groups and/or political allies at the expense of rivals.

**India**

In India, the problem of stability is seen in a very different way. Because India has not been at war for decades (1971) and the youngest generation has never known war, they don't consider their country as being unstable. The workshop’s major conclusion was that political stability
is compounded by societal problems such as rape, localized chronic insecurity, corruption at every level of the state, and the broad economic disparities within the country. The participants did not question the cohesion and unity of the country, but the role of Pakistan was considered as a major concern, as a potential factor of destabilization of the country.

**Kosovo**

The example given by Kosovo is very different, as the country was recently created after a major conflict. The workshop highlighted the role played by the promotion of nationalism by the educational institutions in Kosovo. This continues to exacerbate passions and is a major cause of instability. The second main concern of the Kosovars is the proximity to Serbia and the fact that Kosovo must rely on the international community for its own internal security (police and politicians not being considered as sufficiently reliable). Finally, corruption and nepotism are also highlighted as important factors that could undermine the country’s stability.

Fig.2: Workshop on Stability held under the banner of NATO ACT Innovation Hub in Pristina, Kosovo, May 2017.

**Lessons Learned on Stability**

“The main lesson of Iraq is that you can succeed in the military operations, but unless you get the political structures right, and the cultural
structures understood, it is very easy to fail.” Dr. Robert Murphy

This part explores the challenges faced by some senior officials from different backgrounds involved in various stabilization operations.

Fig. 3: Interview of Dr. Robert Murphy on Stability (15 May 2017).

**Understanding the Human and Cultural Environments**

Recognizing the need to better grasp the social and human environment is crucial before putting troops on the ground. Misunderstanding of the human environment is predominantly caused by the barrier of language and the use of “universal keys” which biases the global understanding of the theatre of operation. In order to avoid such misunderstanding at the strategic level, stabilization forces must collaborate with sociologists and anthropologists capable of understanding the environment as well as detecting weak signals and decoding their significance. As for the social and human environment, the stabilization phase deals with reconstruction, and there is a real need to have a clear

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7 SACT Political Advisor

8 Dr. Murphy, Supreme Allied Command Transformation Political Advisor, LGEN (ret.) Bruno Clément-Bollée, former Director of Security and Defence Cooperation in the French Ministry of Foreign Affairs and Dr. Clay Drees, Wesleyan University, former Peace Corps Teacher of Economy in Sierra Leone.

9 As reported by Dr. Murphy, US Army commanders in Afghanistan and Iraq realized very early that they didn’t understand tribes and what was the role of religious and ethnic and tribal adhesion. To meet this need, the US Army set up bodies called Human Terrain Teams as a way of bringing in social scientists as advisors of the Army commanders to provide them with an understanding of the human environment.
understanding of the economic environment.¹⁰

There is also an organizational cultural gap between how social scientists and the military approach the operational environment. While military success mainly relies on the speed of action and unity of command, establishing stability is slow and requires collaboration with many actors from different entities, cultures, and interests and visions of the stable end state.

While the advice from social scientists should be taken into account at every stage and for every task of a stability operation, this does not replace local involvement by all the stakeholders, including the armed forces. Building trust with the locals is critical to the operation’s success, as it ensures that NATO’s objectives and actions are attuned to the local culture and welcomed by the population. By taking local culture and customs into account, NATO aims to pave the way for a smooth transition to local leadership and for a successful NATO end of mission.

Building trust with people from other cultures is never easy or fast. It requires effort from all members of the NATO deployed forces through education, training, and, more importantly, through frequent cross-cultural interactions at individual levels.

**Involving Other Organizations**

Stabilization ultimately requires a social and political settlement based on a holistic approach including all the stakeholders (security providers, International Organizations, Non-Governmental Organizations, private sector, local/regional organizations) from the outset in a very close, transparent and trusted cooperation, with some of the major challenges being “national rivalries, conflicting agendas, and bureaucratic logjams.”¹¹ For instance, the involvement of stakeholders is required for the success of disarmament, demobilization, and reintegration (DDR) of former combatants.

**Empowerment**

When there is strong political will on the part of all parties involved

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¹⁰ One recommendation of Dr. Murphy is to assign an economic advisor to the command.

in the conflict to abide by the peace settlement, early empowerment of local officials is also one of the keys to the success of stabilization missions, as it helps build public trust in the government, and preserves the image of the foreign armed forces.\(^{12}\) For example, the resolution of the Ivorian crisis can be seen as a successful example of a stabilization campaign through local government ownership of the peace process and the reform of the security services under the auspices of the international community. This example is marked by a very strong political will to put an end to the crisis as evidenced by the financial participation of the government of Ivory Coast in the DDR process.\(^{13}\)

**Pragmatism vs. Dogmatism**

Stabilizing a country emerging from a war or crisis can in no way be based on pre-established models. More than in any other circumstances, it is necessary to adapt some common well-identified rules, such as the reform of security services or the DDR process. Yet, the DDR process remains “the single most important factor determining the success of peace operations. Without demobilization, (…) wars cannot be brought to an end and other critical goals — such as democratization, justice, and development — have little chance for success”, according to the UN.\(^{14}\) But the process needs to be tailored to the local situation.

- South Africa had a remarkably successful process with the Truth and Reconciliation Commissions. The accused were guaranteed an amnesty if they simply came forward and confessed all that they had been involved in, regardless of violation of human rights norms. There was a real appetite for reconciliation, not retaliation, and to put an end to exacerbations of relations between the communities in South Africa.

- The example of the DDR process in the Ivory Coast shows a different and original and exemplary process by creating local micro-projects involving a wide range of actors. Initiated at the local level, it consisted of building small teams composed equally by 10 soldiers of both sides (rebels and legalists) demilitarized and

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\(^{12}\) One of the main lesson learned in Iraq and Afghanistan, according to Dr. Murphy, is that coming with one’s solutions to someone else’s problem never works out well.

\(^{13}\) Interview LGEN Clément-Bollée, May 2017.

regrouped to carry out public service tasks (cleaning, firefighting) with training provided by various actors including private sector companies with a strong media presence and under the scrutiny of the international community. Eventually these groups were even transformed into companies.\textsuperscript{15} The delays associated with DDR and Security Sector Reform, however, collided with the impatience of the population. Therefore, there is an urgent need to take action and to make it widely visible through an anticipated strategic communication plan.

Sierra Leone offers a significant example of a tailored strategy. After several failures by ECOWAS\textsuperscript{16} and the UN, the UN changed the mandate of the UNAMSIL (UN Mission in Sierra Leone), making it a peace enforcement rather than a peacekeeping one.\textsuperscript{17} The credibility of the force provoked a major change and led eventually to peace. The renewed credibility of the UN forces eventually allowed the beginning of the DDR process.

Conclusion

Stabilization is a very complex process that cannot be guided by universal and dogmatic rules. It requires sometimes that institutions (armed forces, international, local or regional organizations) get out of their established doctrines and apply pragmatic measures tailored and adjusted to a given situation in post-intervention countries. It also requires a careful diagnosis of conditions, needs, risks, and opportunities to assess the feasibility of the stabilization process.

If building a safe and secure environment is a prerequisite for stability, economic, and social development, then it is the absolute key that will lead to stability. This means that stability can only be achieved through a full and transparent collaboration between the various actors in a theater of operations.

It is often said that the strategic goal of stabilization is to win hearts and minds as a reference of Marechal Lyautey’s strategy in Indochina in the late 19th Century: “As recent campaigns in Iraq and Afghanistan have borne witness, winning hearts and minds is extremely difficult. Can

\textsuperscript{15} This very visible action aimed at demonstrating concrete and rapid action to meet the expectations of the population, but it must be accompanied by a longer-term and less visible strategic action aiming at a solid and sustainable reconstruction.

\textsuperscript{16} Economic Community of West African States, interview of Dr. Clay Drees, June 2017.

Western armed forces effectively bring across their benign intentions in a culturally alien environment?”¹⁸

PART 2:
DIFFERENT INTERNATIONAL PERSPECTIVES
Chapter 4

Policing in the United Nations

Maria Appelblom and Giorgio Giaimo

Introduction

The centrality of United Nations (UN) police has become increasingly recognized not only by the UN Secretariat but also by Member States. Given their role in preventing, mitigating and resolving violent conflict and contributing to early peacebuilding and reconciliation, an effective, capable and delivery-oriented UN police is a key element of UN peace operations. As has been stated:

The unprecedented global demand for UN police reflects a growing understanding of the beneficial role they are playing in war-torn countries during the crucial post conflict stabilization phase. In addition to protecting individuals, they help society as a whole by redefining the role of policing in countries emerging from conflict, forging trust in uniformed police, establishing faith in national justice systems and fostering confidence in peace processes.

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1 The views expressed are those of the authors and do not necessarily reflect those of the United Nations.


4 Secretary-General Ban Ki-moon, UN Police Magazine, July 2009.
The history of UN police goes back to 1948, when Secretary-General Trygve Lie suggested the establishment of the UN Police Service; however, to find the first deployment of UN police in peacekeeping operations we must go back to the 1960s when 30 police officers from Ghana were deployed to the UN Operation in Congo (ONUC) and the first Civilian Police (CivPol) component was deployed to the UN Peacekeeping Force in Cyprus (UNFICYP). Since then, UN police have played an important role in UN peace operations, a role which has grown significantly with more complex and wider tasks as part of an integrated approach to peacekeeping operations and special political missions. Over the last decades, UN police moved from a relatively passive role, for example monitoring individual host-state police officers, to supporting the reform and restructuring of entire police organisations and the development of host-state policing as well as other law enforcement institutions.

The tasks assigned to UN police, determined by mandates from the Security Council, may also include provision of operational support to host-state policing and other law enforcement institutions, or even the conduct of interim policing. Increasingly robust mandates further require police to protect civilians from physical violence. This implies that, where mandated, UN police components must support host-state law enforcement agencies in upholding their primary responsibility with regard to the protection of civilians (POC), as well as to ensure that the human rights of all individuals are respected. We will analyse the role of UN police in protecting civilians later in the article.

In November 2014, the Security Council adopted Resolution 2185 which “resolves to include as appropriate, policing as an integral part of the mandates of UN peacekeeping operations and special political missions.” The resolution further highlighted that police-contributing countries (PCCs) and the Secretary-General must ensure the professionalism and effectiveness of UN police by delivering proper training, providing proper equipment, leadership, gender expertise and a range of other means.

With the development of new scenarios and new challenges that UN peace operations face, policing has become a critical tool to support the creation of conditions for development and sustainability in post-intervention areas. Today, UN police represent a valuable and unique contribution to peacekeeping, peacebuilding and the overall peace and security architecture. Security and sustainability must be addressed
and achieved through a comprehensive approach that, from the police perspective, has to be undertaken within the framework of various rule of law initiatives, along with close coordination with military, political, human rights, and other civilian components in peace operations as well as with host-state stakeholders, particularly security institutions. The initial aim of, inter alia, rule of law actors is therefore to create a solid link between government institutions and local communities to work together on security issues aiming to ensure professional, effective, accountable, and accessible law enforcement, corrections, and judicial institutions.

The UN defines “policing” as a function of governance responsible for the prevention, detection and investigation of crimes, protection of persons and property, and the maintenance of public order and safety. Policing must be entrusted to civil servants who are members of police or other law enforcement agencies of national, regional or local governments, within a legal framework that is based on the rule of law. Police and law enforcement officials have the obligation to respect and protect human rights. It should be noted that the UN does not have a definition of stability policing.

**United Nations Police**

Policing in the UN significantly differs from domestic policing. UN police operate in unfamiliar and unstable operational environments, fragile states where widespread human rights violations, weak protection for civilians, including women and children, might be present along with increasing criminality. Moreover, operational scenarios are often more complex than domestic ones, as they might be characterized by ongoing conflict or post-intervention crisis, lack of political will to support stabilization processes as well as weak local police services and other security institutions which might be unwilling to cooperate or have been weakened by conflict. With regard to the UN police, it is comprised of headquarters staff in the Police Division and police components deployed to peacekeeping and special political missions, which consist of individual police officers (IPOs), both contracted and seconded, Specialised Police

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7 See Chair’s Note and Statements by the Report of the Secretary-General on United Nations Policing, para. 5; United Nations Department of Peacekeeping Operations and Department of Field Services, “Policy on United Nations Police in Peacekeeping Operations and Special Political Missions,” 1 Feb 2014, 11.
Teams (SPTs), and Formed Police Units (FPUs), all of them serving as Experts on Mission. Either in performing their duties or in their private life they must act in adherence with the UN core values “Integrity, Professionalism and Respect for Diversity,” as well as serving diligently, impartially and with dignity, in full respect of human rights norms, standards and practices.

The Police Division is led by the Police Adviser to the Department of Peacekeeping Operations and Director of the Police Division, who provides advice and support on policing issues to the Department of Peacekeeping Operations, the Department of Field Support (DFS) and to the Heads of Police Components (HOPCs) in peace operations. Police components in UN peace operations are ordinarily led by a Police Commissioner in peacekeeping operations and by a Senior Police Adviser in special political missions, serving as the link between the strategic level, represented by the UN Headquarters, and the tactical level, represented by units and personnel on the ground.

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8 The Convention on the Privileges and Immunities of the United Nations (1946), Article VI: “Experts (other than officials coming within the scope of Article V) performing missions for the United Nations shall be accorded such privileges and immunities as are necessary for the independent exercise of their functions during the period of their missions, including the time spent on journeys in connection with their missions.”

9 Secretary-General’s bulletin on the Organization of the Department of Peacekeeping Operations (ST/SGB/2010/1), 8.6.

10 The term “peace operation” includes both “peacekeeping operations” and “special political missions” led by either the Department of Peacekeeping Operations or the Department of Political Affairs.
In this connection, HOPCs play a key role in translating the political will to take action in a certain area into operational plans and tactical field operations. With regard to the protection of civilians, the HOPC and his/her staff participate actively in the development and implementation of the mission’s POC strategy under the leadership of the Head of Mission.

The core functions and tasks of UN police in peace operations are guided by the following fundamental principles, set out in the UN DPKO/DFS Policy on UN police in Peacekeeping Operations and Special Political
Missions:¹¹

- The promotion, protection and respect for human rights must be incorporated into every aspect of the work of UN police.
- UN police shall provide support that is gender-responsive and pays particular attention to the needs of vulnerable groups.
- UN police shall oppose corruption in all its forms.
- UN police shall make every effort to operate in an environmentally conscious manner; minimising environmental impact in its deployment areas.
- UN police shall always conduct a thorough and standardised assessment of the host state situation as a basis for mandate implementation.
- In the planning process, UN police shall engage with partners in the UN system and Member States in an effort to assist in making mandates as clear, credible and achievable as possible.
- UN police core functions shall be implemented within a wider rule of law and security sector reform context - in order to be successful, police development must be coupled with strengthening and reform work in other aspects of the criminal justice chain, with civil society engagement and wider efforts to solidify the rule of law.
- UN police shall make every effort to identify and recruit the specialized capacities to fulfil mandates.
- UN police shall ensure that planned support to capacity development is demand-driven and appropriate in relation to host-state needs.
- UN police shall recognise the political context of their work.
- UN police shall respect host-state ownership and seek broad buy-in.
- UN police shall seek political commitment from host-state authorities.
- UN police shall plan activities with a focus on sustainability from the outset.
- UN police shall evaluate delivery on mandated tasks regularly.
- UN police shall cultivate partnerships – including with UN agencies, funds and programmes, other international and regional organizations, non-governmental organizations, bilateral partners

and “groups of friends.”

The same policy also sets outs the following key elements for police in peacekeeping: Command, Operations, Administration, and Capacity-Building and Development.\textsuperscript{12}

Moreover the General Assembly, in Resolution 34/169 of 17 December 1979, stated: “Every police or other law enforcement agency should be representative of and responsive and accountable to the community it serves,”\textsuperscript{13} which highlights that UN police are deployed to serve local communities. This implies that local communities must be the focus of UN policing by ensuring that they are adequately represented in addressing security issues and that security needs of the entire community are properly addressed, including the needs of the most vulnerable and marginalized groups. In other words, UN police apply a community-oriented approach, encouraging members of the local society to become partners with their security institutions in preventing and detecting crimes in their respective communities.

UN police officers, as peacekeepers, must promote and protect human rights, protect children from violence, including from illegal recruitment into armed forces as child soldiers (S/RES/1612 (2005)), promote gender equality, involve women in peace and security activities, protect women and children from sexual violence in conflict (S/RES/1325 (2000)) and (S/RES/1820(2008)), and contribute to create an environment where human rights are respected.

\textbf{Gender Parity and Gender Mainstreaming in United Nations Police}

Evidence shows that the inclusion of women in peace processes and peace talks leads to a more sustainable peace. Women bring new dynamics and perspectives that will enhance implementation of peace agreements.\textsuperscript{14} In line with the UN Security Council resolutions on women, peace and security, the UN is actively striving to increase gender responsiveness and inclusion in peace operations. In conflict and post-intervention contexts, women and girls are particularly vulnerable and in need of special

\textsuperscript{12} Ibid., 47-52.
\textsuperscript{13} http://www.ohchr.org/EN/ProfessionalInterest/Pages/LawEnforcementOfficials.aspx and also at https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/377/96/IMG/NR037796.pdf?OpenElement
\textsuperscript{14} Report of the Secretary-General on women and peace and security (S/2015/716)
protection measures. Both due to cultural, religious and social norms as well as from a perspective of trust, there is a need for female peacekeepers in order for peace operations to be approachable for the whole host-state population. Female peacekeepers also play important roles as agents for change, as role models, and for enhancing efficiency and effectiveness of mandate delivery.

In 2009, the UN Police Division launched the Global Effort, aiming at reaching a goal of 20 per cent women in UN police by 2014. Despite continued efforts, the percentage has remained at around 10 per cent on average. The deployment of female officers among individual police officers increased but continues to fluctuate between 16 to 20 per cent. The number of women police among Formed Police Units (FPUs) remains lower, at about six percent (in spite of a few all-female FPUs, see below). As FPUs amount to about two-thirds of all UN police officers, this reduces the average of deployed female UN police. The Security Council, in Resolution 2242 of 2015, requested UN police to double the amount of female officers within five years.

In addition to improved gender parity, gender shall also be mainstreamed into all actions and activities performed by UN police. At strategic, operational and tactical levels the situation for men, women, boys and girls needs to be assessed and the consequences for those groups considered in all undertakings. During conflict, women have in many cases performed tasks that had earlier been perceived as male and managed societal undertakings such as heading households, etc. After conflict there is, therefore, a particular window of opportunity to build on women’s enhanced participation. This is also a window of opportunity for the host-state police, with support from the international community, to enhance the recruitment of female officers. One post-intervention country that has taken this approach is also currently one of the countries contributing the highest share of female officers for UN peace operations.

Community-oriented Policing in United Nations Peace Operations

Service to local communities is an approach and strategy that UN police apply in performing all mandated functions,¹⁵ and it is based on the engagement with civil society, including minorities and vulnerable groups, such that they are involved in preventing and managing security needs and other security-related issues. Such community engagement also

supports mission leadership in identifying more appropriate strategies to improve the security in the area and to better protect the local population. Having the local population on board along with police represents a key of success. It also contributes significantly to obtaining additional sources of information that can help to prevent crimes and fight against peace spoilers, and to identify potential spoilers that could destabilize the environment or jeopardize the stabilization process. This community-oriented policing approach also contributes to enhancing public trust in the police.

**UN Police and Protection of Civilians**

Protecting civilians is a critical aspect of protecting peace and requires harmonized and coordinated actions among all mission components: civilian, military and police. Civilians are often a target of opportunistic violence, i.e. indiscriminate violence resulting from the lack of law and order which is typical in conflict and early post-intervention situations. This includes, but is not limited to, indiscriminate looting and illegal taxation, rape, sexual violence and in some cases forced recruitment and forced labour. Moreover, civilians may become targets of strategic violence which aims to target specific individuals or communities to achieve strategic goals of the perpetrators. This may include, among others, targeting of ethnic, racial, sexual, religious or political groups and may be designed to further political, economic, religious or military ends. This can include ethnic cleansing and genocide, forced displacement for the purpose of controlling lands or populations, and violence for the purpose of humiliating or de-legitimizing opposing political or military authorities. Sexual violence in conflicts is a tactic of warfare and may in this context become war crimes or crimes against humanity.\(^{16}\)

Currently, over 95 per cent of UN peacekeepers operate under a protection of civilian mandate.\(^{17}\) Activities to implement the specific POC mandate, found in the relevant Security Council resolution, are implemented based on each mission’s POC strategy, developed with the contribution and support of all mission components. The Security Council, in Resolution 2185, highlighted the central role of UN police in the protection of civilians as part of a comprehensive approach to missions

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with POC mandates. UN peace operations undertake POC activities through the following three-tier approach:

- Tier I – protection through dialogue and engagement.
- Tier II – provision of physical protection.
- Tier III – establishment of a protective environment.

UN police contribute significantly to all three tiers; however, among the three, Tier III is where UN police play an essential role in establishing a protective environment and building the capacity of the host-state police and other law enforcement services to protect civilians.

Fig. 2: UN Photo/Albert González Farran. A Tanzanian police officer, serving with the African Union-United Nations Hybrid Operation in Darfur (UNAMID), talks with a woman resident at the Zam Zam camp for internally displaced persons together with a community-policing volunteer at the camp on 26 June 2014.

UN police must plan and conduct their POC activities based on a threat assessment which will include, among others, means and capabilities as well as willingness of host-state police and other law enforcement agencies to protect civilians and location of vulnerable and other groups that could be at risk of violence. The assessment should also include capacity and intent of spoilers or potential spoilers and other armed groups, including those that may be involved in serious and organized crime. This assessment should be part of a mission-wide threat assessment. Although the host-state has the primary responsibility for protecting civilians, UN police play a critical role on developing local police capacities, supporting their protection efforts in full compliance with the “UN Human Rights Due Diligence Policy (HRDDP).” Moreover, in cases where the host-state police are unable or unwilling to protect civilians, UN police shall have

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the authority and obligation to protect civilians under threat of physical violence, through use of force if necessary.

UN police also contribute to protections of civilians by taking prevention and pre-emption measures, such as deploying their personnel in sensitive areas where the risk of incidents has been identified or gathering and analysing information and responding to incidents within their means and capabilities. In undertaking POC activities, it must be clear and shared with host-state authorities and local populations that peacekeepers have limited means and capabilities, and they cannot be present everywhere at all times. This message should be clear in order not to create expectations that cannot be met by the peacekeeping operation.

Standing Police Capacity

The UN Standing Police Capacity (SPC), established in 2007, is a rapidly deployable component of the UN Police Division.19 It comprises senior, skilled police officers and managers who can support the start-up of new missions as well as provide advice and assistance to already existing peace operations. In providing support to the start-up of new missions, SPC staff can also significantly contribute to the establishment of the Mission Police Headquarters until personnel are recruited by the Police Division from Police Contributing Countries and deployed to the mission.

Currently, SPC has an authorized strength of 36 officers (20 seconded, 16 civilians) who are organized in 3 teams (Administration, Operations, and Development) and cover, inter alia, the following areas of expertise: leadership and management, information technology, legal affairs, human resources, gender, community-oriented policing, logistics, police reform, public order, transnational crime, planning, budget and funds management, police analysis, investigations, and training. All SPC officers have strong police experience and skills additional to those listed.

In addition to its primary functions mentioned above, the SPC may also be requested to provide expertise as part of the Global Focal Point for Police, Justice and Corrections in the Rule of Law in Post-Conflict and Other Crisis Situations arrangement, which brings together the DPKO and the UN Development Program (UNDP), along with the UN Office on Drugs and Crime (UNODC), the Office of the High Commissioner for Human Rights (OHCHR), and UN WOMEN. SPC also receives requests for assistance from intergovernmental and regional organizations, along

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Policing in the UN

with Member States that do not have UN missions. Further, SPC may provide training support to Member States or regional organizations or conduct specialized training courses for UN police officers serving in the field. The SPC may also conduct operational assessments and evaluations of UN police components as well as other relevant mandated duties as approved by the Under-Secretary-General for Peacekeeping Operations.

Fig.3: UN photo. MINUSCA Police Commissioner Luis Carrilho and Chief SPC in Bangui, Central African Republic.

Since 2007, SPC has assisted 44 field missions and UN country teams and has delivered support during the establishment, transition, draw-down and closure of peacekeeping missions. Further, the SPC has provided assistance to established peace operations as well as to UN agencies, funds and programmes (UNDP, OHCHR and UNODC) in delivering mandated tasks and in delivering development assistance to host-country law enforcement and security services. Additionally, SPC provides training assistance through partnership arrangements with the Centre of Excellence for Stability Police Units (CoESPU) in Italy, the African Union, and other partners.

The demand for SPC services and competencies, as well as the scope of tasks that SPC is requested to deliver, continues to increase.
Police-Military Cooperation

Police and military cooperation is critical in peace operations, particularly during volatile and insecure conditions. Under such conditions police and military might be called to operate together to contribute to a safe and secure environment and to create conditions for a sustainable peace. As a matter of principle, joint operations should be seen as exceptions rather than the rule. Different training, different missions and different tactics, techniques and procedures as well as different backgrounds could create problems while conducting joint operations. Nevertheless, should the need to work together arise, mutually supportive operations, conducted under the respective chain of command, could be considered as a valid option for cooperation between the two components. Although with different missions and tasks, in mutually supportive operations both components shall perform operations which are complementary to achieve a common goal. Joint planning, operational and tactical coordination as well as information sharing are critical elements for the success of operations. Joint planning should also aim to avoid any duplication of efforts, optimize available resources and respect the independent role of each component. In planning such operations, it is also critical to identify a clear command and control structure as well as the tactical area of responsibility where police and military activities will be conducted under the responsibility of the respective commanders, namely “Blue box” for police and “Green box “for military operations. In any case, any arrangements among different components should not result in any operational delays.

Examples of police and military cooperation may include crowd control operations, checkpoints, joint patrols and protection of civilian’s activities.

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21 United Nations DPKO/DFS, “Policy (Revised) on Formed Police Units,”, paras 47-49.
Fig.4: UN Photo. Assessment exercise of the readiness and preparedness of a Ghanaian formed police unit (FPU) before its planned deployment to South Sudan by the United Nations Police Division and the UN Mission in South Sudan in February 2017.

Fig.5: UN Photo. Assessment exercise of the readiness and preparedness of a Ghanaian formed police unit (FPU) before its planned deployment to South Sudan by the United Nations Police Division and the UN Mission in South Sudan in February 2017.
With specific regard to crowd control operations, the 2017 Revised FPU Policy highlights the following scenarios: “Situations of public disorder of a non-military nature” which generally refers to situations of public disorder where there is no sustained use of firearms or military weaponry and “Situations of public disorder of a military nature” which normally refers to situations of public disorder where there is sustained use of firearms or military weaponry. In the first scenario, FPUs should have primacy in addressing such situations in support of/or in cooperation with host-state law enforcement agencies while in the second scenario the military component should have primacy in addressing such situations in support of or in cooperation with relevant host-state agencies.

To achieve the most effective cooperation between the two components, mission-specific guidance and Standard Operating Procedures shall be developed to outline modalities of cooperation and clear circumstances that indicate, among others and if necessary, how and when transitions of responsibility between the two components take place bearing in mind that the success of mutually supportive operations also depends on joint training and exercises that should take on regular basis.

Finally, with regard to Protection of Civilians, the two components are the only tool in the hand of the Head of Mission to provide physical protection to civilians under threat of physical violence, and, therefore, their cooperation is essential. Such activities may include joint (high-visibility) patrols, information gathering, deployment to strategic locations, and response in case of incidents. Modalities for cooperation between military and police should be reflected in joint operational guidelines, detailed communication and reporting lines, delineation of responsibilities and tasks, delegation of authority, and clear guidelines for the transfer of authority between the police and military components. It should be highlighted that in no instance will an exception placing of the police under temporary military command allow for UN police to exceed their Directives on Use of Force.

**Formed Police Units**

The 2017 Policy (Revised) on FPU in United Nations Peacekeeping Operations defines them as “specialized, cohesive, armed mobile police units, providing security support to UN operations by ensuring the safety
and security of UN personnel and assets; contributing to the protection of civilians; and supporting police operations that require a formed response.”

FPUs are self-sustainable, mobile and flexible units deployed to field missions with their Contingent Owned Equipment (COE) under a Memorandum of Understanding (MoU) signed between the UN and the police contributing country. As of June 2017, 60 FPUs from 19 Member States, which represents more than 65 per cent of the UN police, are deployed to seven peacekeeping operations in Central African Republic, Darfur, Democratic Republic of the Congo, Haiti, Liberia, Mali, and South Sudan. From these numbers it is easy to understand how large the FPUs contribution to peace operations is and, more precisely, how vital they are to UN police.

The core functions of FPUs are as follows:
- Protect UN personnel and property.

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22 United Nations DPKO/DFS, “Policy (Revised) on Formed Police Units, para. 8.
• Contribute to the protection of civilians.
• Support police operations that require a formed response or specialized capacity above the capability of IPOs.

Although capacity building is not among the FPU core functions, if the mandate and the operational situations allow, FPUs can contribute and support capacity building initiatives, particularly in the area of public order management and training of host-state law enforcement agencies. A pre-requisite for such contributions is that within the units there are available qualified trainers to support this.

The composition of FPUs, which referring to military structures can be considered company-size units, has to be flexible and may vary according to the different stages of missions and/or the operational environment. As a minimum and standard requirement, each unit should consist of three components, namely: 1) command and operations which comprises command staff officers, 2) logistical support which provides the unit with skilled personnel to provide all the support services and 3) the executive component which consist of operational platoons to perform the mandated tasks. The overall strength of an FPU is normally between 140 and 160 police officers. In addition to such standard components, specialized elements such as SWAT (Special Weapons and Tactics) Teams, forensic teams, K9 (dog) units, EOD (Explosive Ordnance Disposal) Teams and other specialized assets can be deployed as part of a FPU based on specific mission operational assessment. Moreover, National Support Elements (NSE) can be deployed; however, the related costs for these shall be covered by the contributing Member State. Regardless of the overall strength of the FPU, the executive component should always represent at least 85 percent of the strength of each FPU.

FPUs are a unique tool in the hands of HOPCs to address police issues that could not be managed by IPOs. Their ability to act as a cohesive unit using their specialized weaponry, equipment and training provides the police component with heightened robustness and, if properly tasked, equipped and trained can represent an added value for the HOPC and the UN mission. In order to increase gender parity and to enhance efficiency and effectiveness, especially in the contacts with the local population, all female FPUs have been deployed, e.g. from India to UNMIL and from Bangladesh to MINUSTAH.
Fig. 7: UN Photo/Logan Abassi. Medals Given to Female Police Officers in Haiti. Members of the Bangladeshi Formed Police Unit (FPU), an all-female FPU deployed to the United Nations Stabilization Mission in Haiti (MINUSTAH), receive the UN service medal for the contribution to peace and security on 11 April 2011.

Fig. 8: UN Photo/Marco Dormino. An all-female Formed Police Unit from Bangladesh, serving with the United Nations Stabilization Mission in Haiti (MINUSTAH), arrives in Port-au-Prince to assist with post-earthquake reconstruction on 1 June 2010.
With regard to the deployment of FPUs there are several factors that have to be considered to optimize their role. FPUs can succeed in their operations if the following conditions are met: strong leadership at different levels, high level of serviceability of their equipment, ability to act as a cohesive unit, mission-tailored training, flexibility and mobility, and inter-operability among FPUs from different countries as well as with military contingents. Under certain conditions they must also be capable of interacting in operations with host-state law enforcement and security agencies. It is critical that there is awareness of their role, means and capabilities in the mission leadership, who need to understand that FPUs are police units and they must be tasked to perform police activities - they cannot be considered as light military units.

Having introduced the concept and composition of FPUs, the final section of this chapter is dedicated to some of the pre-deployment verifications and assessment that FPUs go through before being deployed to any mission.

Prior to the initial deployment of each unit, its logistical readiness is verified during a pre-deployment visit conducted by DPKO and DFS personnel, including field mission experts. The aim is to ensure that the Contingent Owned Equipment (COE) meets the requirements of the MoU and similar verification will be conducted by mission COE inspectors upon arrival of the unit in the mission area. With regard to the assessment of operational readiness, an FPU and its personnel must meet certain pre-defined criteria which are assessed by the Formed Police Unit Assessment Team (FPAT). This is a unique tool that only the UN police have, and it is conducted prior the deployment of each rotation to the mission area. FPU personnel are deployed for a tour of duty of 12 months, then are replaced by another contingent from the same police contributing country, while the COE remains in the mission area.

The FPAT, which also serves to assess the professional background of FPU officers as well as the specific training received by the unit, is conducted in the country providing the unit and takes place between one and two months prior to deployment to the mission area. The FPAT is conducted by a team, normally led by the Police Division, comprising certified instructors including UN police officers from missions. The FPAT is a mandatory step for all FPUs and consists of four phases: 1) language assessment and operational interview for all members of the command staff (i.e. commanders and their staff including platoon and section commanders), 2) driving test for all drivers, 3) assessment of tactical
readiness of the executive components tested through a tactical exercise, 4) shooting and weapons handling for all the personnel assigned to carry weapons. Only FPUs that successfully complete the assessment can be deployed. Should one unit fail the assessment or part of it, the unit will have to undergo new training and then be re-tested.

IPOs must pass a similar assessment before deployment, which consists of language and driving tests and weapons handling and shooting assessments.

**Way Forward**

Some of the challenges in peace operations are the risk of arriving too late and leaving too early, while host countries are still in non-stable conditions, which could lead to or generate new conflicts. Moreover, the future will bring new challenges for policing in the UN, whose role continues to increase. New conflicts, increased asymmetric threats, serious and organized crime, illegal immigration connected to an increasing phenomenon of human trafficking in/from crisis areas, and child soldiers and/or children utilized by terrorist organizations for suicide attacks will require continuous and harmonized efforts by the UN and Member States to identify and develop new strategies to meet emerging security needs. Such efforts should also focus on strong leadership and on the deployment of more skilled, specialized and qualified personnel, in particular more female police and military. Rapid deployment, flexibility, and mobility of units and specialized teams will be also vital factors for the success of police missions even if this will require additional efforts from Member States in providing the proper skills at the proper time.
Chapter 5

Genesis and Status of the EU Crisis Management Capacity for Stability Policing

Luigi Bruno

Introduction

Whether historic events model geo-politics or geo-politics models historic events it is hard to say. Sovereign States and people shape their alliances based on them sharing evolving interests and objectives and by developing formal and informal processes to express collective wills reflecting the different needs of various groups. Each group deploys resources to ensure those conditions that in their perspective are required to achieve their objectives and, when different perspectives compete with each other, they generate conflict. Hence why international crisis management deals with conflict resolution and stabilization.

To stabilize means to bring a region, a country or the governance of a territory to a condition of reliability and resilience, internally and externally within the international community.

However, while the curve of Lund\(^1\) patterns a conflict cycle generally applicable, the nature of conflict and related crisis management are case-specific and in constant evolution.

In particular, the fall of the Berlin Wall in 1989 represented a turning point for international crisis management. The nature of conflicts

affecting global stability mainly moved from inter- to intra-state and
the inviolability of a country’s sovereignty was no longer regarded as an
absolute principle by the international community.\(^2\)

**International policing takes off**

Since that symbolic end of the Cold War, alongside interventions
such as peace-making, peace enforcement and peacekeeping operated by
military forces, a growing demand emerged to engage civilian assets in
international crisis management.

Indeed, once the war is over there comes the need to win the peace.
The architecture and tissue of conflict-torn societies need to be rebuilt,
through reconciliation and often in absence of the ability to self-govern, to
pave the way for a lasting peace (peacebuilding).

Consequently, the acknowledged need to re-establish the basic
conditions for orderly living in the aftermath of a conflict became not only
a priority but a key factor of any stabilization strategy, as pre-condition
for effective reconstruction. This aspect includes the need to fill in the so-
called “security gap”, where local police is unable or unwilling to operate
and conventional military forces are not equipped or trained to manage
public order or to fight criminal phenomena.

As part of the response to this priority, international policing, and its
specific aspect of stability policing took off in the ‘90s in the context of
civilian missions and military operations:

- The UN Mission in El Salvador (ONUSAL) was launched in 1991,
towards the end of the civil war, with contingents of police officers
deployed as human rights monitors\(^3\);

- The Western European Union\(^4\) Police (WEU POL) deployed in Mostar

\(^2\) For example, the UN Security Council Resolution 678 of 29 November 1990, which
authorized the use of force to compel Iraq to withdraw from Kuwait, illustrates this change. UNSCR

\(^3\) ONUSAL was the first UN police mission after the end of the Cold War.

\(^4\) The Western European Union (WEU) was an international organisation and military
alliance, tasked with implementing the Treaty of Brussels (as modified in 1954). After the end of
the Cold War, WEU tasks and institutions were gradually transferred to the ESDP. This process
was completed in 2009 when a solidarity clause between the Member States of the EU, which was
similar (but not identical) to the WEU’s mutual defence clause, entered into force with the Treaty of
Lisbon. Following a decision of 31 March 2010, the WEU officially ceased to exist.
during 1995/96 to train a Croat-Muslim police about to be established;

- NATO deployed, in 1998, the first Multinational Specialized Unit (MSU) within its Stabilization Force (SFOR) in Bosnia-Herzegovina (BiH);

- An EU Police Mission (EUPM), the first European Security and Defence Policy (ESDP)\(^5\) crisis management operation deployed its planning team in BiH in May 2002.

Why is police a priority in crisis management?

The need to fill in the security gap rose alongside international interventions after intra-state conflicts\(^6\). During the golden hour in the aftermath of a conflict, there is a constantly proved necessity, among others, to counter the criminalized power structures\(^7\) that take advantage of the governance vacuum and spoil stabilization efforts. In this sense, stability policing comes as a critical tool (although not sufficient alone) to bridge ending the war with winning the peace.

A first example of stability policing was the above mentioned MSU deployment of 1998 in BiH. With the entry into force of the Dayton Peace Agreement, the changed nature of the threat to a safe and secure environment brought to review the composition of the NATO Stabilization Force (SFOR). On 3 August 1998, a gendarmerie-like Regiment strong of 500 personnel deployed with SFOR\(^8\) (Italy acting as framework nation with 400 Carabinieri) against the downsizing of approximately 6000 troops. This decision followed the lesson learned after the disorders that occurred in Brcko during the summer of 1997. US soldiers in tanks were in the practical impossibility to use their military weapons (fit for the use of force in armed conflict) against violent protesters (representing a public disorder

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5 The European Security and Defence Policy (ESDP) is an element of the EU’s comprehensive approach towards crisis management, drawing on civilian and military assets. It is part of the Common Foreign and Security Policy (CFSP) that had been established by the Maastricht Treaty on European Union in 1992. ESPD was outlined in detail by the Amsterdam Treaty (1997) and renamed Common Security and Defence Policy (CSDP) by the Lisbon Treaty (2007).


not constituting an armed conflict situation) while rescuing unarmed UN international police officers caught by an angry mob.

The year after, following the UN Security Council Resolution 1244, the NATO-led Kosovo Force (KFOR) moved into the former Serbian autonomous province and was quickly supported by an MSU that, among other things, started to activate “police stations” where the population could refer to in case of need. KFOR de facto exercised a sort of police role until the international police of the UN Mission in Kosovo (UNMIK) could deploy. For the first time in 2000, Formed Police Units (FPU) deployed in a UN mission⁹.

In June 2000, the Council of the EU concluded at Feria (Portugal) that the ESDP priorities within the so-called Petersburg Tasks¹⁰ were (and still are):

- Police;
- Other Rule of Law (RoL) aspects (i.e. judiciary and penitentiary);
- Civilian administration.

At Feira, the Council also agreed on identified concrete ESDP police capacity targets and that special attention had to be paid to the development of robust, rapidly deployable, flexible and interoperable EU Integrated Police Units (IPU), as well as to the possibility of a smaller number of Member States cooperating to build capabilities in this specific field¹¹.

In 2003, during the US-led coalition military campaign in Iraq, an MSU-like formation was part of the Italian-led Joint Task Force assigned to the Nasiriya Province. Alongside the main component with combat potential, which included info-gathering and investigation capacities, other specialised Carabinieri personnel deployed, such as experts in

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¹⁰ Agreed in Bonn by WEU in 1992 and originally referred to military assets only, Peterberg’s Tasks included: common defence (NATO and EU); humanitarian; peacekeeping and peace-making.

¹¹ See EUROGENDFOR establishment mentioned ahead in this article.
environmental protection, cultural heritage protection and public health protection. Taking care of these other “civil tasks”, it provided added value to the work already performed and in progress.\textsuperscript{12}

In March 2004, province-wide riots in Kosovo provided key lessons: the need to avoid the negative and embarrassing consequences of failing to provide a coordinated military and police response (including when deployed under the flag of different international organizations)\textsuperscript{13} and the importance of a readily deployable stability policing capacity in reserve.\textsuperscript{14}

Later in 2004, an IPU replaced the MSU in BiH when SFOR handed over to the EU Force (EUFOR). Also in 2004, the NATO Training Mission – Iraq was launched and the lead to train the Iraqi police was assigned to the Carabinieri.

In 2005, after a G8 initiative, Italy established the Centre of Excellence for Stability Police Units (CoESPU) in Vicenza, with the aim to train trainers for the development of stability policing capacities for Africa. CoESPU soon became an important doctrinal hub supporting the development of the UN FPU concept.

In 2005, also in Vicenza, five EU Member States established the European Gendarmerie Force (EUROGENDFOR or EGF) with a permanent international headquarter for the rapid deployment of gendarmerie-like forces on behalf of its participant States or an international organization.\textsuperscript{15}


\textsuperscript{13} See:
- The Power of Dependence – NATO/UN cooperation in crisis management, Michael F. Harsch, Oxford University press, 2015, pages 94 to 96 are available at https://books.google.it/books?id=64MwBgAAQBAJ&pg=PA95&lpg=PA95&dq=Note+of+Understanding+for+the+maintenance+of+the+rule+of+law+in+Kosovo&source=bl&ots=vi_qBJ9TD-D&sig=hoEKoR03NsIm-4vCrT4FoOqfDEPh&hl=it&sa=X&ved=0ahUKEwjUyL_yyNvUAhVGfX-oKHfzQBhsQ6AEITAA#v=onepage&q&f=false

\textsuperscript{14} MSU assets in BiH were able to respond to the reinforcement request from their sister units in Kosovo within 48 hrs.

\textsuperscript{15} See also The potential of the European Gendarmerie Force, Michiel de Weger, Netherlands Institute of International Relations Clingendael, March 2009, available at https://www.clingendael.nl/sites/default/files/20090400_cscp_gendarmerie_weger.pdf
In 2007, the EGF acquired its own international legal status, and in 2014 an administrative arrangement was concluded as a framework for EGF support to the European External Action Service (EEAS). Nowadays, the EGF counts seven Member States, one partner country and one observer country\textsuperscript{16}.

In 2009, the NATO Training Mission – Afghanistan (NTM-A)\textsuperscript{17} was established and the Carabinieri directed the most important police training hubs in Adraskan, Herat and Kabul.

Last, but not least, in 2015 and again in Vicenza, the NATO Stability Police (SP) Centre of Excellence (COE) was established\textsuperscript{18}. The NATO SP COE is the latest doctrinal hub of the kind and includes training activities among its deliverables.

The facts above show how international policing, and stability policing specifically, as well as its range of tasks have been in constant expansion from peacekeeping towards peacebuilding during the last two decades. More recently, the idea of international police is further evolving after the newly raised destabilization threats generated by terrorism and massive irregular migration flows. One can clearly notice the trend of the international community to seek equipping itself with robust and readily deployable police assets, where gendarmerie-like forces in particular (but not only) become more and more of added value to military operations as well.

**Genesis of the civilian dimension of the EU crisis management**

The Balkan wars of the ‘90s definitely had an impact on the evolution of the EU that underwent a radical institutional reform with the Amsterdam Treaty signed in October 1997 and entered into force in May 1999. Before that, the EU international crisis management had a purely military dimension operated by the WEU. In December 1999, as part of the initial implementation of the Amsterdam Treaty, the Council of the EU concluded at Helsinki that a “non-military crisis management mechanism will be established to coordinate and make more effective the

\textsuperscript{16} The official site of EUROGENDFOR is available at \url{http://www.eurogendfor.org/}

\textsuperscript{17} Carabinieri had been deployed with the International Security Assistance Force (ISAF) in Afghanistan since 2003.

\textsuperscript{18} The NATO SP COE website is available at \url{http://www.nspcoe.org/about-us/history/nato-sp-coe}
various civilian means and resources, in parallel with the military ones, at the disposal of the Union and the Member States”.

The EU started then to equip itself with a political advisory body. The Committee for Civilian Aspects of Crisis Management (CivCom) was established in May 2000 and held its first meeting one month later, to provide relevant advice to the Political and Security Committee (PSC).

Furthermore and as agreed by the Council of Nice in December 2000, the EU reinforced the structure of the Council General Secretariat with permanent police expertise by establishing the Police Unit within its Directorate General of External Relations (DGE) IX, in charge of civilian aspects of crisis management\(^{19}\). Finally, with the aim to be capable of carrying out any police operations\(^{20}\), Member States committed to put 5000 police officers at the disposal of the EU, of which up to 1400 were to be deployable within 30 days\(^{21}\).

These capacity building efforts led to establish the planning team of the first ESDP mission in April 2002. Eight months later, in January 2003, the EU Police Mission in Bosnia-Herzegovina (EUPM-BiH), with 800 international staff (the great majority being police officers), took over from the UN Mission in Bosnia-Herzegovina – International Police Task Force (UNMIBH-IPTF).

The EU was able to launch its first mission, starting from point zero, in only three years\(^{22}\). In terms of procedures, on 3 July 2003, the PSC took note of the final version of the “Suggestions for procedures for coherent, comprehensive EU Crisis Management”\(^{23}\). These crisis management procedures where then reviewed in 2013 to reflect the evolution of the

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19 It is also worth mentioning that the EU Military Staff (EUMS) includes a senior Carabinieri officer as permanent advisor on policing issues.


21 This is the so called “Police Action Plan” adopted by the Council conclusions of June 2001 at Göteborg.


EU structures as well as to integrate lessons learned and best practice experienced during the past decade.

**The EU stability policing concept**

Since the abovementioned first appearance of the EU on the international crisis management scene as a global player, a lot of conceptual work has been developed to promote the growth of the civilian and military ESDP/CSDP instruments, in terms of capability and effectiveness, including in relation to its stability policing capacity.

However, the pioneer years of the Police Unit were the most effervescent and productive ones, specifically for the development of a concept around “robust, rapidly deployable, flexible and interoperable EU Integrated Police Units”.

Based on the NATO and UN experience, and because of the civilian and military nature of the ESDP instruments, the European concept included two configurations tailored to ensure continuity during a stabilization intervention:

- The mentioned IPU, a more robust asset intended to be mainly formed by gendarmerie-like forces, temporarily deployable under a military chain of command in scenarios characterized by a higher security risk; and

- The Formed Police Unit (FPU), a lighter asset to which any police service could contribute, deployable under a civilian chain of command only and in more benign security circumstances.

IPUs and FPUs had also been conceived as the core of an EU rapid reaction capability.

**The evolution of EU crisis management structures**

Significant structural improvements occurred at EU headquarter in Brussels during the last decade:

- In July 2007, the Council decided to equip itself with a permanent civilian operations headquarter named the Civilian Planning and Conduct Capability (CPCC) to improve the management and effectiveness of its civilian CSDP. CPCC declared full operational capability in November 2008;
In January 2010, the Council also decided to streamline its crisis management structures by merging the former DGEIX (civilian aspects of crisis management), DGEVIII (military aspects of crisis management) and the EU Military Staff Civilian-Military Cell into the Crisis Management and Planning Directorate (CMPD) responsible to inform and prepare comprehensive political-strategic decisions of the PSC in the field of ESDP;

On 1 January 2011, following the implementation of the Lisbon Treaty, all Council crisis management structures (including the CPCC) were transferred in block to the newly established European External Action Service (EEAS);

In 2015, a new post of EEAS/Deputy Secretary General for CSDP (former ESDP) and Crisis Response was established with responsibility over the crisis management structures;

In 2017, the Council decided to establish a permanent Military Planning and Conduct Capability to be responsible at the strategic level for the operational planning and conduct of non-executive military missions.

Far from being a sterile narrative of facts and dates, this helps appreciating the dynamism of the growth of the EU as a global actor in the field of international crisis management. Now, re-focusing on the specific stability policing capacity, it has to be noted that, so far, the EU only deployed the IPU in BiH within EUFOR (military operation) and the FPU in Kosovo within the EU Rule of Law Mission (EULEX, the only civilian substitution mission).

As a matter of fact, a robust, rapidly deployable, flexible and interoperable police capacity seems to fit more with executive functions or, when the need comes to deploy at short notice, to bridge until the regular force generation process for the mission can run its own course.

There have been other critical moments in which the EU expressed an appetite for having recourse to a stability policing capacity, for example when preparing the launch of the EU Monitoring Mission (EUMM) in Georgia in 2008 and recurrently when updating the planning of a possible reactivation of the EU Border Assistance Mission in Rafah. However, it did not happen in the absence of a pre-identified capacity, agreed procedures to trigger its activation and clear understanding of the costs.
Training

A last but not least fact worth mentioning is that the European Commission funded the so-called EU Police Forces Training under its Annual Action Programmes of the Instrument for Stability “crisis preparedness component” (EUPFT 2008, 2009 and 2010). This was an ambitious project that trained approximately 1,800 EU Member States’ police experts for participation in international policing missions, including on aspects of stability policing.

Building on the successful experience, it was proposed to continue this training while expanding it to police officers from other countries outside the EU and extending it from one to three years. The European Commission then published the call for the “European Union Police Services Training 2011-2013”.

Through this action, a Consortium of EU police services delivered a training programme to around 2400 police officers from the EU, non-EU countries contributing to CSDP mission, and African Union (AU) countries.

Currently, EUPST II (2015-18) is still ongoing with the objective to “improve the capacities of police officers and gendarmes from EU member States as well as from partner countries to successfully participate, coordinate and inter-operate in international stabilisation missions and in projects including a police component”.

The new EU global strategy

Before concluding the issue of EU stability policing capacity, it is important to see how it relates to the recently adopted EU Global Strategy (EUGS), where current and future EU security challenges are identified.

In essence, the EUGS provides a vision where the need to ensure coherence, complementarity and continuity across all EU constituencies permeates each page, aiming at the EU playing a credible constructive role at regional as well as at global level. Indeed, the unique set of EU crisis

24 These new countries had to be non-EU countries contributing to Common Security and Defence Policy (CSDP) missions and African Union countries, in order to also enhance the African Union’s civilian crisis management capacities in the field of international policing.

management tools calls for an integrated approach to conflict and crisis, within which the EU approach to stability policing confirms its soundness.

The security gap in post-conflict scenarios continues to represent a significant challenge to stabilization. Growing in complexity, it increasingly requires operational adaptability alongside rapidity of response in order to ensure continuity between tailored actions of peacekeeping and peacebuilding. The flexibility and modularity of the stability policing capacities of EU Member States are potentially fit to meet these requirements and promise to continue meeting the current and future security challenges.

**A reflection about the nature of the EU power:** The EU is often regarded as a “soft power” that prefers to use diplomacy and development aid, but also engaging in peacekeeping and peacebuilding\(^\text{26}\) when necessary. Nonetheless, 22 out of 29 NATO countries are EU Member States that do engage under the NATO flag in heavier military peace-making/enforcing to respond to world disorders under the aegis of the UN Security Council.

This EU Member States attitude is explained by what is stated in the EU treaties themselves and how military arrangements are set therein, where the primary tool of EU defence was and continues to be NATO. Coherently, when it comes to the most sensitive and dramatic circumstances where a military power has to be displayed, the EU Member States prefer to share the burden and the responsibility with their North Atlantic allies, in line with their international commitments.

This to say that whether EU as such can be regarded as a “soft power”, this definition does not apply to its individual Member States when acting collectively in the context of other international organizations.

**Considerations and possible future perspectives**

As observed, stability policing has more to do with the exercise of

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\(^{26}\) So far, two thirds of the ESDP/CSDP engagements have used the civilian instrument and one third only has been conducted under the aegis of the military instrument (in any case, the latter never engaged in peace-making or peace enforcing operations).
executive powers in a vacuum of local governance and thus it tends to lean towards peacekeeping rather than peace building. This explains why the requirement for such a capacity is felt more by NATO than the EU.

Additionally, the fact that CSDP military engagements cannot be funded by the CSDP budget influences the use of stability police in EU military operations where “costs lay where they fall”\textsuperscript{27}.

As proved by the ESDP/CSDP history, the elements are potentially there for the EU to use the stability policing capacity of its Member States, but – beyond the collective political will - the key to start its deployment machinery under the EU flag has not been fully forged yet. This could be read in the light of the reflection about the nature of the EU power and the crisis management policy of its Member States.

The required investment in human, material and financial resources against the scarce use made of such capacity so far, in the specific context of CSDP, has not favoured a direct engagement of the EU in elaborating a concrete common political intent to further pursue its structured establishment and maintenance. Actually, the EU relies on voluntary initiatives and capabilities of some Member States, whose stability policing assets potentially are at the disposal of EU, NATO and UN, as required and appropriate.

An indicator in this sense is the fact that even when the use of stability policing would have been appropriate, its deployment under the EU flag never materialized in the absence of clearly pre-identified assets, adequate procedures to engage and operate them and – last but not least – prompt access to material and financial resources (especially related to strategic transportation, logistics, communications and equipment). Another important consideration is that it is particularly challenging to prepare and maintain police assets out of national law enforcement services. Their manpower and budget are calibrated against internal security requirements, with little reserve capacity and limited financial resources available for external contingencies\textsuperscript{28}.

\textsuperscript{27} An exception to this trend is the tasking of EU Naval Force Mediterranean (EUNAVFORMED), otherwise referred to as Operation Sophia, to train the Libyan Coastal Guard (i.e. law enforcement at sea).

\textsuperscript{28} The possibility to deploy a standard FPU with 120 personnel would imply having 360 police officers dedicated to this task: for each deployed FPU, one would have to undergo pre-deployment training while the one that ended its tour of duty in theatre would have recover and rest.
However, in these days, informal discussions are occurring in the corridors of the EU HQ about the opportunity to develop a Civilian Stand-by Capacity, which would likely include also stability policing, in parallel to the military Battlegroups\(^{29}\).

**What does a stability policing capacity imply?**

In order to meet this ambition, first and foremost, political masters should have clear in mind that the deployment of stability policing in military operations and civilian missions is a key enabler for the transition from peacekeeping to peacebuilding, strongly contributing to take the opportunities of the golden hour immediately after a conflict. To this regard, dedicated debates should inform the elaboration of relevant concept papers and facilitate the development of a comprehensive institutional attitude able to elaborate visions encompassing the whole crisis management cycle. At the strategic level of the Operation headquarter, a sufficient capacity must be ensured for the planning and conduct of stability policing activities by both civilian and military CSDP instruments.

For the operational and tactical levels, a modular scheme would best suit a stability policing formation to which specialized modules could be added to perform specific tasks, as required.

Additionally, as peacekeeping and peacebuilding usually overlap, it is likely that stability policing assets co-exist in the same theatre, provided by the same countries and not necessarily operating under the same international organization. In this regard, there is a specific interest of the States contributing to stability policing in standardizing primacy rules\(^{30}\), co-ordination procedures and mutual assistance among military and civilian engagements in the field, regardless the international organization they operate for. To this regard, a good example are the NATO/EU joint operational procedures between KFOR and EULEX on military support to police operations, cooperation in the field of border management, procedures to respond in case of civil disturbance, exchange of information and co-operation regarding security matters.

\(^{29}\) Since 1 January 2007, the EU keeps two Battlegroups permanently available for deployment within its CSDP, rotating every six months. See Enter the EU Battlegroup, Gustav Landstrom (February 2007), Chaillot Paper, EUISS (97), available at [http://www.iss.europa.eu/uploads/media/cp097.pdf](http://www.iss.europa.eu/uploads/media/cp097.pdf)

\(^{30}\) For example, see Note of Understanding (NoU) for the maintenance of the rule of law in Kosovo between KFOR and UNMIK of 5 December 2005.
Furthermore, it is also important to analyse the costs of stability policing, including for rapid reaction. This would help an informed level of ambition when wishing to engage stability police in crisis management, to proactively get prepared and speed up effective deployment, as delays often betray expected impact and unnecessarily generate inefficient use of resources. An example of output of such cost analysis is the UN Contingent Owned Equipment (COE) Manual.

But a cost analysis should also include the implied costs to keep the readiness of stability policing assets (e.g. for training and exercises, for being on stand-by, etc.).

Finally, strategic transportation (for personnel/materials), accommodation (tents/container), communications and protection should be arranged beforehand, including through framework contracts or a warehouse to ensure prompt availability and mitigate costs.

For any system to be smart, it requires moving from reactive to proactive mode, to be able to anticipate events, remove obstacles and avoid foreseeable inconveniences. This move implies an adequate investment effort and an effort requires the acknowledgment of an advantage in order to trigger interest and willingness. Willingness should be driven by a vision that requires the ability to see beyond what is evident, and sometimes against false evidence. However, in the worst cases and in systems lacking accountability, we have even witnessed the “lazy vision”: everybody knows and understands, but ignores and pretends not to realize, silently hopping the problem will pop-up in somebody else’s hands.

**Conclusion**

Although stability policing is not a panacea *per se*, it is a smart investment with the potential to increase the efficiency of crisis management as a whole, by contributing to making the most of the opportunities of the “golden hour”. It favours a proactive approach while supporting impending economies.

Indeed, stability policing has proven to be part of a well tracked, living and growing requirement in international crisis management to win the peace after war.
Chapter 6

Brief description of Policing in the African Union

Aderemi Adenoye

Introduction

This article affords the African Union Commission (AUC) a platform to share her experiences in the area of stability policing (SP).

NATO has continued to support AUC in its efforts to build capacity by providing relevant courses at its own cost for our staff in Peace Support Operations Division of the Peace and Security and Security Department, has helped us to improve our strategic ability to provide guidance for our mission in Somalia and has provided support to several of our member states on bilateral basis.

NATO has made giant strides towards developing a Stability Policing (SP) capability. There is no doubt that this is a step in the right direction. Often when military campaign become necessary, the need to prevent a descent into chaos after the campaign has achieved its objectives, dictates that a SP capability fills the gap to prevent a vacuum being created which non state actors can exploit to form instability.

Background

Below, I’ll aim to share our experiences and perspective on SP captured from our mission in Somalia. I will be looking at the Context of Stability Policing ; Functions of Stability Police Units ; Generation,
Composition and Command of our Stability Police Units; Training and Equipment; Limits of Stability Policing in Maintaining or Restoring Stability; Impact of Stability Policing in Somalia and the challenges we face in this dynamic aspect of conflict policing.

**Context of Stability Policing**

SP is crucial in all stages of conflict. Before a conflict breaks out, SP units engage in re-assurance and deterrence patrols to build confidence among the populace and deter would-be trouble makers. This help to maintain law and order and assure communities of government responsibility for their protection. During conflict, SP units engage in protection of civilians especially in refugee and Internally Displaced Person camps to prevent gross human rights abuse and violations. They provide protection for humanitarian workers when requested; they protect personnel and assets of the United Nations, African Union, regional and international organizations etc. At cessation of hostilities, SP units help to provide conducive environment for the re-establishment of governance structures and delivery of humanitarian aid and assistance.

**Functions of stability police units**

Such functions are already listed in the paragraph above but also include joint patrols with host nation police or the military; building capacity in host nation SP units where they exist or training one if required.

**Generation, Composition and Command**

Our SP units are called Formed Police Units. They are generated from member states who have the capacity and are willing to make such contributions to our missions. A Unit comprises of 140 personnel formed into three platoons of 32 personnel each while the remaining number is made up of embedded capabilities such as explosive ordinance, medical, transport, intelligence, and other support personnel. Each Unit has a comprehensive array of equipment that makes it self-sustaining and functional. A unit is commanded by the Unit Commander who is a SP officer and is of the rank of Superintendent or Chief Superintendent (Major or Lt. Col) or equivalent. The Unit Commander reports to Mission Police Component’s Operations and FPU Coordinator who in turn report to the Head of the Police Component, usually a Commissioner of Police.
Training & Equipment

Training is the responsibility of member states. However, the arrangement for now is for the United Nations to augment this training in the aspects of respect for human rights as well as human rights and international humanitarian laws in compliance with the United Nations Human Rights Due Diligence Policy (HRDDP). Efforts are ongoing to transfer this aspect of the training to the states. AUC has developed a standardized curriculum for training of these units and this will soon be shared with the member states.

Major equipment of these units include armoured personnel carriers for patrol in high risk areas, personal and crew served weapons, body protection gear like bullet proof vests and steel helmets, generators, fuel and water tankers, tentages, mobile kitchen and a level one medical facility.

Limit of SP

While SP units perform highly desirable roles in maintaining, restoring or establishing stability, I must mention that they have no control over issues of governance that instigates or encourage instability such as misgovernance, corruption, weak judiciary and economic stagnation. SP is therefore a tool of governance to promote stability. For stability to be achieved, there must be good governance which then sees to ensure and promote other needed stability institutions, structures and processes.

Impact of SP in Somalia

The police component in Somalia has attracted national, continental and international recognition for its sterling performance in the country. This would not have been possible without the injection of SP units in the personnel configuration of the component. Of the 540 authorised strength of the police component, 420 was allotted to SP units. That indicates three formed Police Units of 140 each. Only two of these units have deployed and have been on ground for about six years. The two units were contributed by Nigeria and Uganda. These units protect and provide a stable environment for individual police officers from six countries as they train, advise, mentor and build capacity of the Somali Police Forces. The units also protect public events and engage in public order management. They carry out joint patrols to deter crime and neutralise threats to stability as well as projecting governance in recovered territories.
Challenges

The challenges we face in deploying these specialised units include the following:

a. difficulty in generating units (The third unit is yet to be deployed. One is expected from Sierra Leone)

b. maintaining training standards

c. inadequate training infrastructure in some member states

d. cost of acquiring contingent owned equipment for initial deployment.

Conclusion

The ACU shall continue to count on the support of NATO as well as the vast experience of its SP officers to further develop its SP capability on the continent of Africa.
PART 3: CHALLENGES OF AN UNSTABLE WORLD
Chapter 7

How to Satisfy Three Missing Requirements for NATO Stability Police Success

Michael J. Dziedzic

Introduction

In 2016 the NATO Summit held in Warsaw dedicated the Alliance to the objective of projecting stability proclaiming “…we seek to contribute more to the efforts of the international community in projecting stability and strengthening security outside our territory, thereby contributing to Alliance security overall.” Effectively, this means that NATO has decided that the transition from war to peace and prevention of conflict are of strategic importance to the Alliance. Simply put, these are not objectives that military forces can accomplish alone. Since 1995, all NATO and United Nations (UN) missions have been confounded by a “public security gap.” Military forces are designed for rapid response whenever and wherever required. Domestic police forces, however, require six months or more to mobilize personnel individually and deploy in strength. Unfortunately this deployment gap coincides with the “golden hour” when the fate of the mission can be decided. One crippling deficiency is that military forces have only two options: either to use lethal force and potentially alienate the

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mission from the very civilians they are obligated to protect or passively observe the mayhem. To fill this gap, a non-lethal crowd and riot control capability suitable for the rent-a-mob phenomena common in the Balkans in the late 1990s was dispatched by NATO to Bosnia and Kosovo in the form of Multinational Specialized Units. Subsequently the UN deployed what are now called Formed Police Units (FPUs) in Kosovo. Today more than half of all UN Police are in FPUs. The failure to deploy Military Police or Gendarme-like units in the Iraq invasion in 2003 resulted in the looting of government ministries and widespread lawlessness that seriously discredited the intervention.

Almost all interventions also confront an enforcement gap because they are confronted by dangerous political-criminal spoilers that require units with specialized police skills in addition to crowd and riot control to gather the necessary intelligence, keep suspects under surveillance, conduct high-risk arrests, and provide close protection to key players in the peace process (including prosecutors and judges). Empirical evidence that stability police are absolutely essential is provided in two recently published books that I edited: Criminalized Power Structures: The Overlooked Enemies of Peace and Combating Criminalized Power Structures: A Toolkit. The ten case studies we examined in these companion works include Afghanistan (Karzai’s criminal patronage networks), Bosnia (Third Entity Movement), Democratic Republic of the Congo (M-23), Guatemala (clandestine security apparatus), Haiti (gangs of Cité Soleil), Iraq (Moqtada al-Sadr’s Jaish al Mahdi), Iraq (Nouri al-Maliki), Kosovo (Kosovo Liberation Army), and Sierra Leone (Revolutionary United Front). When these findings are combined with Stephen Stedman’s pioneering work on spoilers that describes three criminalized power structures (CPS) in Angola, Cambodia, and Rwanda and the Enough Project’s analysis of “violent kleptocracies” in Burundi, Central African Republic, Libya, Mali, Somalia, South Sudan, and Sudan, the bottom line is that 80% of the 25 internal conflicts that the UN has intervened in since 1990 have been severely challenged by spoilers.


in the form of CPS. When NATO has been involved (i.e., Bosnia, Kosovo, Afghanistan, and Iraq), the total is 100%. Thus there is a strong prospect that future NATO missions will be obstructed by spoilers in the form of criminalized power structures.

What is a criminalized power structure? The defining characteristic is exploitation of revenue derived from illicit activities to obtain and maintain power. This can be generated by corruption (e.g., looting the country’s natural resources, evasion of customs duties/smuggling, and rent seeking by government officials) or from organized crime (e.g., trafficking in drugs, people, and money laundering). One of the most decisive ways of defeating or transforming CPS is criminal intelligence-led policing. Essential capabilities include a cadre of police intelligence specialists and criminal investigators available for rapid deployment along with units with specialized policing skills in surveillance, high-risk arrest, and close protection. NATO’s stability police can fill this vitally important enforcement gap in the specialized policing skills required for successful criminal intelligence-led operations against political-criminal spoilers. As AJP 3.22 “Allied Joint Doctrine for Stability Policing” proclaims, “Stability policing assets perform police activities in the mission area aimed to tackle possible threat sources…”

For any peace or stability operation to achieve sustainable peace, an institutional gap must be rectified. The easiest deficit to address is a lack of capacity. Unfortunately, this is seldom the essence of the problem and certainly not when a CPS has been one of the parties to the conflict. In those cases, the police, criminal justice system, army, and intelligence apparatus are part of the problem rather than the solution. Blithely proceeding to enhance their capacity is likely to dig the hole deeper. The observation below about institutional reform efforts in the Sahel is undoubtedly relevant in the majority of conflict settings:

...security sector reform efforts must be designed as politically sensitive change management efforts. In fragile societies, such institutions are typically not there to assure the safety of citizens, but to ensure ruling elites stay in power. Terrorism is of course a legitimate concern, but if countering it means strengthening the repressive and dysfunctional state security institutions that keep elites in

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power, the cure might be worse than the disease.\textsuperscript{7}

This cautionary note is relevant not only for the transition from conflict to long-term peace but also to the conflict prevention or the Phase Zero aspirations of stability policing. AJP 3.22 recognizes this when it states “Perceived inequalities in the administration of the law, and real or apparent injustices, are triggers for instability. It is of paramount importance that all actions taken by a government and its agents in attempting to restore stability are legal and perceived as legitimate.”\textsuperscript{8} Stability police will need to play an integral role in the transformation process that is necessary to address the institutional gap, but there is much that needs to be learned about the ingredients of success when a CPS has been one of the spoilers of the peace process.

Stability police are essential to address the deployment, enforcement, and institutional gaps. The consequences of failing to address these deficiencies include allowing CPS to become entrenched, driving down prospects for success, and prolonging missions for years. The NATO Stability Police initiative has the potential to close or at least attenuate each of these gaps, but there are three essential ingredients for success that are not directly under NATO control that are currently missing:

- Proper Pre-Mission Diagnosis and an Appropriate Strategy
- Absence of an Option for Partnership or Hybrid Justice Institutions
- Lack of Lessons Learned in Transforming Criminalized/Politicized Police and Criminal Justice Systems

The balance of this paper is devoted to articulating ways to rectify these lacunae.

**Missing Ingredient #1: Proper Pre-Mission Diagnosis and an Appropriate Spoiler Strategy**

UN Secretary General Kofi Annan observed in 2005 that there is a


\textsuperscript{8} NATO Standardization Office, NATO Standard Allied Joint Publication 3.22, “Allied Joint Doctrine for Stability Policing” (Final Draft 3), August 2015, p. 5.
50% rate of return to conflict within five years after an international intervention. One major factor apparently contributing to this is that by arriving unprepared to deal with the spoiler threat posed by CPS missions have squandered the “golden hour.” In none of the ten cases we examined, including five where NATO was a leading actor, was the threat posed by CPS recognized and addressed when the mandate was written (or the intervention was initiated in the case of Afghanistan and Iraq). The failure to provide the essential authorities and capabilities required to deal with spoilers at the outset of an intervention has condemned the ten missions we examined to years of incompetence at best (i.e., Guatemala, Bosnia, Democratic Republic of the Congo, Kosovo, and Afghanistan). At worst, missions have run a serious risk of collapse (i.e., Sierra Leone, Haiti, and Iraq). In the ten cases we examined, the average delay in obtaining authorization for essential authorities and capabilities to mount an effective strategy was almost five years, which is why we call CPS the overlooked enemy of peace.

Nothing in the UN Department of Peacekeeping Operation’s (DPKO) guidelines for strategic assessments or its Integrated Mission Planning Process suggests that CPS might be a spoiler exploiting illicit revenues to undermine the peace process and sometimes even constituting a root cause of the conflict itself. Nick Seymour, former senior chief of the DPKO Military Planning Service, has indicated that the assessment process is effectively blind to this issue, stating that prior to drafting a mandate “There will be a significant amount of dialogue between the Secretariat and the various Member States and members of the Security Council. But the problem at the moment is that anything to do with corruption is missing from that dialogue.” The DPKO Integrated Assessment and Planning Handbook promulgated in 2014 acknowledges that “there is no agreed UN system-wide methodology for comprehensively assessing risks to


10 If we include the collapse of the Iraqi Army in 2014 after the conclusion of the international intervention.

11 United Nations, “Guidelines: Strategic Assessment,” May 2009. The guidelines list both “underlying causes and near-term effects.” The only underlying causes listed are “unequal access to resources, poor governance, inter-ethnic strife, separatist ambitions.”


the UN in post-conflict and conflict settings.”

The threat posed by CPS to derail implementation of peace processes and stability operations has been routinely overlooked for several reasons. One is the conventional wisdom that once a peace settlement has been achieved the only remaining requirement is “post-conflict reconstruction.” This fatally flawed conception prevails in spite of the fact that the Arusha Accords in Rwanda led directly to the genocide there and the Lomé peace agreement in Sierra Leone produced the hostage-taking of five hundred UN troops by the Revolutionary United Front (RUF) when their deployments encroached on the RUF’s control over the country’s diamond fields. In these cases, a root cause of the conflict was the unspeakable greed of the CPS involved. Iraq was also initially termed “post-conflict reconstruction” in ignorance of the virulent drivers of conflict that continued to persist there. Another reason for the international community’s blinders is that there has been a persistent inclination to dismiss the challenge posed by CPS as just corruption or organized crime. These concerns have been dismissed as long-term development issues and not a systemic threat to stabilization. Compounding this, peace settlements rarely if ever come to grips with the role of the underground political economy in fueling conflict, in all likelihood because the parties to the conflict themselves derive enormous illicit benefits from it and have no incentive to alter the status quo.

The self-evident solution is to get it right in the first place by properly assessing and identifying the CPS threat prior to drafting the mandate. The essence of assessment is to ask the right questions. One occasion when the ability to do this was demonstrated was in Bosnia by our case-study author Oscar Vera. He was a career customs officer who served as the Special Advisor for the drug war under five SOUTHCOM Commanders, concluding with General Wes Clark. After Clark became SACEUR in 1997, he asked for Vera to be his Special Advisor for Bosnia, assigned to the SFOR Commander in Sarajevo. Within six weeks of being tasked to provide his assessment and recommendations, using the law enforcement-based methodology he had developed as a Customs agent, Vera determined that the essence of the problem was not ethnic hatred but the “parallel power structures” in each ethnic community. Moreover, he identified the effort by Croatian President Franjo Tudjman to promote the Third Entity Movement in Herzeg-Bosna, the Croatian-dominated territory within the Bosnian Federation, as an existential threat to the Dayton peace agreement. He then orchestrated a 14-step strategy to dismantle the Third Entity Move-

The bottom line is that this was the most successful of the ten strategies we evaluated, and it began with a proper assessment--two years after the mission had begun.

Vera’s Center of Power Analysis and Targeting (COPAT) methodology is designed to decipher whether the conflict has been fueled, in whole or in part, by the form of corruption on a grand scale that is associated with criminalized power structures and whether a post-intervention regime is likely to thwart the mission’s objectives because of its reliance on corruption and organized crime to maintain power. What are the right questions to ask? It is essential to determine who wields both formal and informal power, what the networks and exchanges of power are linking the centers of power, what the critical nodes and enablers are, and their vulnerabilities to criminal prosecution (e.g., extradition could be part of the subsequent strategy). Sarah Chayes in *Thieves of State* has also identified an almost identical set of factors, including “the levers of power captured by the network, its favored revenue streams, its structures and manning, the degree of vertical integration, the internal and external enablers that reinforce it and facilitate its operations, its vulnerabilities.”

According to Vera, appropriate assessment is not a matter of “stakeholder analysis.” The only actors who matter for this purpose are those who have either the power to derail/delegitimize the peace process or to support it. So the question is “Who are the power brokers? This will certainly include the parties to the conflict but licit power structures and those who are neutral toward the peace process should also be identified as prospective components of a coalition for peace. The regional context must also be taken into account if prospective spoilers are also to be identified. Certainly a neighboring state that is exploiting the conflict to loot natural resources or to traffic in illegal commodities through a lawless conflict zone qualifies (e.g., Rwanda, Serbia in northern Kosovo). Additionally, a regional actor that is covertly providing combatants, arms, funding, and/or sanctuary for an insurgent force is also an illicit source of support. One factor complicating this center of power analysis can arise if the intervention has created a power vacuum that remains to be filled as the international intervention unfolds. Power vacuums are rarely filled by legitimate actors,

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so this should be taken as a red flag that a CPS will likely fill the vacuum (e.g. Kosovo and Afghanistan).

It is crucial to assess whether core state institutions (e.g., armed forces, intelligence service, legal system and police, customs, central bank, procurement) have been captured by a CPS. One telltale marker is the dysfunction of the prevailing accountability regime and the duress under which investigative journalists, civil society organizations devoted to good governance, and human rights bodies must operate. The critical question for properly sequencing the strategy is whether critical institutions are politicized and part of the problem or whether they are accountable to the law and part of the solution. If the former, the appropriate strategy is not to launch a massive capacity-building program so that ownership can be rapidly turned over to national actors who are complicit in criminal enterprises. The first step must be to depoliticize and decriminalize the levers of power. Vetting is often regarded as sufficient. The most decisive function, however, is prosecution and adjudication of ongoing crimes that enable and empower the CPS. When the legal system has been coopted or cowed by the prevailing regime, investigation, prosecution, and adjudication of crimes against the mission and its mandate should be accomplished by international and national actors working together using hybrid justice institutions (see Missing Ingredient #2). In terms of sequencing, this should be put in place prior to deployment.

Power structures vary dramatically in their orientation toward the peace process and their propensity for violence, so it is also critical to assess whether they are likely to be irreconcilable, to oppose the peace process through violent means, or to support it nominally while actually delegitimizing it through rampant corruption. Although this is a process that will take time to refine through future application, some provisional indicators are as follows:

- **Irreconcilables** may be more likely to be motivated by greed than grievance. Thus peace processes that address contentious political issues but which also seek to deprive irreconcilable CPS of access to their sources of plunder could produce an implacable response (e.g., the RUF in Sierra Leone and gangs in Haiti).

- **Violent opposition to the peace process** is likely when the peace agreement has left core issues unresolved (e.g., Bosnia and Kosovo).

- For CPS that **support the peace process** the essence of the challenge is to resist the temptation to disregard their reliance on illicit sources of revenue to maintain themselves in power because they notionally supporting the intervention (e.g. Iraq and Afghanistan).
CPS are not necessarily monolithic, moreover, and the distinction between irreconcilables and negotiable opponents who use violence is not readily discernible. Negotiations may have taken place in bad faith but that may not become apparent until the implementation process unfolds (e.g., the RUF). Alternatively, one faction may be willing to abide by the agreement, but it may be too risky for it to attempt to do so until the irreconcilable faction is neutralized. Owing to the inherent uncertainty about making this distinction, prudence dictates that the mission come prepared for the worst case while continuing to keep the channels for negotiation open. Additionally, there is a continuing need for reassessment after the peace process has begun.

These analytical steps are crucial for developing the “ways” that the strategy can be designed to subdue a CPS spoiler threat. Spoilers vary fundamentally in their spoiling strategies. As noted above, we identify three widely disparate types: irreconcilables, violent opponents with negotiable interests, and supporters of the peace process. Owing to this wide diversity in spoiler types, strategies need to be designed appropriately. In our ten cases we looked for what worked and what didn’t. What we found was that the three lines of effort involved in conflict transformation, the strategy adopted by the State Department’s Bureau for Conflict and Stabilization Operations, provide the required combination of ways to address all three types of spoilers. Conflict transformation “…entails diminishing the means and motivations for violent conflict while developing more attractive, peaceful alternatives for the competitive pursuit of political and economic aspirations.”

While all three lines of effort complement each other and should be used in tandem, the emphasis given to each should be tailored to the type of CPS engaged in spoiling behavior, as described below:

- **Shape the environment by addressing the drivers of conflict**

This should be the lead for irreconcilables. Although military proficiency is needed to protect civilians, the mission, and the mandate, the most sustainable way to accomplish this is criminal intelligence-led operations that result in evidence that can be used in legal proceedings that are conducted independent of CPS influence (See the second Essential Ingredient, below). Stability police are indispensable for this.

- **Institutionalize more attractive peaceful alternatives for pursuit of wealth and power**

This is decisive for dealing with violent opponents with negotiable interests.
interests. Legitimate institutions to mediate the competition for wealth and power need to be nurtured to transform this spoiler along with increasing the costs for spoiling behavior as described above. A more sophisticated strategy than merely building capacity and turning ownership over is required (See Missing Ingredients 2 and 3 below). The international community must play a more direct role in buttressing the prevailing legal system in order to render CPS vulnerable to prosecution and incarceration before transitioning to indigenous ownership. Developing a collaborative relationship between stability police and carefully vetted and protected indigenous counterparts is essential for this.

- Develop safeguards on capacity being developed to prevent abuse of power

This is essential for preventing supporters of the peace process from emerging as dangerous spoilers. Safeguards provide transparency and accountability and serve as a barrier against capture of the state by criminalized elites.

For strategies to be implemented effectively, they require the means that are associated with the ways that are the heart of the strategy. When dealing with criminalized power structures, one essential way to combat this spoiler threat is criminal intelligence-led policing. The means to perform this are provided by NATO stability police; however, arresting crucial members of a spoiler network is necessary but not sufficient. The means to prosecute and obtain legitimate verdicts is also necessary but often lacking. The solution to this second missing ingredient is proposed below.

**Missing Ingredient #2: Absence of an Option for Partnership or Hybrid Justice Institutions**

Elizabeth Andersen argues in her “Mandates” chapter in *Combatting Criminalized Power Structures: A Toolkit* that the fundamental decision that must be made by the mandating body is situating the mandate at the appropriate point on the spectrum between support and substitution. The core problem is that the UN, European Union (EU), and NATO do not conceive of this choice as a spectrum but instead have created a false dichotomy involving only two options: either completely replacing host-nation counterparts (i.e., exercising full

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executive authority, also known as substitution or replacement) or merely providing assistance and advice to develop their proficiency (i.e., capacity building, strengthening, or reinforcement). Owing to the perception by some permanent members of the Security Council that the replacement alternative is not only an infringement on state sovereignty but also a subterfuge for regime change, strengthening is clearly the default choice. The DPKO Handbook for Judicial Affairs Officers, for example, makes it clear the UN prefers the strengthening option, asserting that “International actors, including judicial affairs officers, should work with, rather than substitute for, national counterparts.” If, however, the essence of the threat to the rule of law, and stabilization generally, is not a lack of ability but rather impunity for those in power, then a strengthening strategy will invariably make matters worse (As NATO discovered in 2006 after training some 200,000 Iraqi Police, many of whom engaged in sectarian violence). AJP 3.22 identifies two basic possibilities. Replacement is indicated when no host nation police service exists, and “Reinforcement is required when the indigenous police are existing and reliable but their effectiveness is limited and training, monitoring, advising, mentoring and sustainment are required (Italics added. Bold in original).” NATO has thus identified two circumstances that might precipitate an intervention: either the host nation has no policing capability or it has a reliable police force that lacks the capacity to maintain law and order. However, the need for a third alternative is suggested in the guidance provided in AJP 3.22 for assessing indigenous police called “Policing Considerations for Replacement.” The following characteristics are identified: “Credibility in question (corruption); Human rights violated; and Im-


partiality not respected.”23 These are characteristics of an existing police force that has been coopted by a CPS and is an instrument of repression to maintain the regime in power. Subsequently, another alternative is briefly mentioned but not developed: “Partial Replacement Mission.”24 One obvious missing component is what to do about the criminal justice system if they are also corrupt, violate human rights, and are partial (i.e., grant impunity to those in power). The need for a third option is also evident from an examination of the empirical record. In cases where NATO has intervened, the police force has not only been unreliable but a fundamental part of the problem (in Bosnia, Afghanistan, and Iraq). Capacity building alone was not the solution, as is evident from the outcomes. All of the missions that NATO has been engaged in are still in existence. The longest, Bosnia, began 22 years ago as of this drafting, and the shortest, Iraq, has persisted as a threat to allied security for 14 years and counting.

When the pre-mission assessment indicates that CPS will likely play a spoiler role and the legal system is part of the problem, Andersen asserts, “Most mandates should probably fall somewhere in the middle of this spectrum, according the missions more intrusive, executive authorities in areas in which the CPS is particularly entrenched or likely to obstruct mission objectives.” 25 Andersen concludes, “Too often, mandates have been belatedly strengthened to meet CPS challenges that should have been appreciated at the mission design stage.”26 To right size mandates it is essential to expand the repertoire to include a “partnership” option involving collaborative exercise of executive authority that is exclusively targeted on the type of threats that CPS are likely to pose to the mission and mandate as well as on gross violations of international humanitarian and human rights law committed by high to intermediate-level CPS figures. Mandate crimes would include politically motivated attacks on civilians, theft of international assistance, grand corruption that drains the government of essential revenue for peacebuilding (as well as of public trust and legitimacy), intimidation or assassination of witnesses in these cases, espionage against the mission, and attempts to bribe, suborn or

23 Ibid., p. 13.
26 Ibid., p. 47.
intimidate mission staff. This would constitute a very small subset of the national criminal caseload, certainly no more than 1%. Specific authorities would be limited to arrest, detention, investigation, prosecution, adjudication, and incarceration with respect to the above crimes committed after the mandate has been enacted.

These limited investigative and adjudicatory powers would be exercised in collaboration with national authorities through hybrid justice institutions (HJI): a hybrid police unit, prosecution office, special court, and high-security prison comprised of both international and carefully vetted and protected national officials. The HJI should be established with investigative and first instance jurisdiction over the limited class of crimes specified above, with exclusive appellate jurisdiction as well. The DPKO *Handbook for Judicial Affairs Officers* actually recognizes the need for a hybrid special court when there is a “lack of capacity and/or independence and impartiality of the national justice system.”27 The mission should make it an immediate priority to protect the local police, prosecutors, judges, and jailors who are working in collaboration with the international community along with their families. Thus close protection for members of the hybrid judicial institutions (HJI) should be a priority for NATO’s Stability Police Units.

International judges should initially comprise a majority on judicial panels, and international prosecutors should initially make decisions concerning investigations, arrests, and indictments. International prosecutors should have access to all criminal intelligence gathered by the mission.28 Primacy should transition to national counterparts once the latter have demonstrated their ability to stand up to impunity by investigating, indicting, and convicting (when the evidence merits) CPS “big fish” without suffering retaliation.29

Recognizing prior to the drafting of a mandate or, better yet, during the drafting of a peace agreement that HJI are critically important to dealing successfully with spoilers is crucial if future NATO missions are to be set up for success. In addition to authorizing a hybrid court, the statute under which

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28 NATO should provide at least one prosecutor with the requisite clearances.

29 Benchmarks would need to be established to provide indicators for when the transition should take place. For example, local judges would first have to demonstrate that they could judge cases on their merits and convict even the most powerful of elites. Then cases involving the “small fry” could be successfully referred to the domestic legal system. Subsequently, local judges and prosecutors could assume the lead for prosecuting and adjudicating cases with internationals in a minority role if they continue to demonstrate the ability to gain convictions without retaliation or witness intimidation/murder.
the HJI operate should include the procedural and substantive tools needed for successful prosecution of deeply entrenched CPS. This includes provisions to offer little fish immunity for testimony against the big fish; covert and technical measures of surveillance; witness and victim protection measures (and a funded program for relocation); provisions for “whistle-blowers”; and international mutual legal assistance including asset discovery, forfeiture, and recovery. Substantively, the legal framework will need to include within the jurisdiction of the HJI money laundering, corruption, organized crime, obstruction of justice, and witness intimidation. These procedural and substantive provisions could be incorporated in a peace agreement if it includes HJI, or the mandate could direct that the court’s implementing statute include modern prosecutorial tools and that specified crimes against the mandate be properly criminalized.

Missing Ingredient #3: Lack of Lessons Learned in Transforming Criminalized/Politicized Police and Criminal Justices Systems

If hybrid justice institutions are included in the peace agreement or mandate, then the NATO stability police mission will be able to begin the process of combating spoiling activities. Put differently, if missing ingredient #2 is provided, the mission will be empowered to use criminal intelligence-led policing supported by HJI to hold spoilers accountable. How can this process be brought to a successful conclusion? If NATO begins by filling the rule of law void for the host nation, or even if it adopts a partnership option and enforces the rule of law together with host nation authorities, how can NATO sustainably transition to the point where host nation authorities can be relied upon to maintain a just and reliable peace? NATO AJP 3.22 recognizes that for peace to be sustainable “The development of a professional police force, trusted by and responsive to the needs of society, is critical to maintaining ROL (Rule of Law), providing public safety, fostering an environment in which governance can flourish, and providing situational awareness and criminal intelligence.” The magnitude of this challenge is captured by Oscar Vera in the conclusion of his Bosnia case study:

…when the strategic objectives of local elites and the IC (International Community) are diametrically opposed and the

30 See the UN Convention against Corruption’s mandatory crimes and optional crime of illicit enrichment, UN Convention Against Transnational Organized Crime, and the USIP Model Penal Code.

result of local ownership would be to ensure that ethnic cleansing
is rewarded both politically and financially, local ownership is
morally repugnant and doomed to fail. Ultimately, when CPS
are the essence of the problem, as in Bosnia, the IC must take
the initiative to create an environment where the rule of law can
prevail. Only then should ownership be transferred to those
who are willing and able to uphold the rule of law. (Parentheses
added)

When confronted by a spoiler threat in the form of a criminalized
power structure, the nature of the regime must be transformed from an
enemy of peace into one that is both able and willing to sustain the peace.
How can elites who benefitted from impunity and profited from access to
illicit wealth be persuaded to abandon their previous practices and pursue
wealth and power through legitimate means? To guide future interventions
on this complex and vexing endeavor, it will be essential to extract the les-
sons from prior successful experiences with this momentous challenge.

To fill this void, there is a plan to host a conference in early 2018 to
address issues such as the following:

- What techniques are necessary to ensure that host-nation counterparts
  with whom Stability Police and others are engaged across the full legal
  spectrum from intelligence to incarceration can be trusted when dealing
  with the most dangerous spoilers? (e.g., vetting, polygraphs, hybrid ac-
countability mechanisms, other?)

- What tools are most influential in spurring organizational change and in-
deed broader regime change? (e.g., the ability to remove or prosecute ob-
structionists, capacity building, ability to protect and reward honest and
professional actors, other?)

- Principles of security sector reform include the need for security institu-
tions to be accountable and responsive to the needs of the people. How
can this be accomplished? (e.g., make accountability of equal importance
with capacity building, develop metrics for accountability, other?).

- How can ownership of the police and criminal justice system by civil
society be encouraged? Is this entirely dependent on the cultural context
or are there some basic approaches that might have broad applicability?

Ideally, the NATO Stability Police Center of Excellence, the Center of
Excellence for Stability Police Units, and the European Gendarmerie Force would collectively contribute their expertise and experience to this endeavor. If this were done it might be possible to promote a common understanding among NATO, the UN, and the EU about how to approach the issue of local ownership under the full spectrum of possibilities, including the most likely condition: when the local owners of the police force and criminal justice system are leading spoilers and the core challenge that the mission must combat.

**Conclusion**

This paper has provided empirical evidence that CPS are the leading source of spoiling behavior for peace and stability operations. NATO Stability Police are essential for confronting this recurrent threat, but they are not sufficient. To be successful, future NATO missions will need to ensure that they are provided the following:

- Accurate diagnosis of the spoiler threat and an appropriate strategy to defeat it.

- Hybrid justice institutions.

- Lessons learned for transforming criminalized/politicized police and criminal justice systems.

NATO does not control any of the above outcomes, but that makes it even more important that it recognize the need to act well in advance to ensure these missing ingredients of success for stability policing are available when needed.
Chapter 8

Corruption as a New Threat and Hybrid Justice Institutions as the Antidote

Michael Hartmann

The previous chapter by Michael Dziedzic sets out his thesis on the essential need for NATO missions to overcome the recurrent spoiler threat from Criminalized Power Structures (CPS) and the need for Stability Policing (SP) to combat this threat. For SP to succeed, the national justice system continuum must fairly, objectively and transparently hold CPS leaders criminally accountable and remove them from power. Rule of Law, or at least a decisive reduction of impunity, must be instituted. Criminal accountability must be perceived as legitimate, under laws fitting the national culture and mores and done fairly without any politicization or selective advantage given to any religious, ethnic, or tribal group or political party; nor can the international presence be perceived as gaining an advantage. To successfully combat Criminalized Power Structures (CPS) and the corruption that serves as their pathway to power, NATO SP doctrine must include an option between Replacement and Reinforcement: the less intrusive middle road of partnership with the host nation involving the use hybrid police and justice institutions.

While this may also be done through a fully comprehensive NATO Replacement mission, as was the case in Kosovo and Timor Leste, the current political and financial climate make such Replacement missions unlikely. Rather, this chapter posits a narrowly-tailored solution: a partnership with the host nation’s security and justice institutions. That is to say, NATO SP working

1 The views expressed in this chapter are provided by the author in his personal capacity and do not represent the policies or views of the United Nations.
with national police utilizing a hybrid court and prosecution office. The use of international judges and prosecutors, with SP, working alongside national jurists and police, must be planned and made part of the intervention mandate at the beginning.

This chapter will briefly outline the now-recognized need to combat grand corruption that benefits or is enabled by the CPS, using Afghanistan as an example, and then will discuss the need for the SP to have legal advisors with national knowledge, and to coordinate with national law enforcement by delivering those major CPS officials to hybrid justice institutions, comprised of international and national judges and prosecutors, where the national justice sector is unable to combat impunity due to the pressures of political, religious, tribal or ethnic groups; that is, where the prosecution and judiciary are not independent and insulated from the CPS pressures, or worse, are part of the CPS.

**Corruption as a CPS Driver, Tool and Reward**

Corruption, especially where fueled by international aid, becomes a driver and recruiter for all to hew to the CPS within the Government, resulting in patent impunity, causing the public to see it as illegitimate and hindering security effectiveness, sustainable development, and humanitarian aid. In short, the functions of the Government, which citizens expect as a *quid pro quo* for their support of that Government in its fight against armed opposition groups, cannot be met when grand corruption is of such a scale as in Afghanistan. The Taliban in particular successfully propagandize about impunity for corruption within the justice sector, the security sector, and in almost every other sector (education, health, etc.). For example, the judiciary is perceived by citizens as the most corrupt institution, by over 59%, resulting in citizens making use of both informal and Taliban-Shari’a courts in order to avoid paying bribes.

Starting in 2016, the Ashraf Ghani Government has publicly and

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energetically issued a call to arms against corruption. As stated in the April 2017 United Nations Assistance Mission in Afghanistan (UNAMA) Report, “Afghanistan’s Fight Against Corruption: The Other Battlefield,” “Corruption affects all aspects of life in Afghanistan, undermining public trust and confidence in government institutions, and hindering the country’s efforts to become self-reliant.”5 As President Ashraf Ghani recently observed, “Government corruption has driven a three-decades-old conflict. Corruption has blocked Afghanistan from being self-reliant and free. And corruption has wasted a vast amount of precious resources that could otherwise have been spent reducing Afghanistan’s crushing levels of poverty.”6

This recognition of the need to combat corruption as part and parcel of security assistance has resulted in NATO’s Resolute Support Mission (RSM) in Afghanistan establishing its Essential Function 3 (EF3) Unit to support the Government’s commitment, announced by President Ghani in early 2016 to combat corruption and to prevent it. This has entailed both administrative reforms such as the National Procurement Commission (NPC) and National Procurement Authority (NPA) to review and approve all high-value contracts,7 and a politically-insulated national-jurisdiction Anti-Corruption Justice Centre and court (ACJC) for serious corruption by high-ranking officials.8 The President in 2016 also established and chairs the High Council on Rule of Law and Anti-Corruption to provide political power and prestige to support the fight against corruption. The RS EF3, now commanded by a US Brigadier General, UK Embassy/DFID, and UNAMA Rule of Law have been the primary support, providing both financial assistance and technical legal advice, for the ACJC. In 2005, Transparency International ranked Afghanistan as tied with 8 other countries (such as Bolivia, Nepal and Uganda) for 34th most corrupt.9 For the year 2015, after hundreds of billions of dollars of aid and security assistance funding had poured in, Afghanistan was 3rd most corrupt, trailing only North

5 Ibid, i.

6 Ibid., i.


8 Presidential Decree on the Establishment of the ACJC (Decree No. 53), 30 June 2016 (10/04/1395).

Korea and Somalia.\textsuperscript{10} With the establishment of its new national serious Anti-corruption Justice Centre in 2016 its ranking was still 8\textsuperscript{th} most corrupt.\textsuperscript{11}

Because the ACJC and other administrative and preventative measures were not established a decade earlier, corruption has become much more deeply ingrained in the fabric of Afghan Government and business culture, resulting in much work remaining to be done. Observers from the UN to NGOs and INGOs such as Integrity Watch Afghanistan, Transparency International and others report they still are awaiting significant proof that impunity is decreasing.\textsuperscript{12} There is yet to be any Minister, Deputy Minister, Governor, or Palace official who are indicted and tried for corruption; however, the ACJC has over 100 cases it is formally investigating, and some of those fall into these categories. What President Ghani has done, however, is to terminate or transfer disreputable officials, primarily the latter. The terminate or transfer paradigm has also been used by the Supreme Court and the Attorney General (with one ACJC senior prosecutor and some senior MOI officials, as exceptions).

The “Golden Hour” for establishing a Hybrid Court is in the first year(s)

This chapter advocates that rather than a 12-year delay in creating a court such as a national jurisdiction ACJC, NATO’s initial mission to Afghanistan, the International Security Assistance Force (ISAF), the UN, and major donors (including the Bonn Conference’s US, UK, Germany, Italy, France, and Japan, among others), should have advocated a “heavy footprint” as to justice, by advocating and insisting upon a hybrid national jurisdiction prosecution office and court with international and national staff to enforce criminal accountability against CPS-enabling and driving crimes.

The time would have been right. In 2004 the citizens of Afghanistan, by greater than a 3:1 ratio (77.2\% vs. 21.5\%), preferred adjudication by either internationals or by a hybrid court of both internationals and nationals, as opposed to their own national judiciary, as to war crimes, crimes against


humanity and other gross violations of human rights.\textsuperscript{13} Contemporaneous reports from Human Rights Watch and the Open Society Institute-funded Afghanistan Justice Project\textsuperscript{14} identified Afghan commanders from communists to Mujaheddin to Taliban to many identified as warlords and current politicians now, as being responsible for war crimes or gross violations of human rights. The citizens of Afghanistan believed that it was necessary to have a partnership between international and national justice officers given the power of those who may be in the dock. This logic is as applicable now in 2017 as it was then; however, the political realities and 16 years of sovereignty do not now allow the creation of such a hybrid court today – as it would have been possible to do in 2004 or 2005. The mandate of the NATO mission would have required either UN Security Council Resolution Article 6 (through Afghan agreement) or Article 7 language allowing modification of national laws limiting courts and prosecution to nationals, as well as concise definitions of the subject matter jurisdiction of such a hybrid court.

**Hybrid Justice Institution Development and Necessary Conditions**

As stated above, NATO SP missions need:

(1) Advice on national criminal law and procedure – the criminal justice continuum - which could be done by having an internationally-experienced prosecutor make such an assessment and evaluation before the mission and to be assigned to give that advice in real-time to the SP commander subsequently, and

(2) The ability to ensure that CPS suspects are actually held accountable through trial and appeal, in a fair, objective, and transparent process. For example, in the United Nations Interim Administration Mission in Kosovo (UNMIK), UN Police (then called CivPol) were provided a mandate of executive arrest power, and NATO’s Kosovo Force (KFOR) mission had primary arrest powers as well during that startup in 1999; however, KFOR was forced to institute its own

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\textsuperscript{13} For “war criminals,” 49.6% preferred a court with only international judges, 27.6% a court with international and Afghan judges, and only 21.5% a court with only Afghan judges. Afghanistan Independent Human Rights Commission, “A Call for Justice - A National Consultation on past Human Rights Violations in Afghanistan,” 25 January 2005, 24. [http://www.refworld.org/docid/47fdfad50.html](http://www.refworld.org/docid/47fdfad50.html).

detentions of suspects, outside of the criminal procedure, because UNMIK opted to forego use of executive powers with the judiciary, allowing civilian prosecutors and judges, the vast majority of whom were Kosovo Albanian, to make decisions regarding detention of suspects. The result was the release of former ethnic-Albanian Kosovo Liberation Army (KLA) combatants regardless of the quality of evidence. In response to this miscarriage of justice that was permitting a wave of reverse ethnic cleansing of Serbs by former KLA hard liners, the KFOR legal representative, UK Army Colonel Richard Batty, acknowledged use of “COMKFOR holds” to detain these suspects and assured the Kosovar judges that, regretfully, KFOR would continue to use them despite judicial orders to release them, unless such release orders were based upon a reasonable view of the circumstances. He defended his position citing examples such as that of a Kosovan Albanian judge who ordered the release of a KFOR-arrested Kosovan Albanian suspect, despite eyewitness accounts by KFOR soldiers who had seen the arrestee throwing a hand-grenade into an occupied Serbian store (injuring three Serbs) the day before.\footnote{Michael E. Hartmann, International Judges and Prosecutors in Kosovo: A New Model for Post-Conflict Peacekeeping, United States Institute of Peace Special Report, 13 Oct. 2003,4-5, \url{https://www.usip.org/sites/default/files/sr112.pdf}}

After being urged by the OSCE, Human Rights Watch and other international NGOs, UNMIK modified its legal framework In February 2000 to enable international UN judges and prosecutors to take whatever cases they chose to ensure justice was fair and objective. Initially only one international judge (IJ) was inserted into the Kosovo trial panels (which were comprised of two professional and three lay judges/jurors). The result was that the single IJ on the panel began being outvoted, and unjust decisions continued, now with apparent IJ complicity. Compounding this, minority opinions were not allowed to be stated. To rectify this, a further change allowed the UN to establish judicial panels comprised of at least two internationals and one Kosovar judge to hear selected serious crimes cases.\footnote{The evolution of the role of International Judges and Prosecutors, especially in UN and EU missions, as well as the need for modifications of the legal framework and providing accountability of international staff, is detailed in Michael Hartmann, “International Judges and Prosecutors,” in Michael Dziedzic (ed.), Combating Criminalized Power Structures: A Toolkit, (Lanham: Rowman \& Littlefield, 2016).} Both UNMIK and the UN mission in Timor Leste (East Timor) had executive mandates, a new paradigm from previous missions and one that is not likely to be used in the future. During most of the 1990s, peacekeeping missions were routinely deployed with sizeable contingents of police, but experts in the administration of justice judges, prosecutors, attorneys, and
corrections officers were neglected. The initial deployment of judges and prosecutors as international personnel within a dedicated justice sector assessment program took place in Bosnia in 1998, fully three years after the UN Mission in Bosnia and Herzegovina had been fielded. Their functions were to assess, monitor, and provide technical assistance to justice systems. In 2000 the Report of the Panel on United Nations Peace Operations (aka the Brahimi Report) called for “a doctrinal shift in the use of civilian police and related rule of law elements in peace operations that emphasizes a team approach to upholding the rule of law.” Subsequently, virtually all peacekeeping missions, along with most substantial political missions conducted by the Department of Political Affairs, have included international judges and prosecutors along with attorneys within their Rule of Law Units, albeit usually not with an operational (executive) mandate but with mandates for technical assistance, capacity building, and coordination.

Institutionalizing this experience, both the United Nations (UN) and the European Union (EU) envision two possible mandates for missions involving international judges and prosecutors. As described in the UN Department of Peacekeeping Operations (DPKO) Handbook for Judicial Affairs Officers (JAO), these are:

1. **Executive mandates**, in which the peacekeeping operation is authorized to undertake executive (including legislative, executive, and judicial) functions;

2. **Non-executive mandates**, in which the peacekeeping operation is tasked with supporting national authorities to strengthen their judicial and legal systems.

The EU terms these two alternatives “substitution” and “strengthening” missions. EULEX in Kosovo is an example of the former, and EUPOL (including the Rule of Law unit, through 2015) in Afghanistan is an example of the latter. NATO uses “replacement and reinforcement” for the same concepts.

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18 Department of Peacekeeping Operations, “Handbook for Judicial Affairs Officers in United Nations Peacekeeping Operations,” June 2013, 1. Available at http://www.un.org/en/peacekeeping/publications/cljas/handbook_jao.pdf. Note that attorneys outnumber former judges and prosecutors for both UN and EU missions. However, IJP can be moved to executive mandates, as they were in UNMIK, UNTAET, and RAMSI (Australian-led peacekeeping in the Solomon Islands) while attorneys without judicial/prosecutorial experience should not be placed in those positions.

19 Ibid., 24.
In both executive and non-executive mandates, IJP will also perform another role that might be called “strategic advocacy and consensus building.” On normative issues essential to the rule of law, they can unify the international community behind essential reforms and obtain considerable leverage when bilateral and multilateral assistance is conditioned on such reforms.

In NATO SP Workshops in 2017, to these two alternatives was added what is being advocated here: a third alternative of partnership with the host nation, targeting specific crimes critical to combating spoilers and CPS, and providing an executive mandate limited only for those crimes and exercised through a hybrid prosecution office and courts with combined national and international jurisdiction for those crimes.

The Relevance of International Judges and Prosecutors for Combatting Criminalized Power Structures

In the Handbook produced by DPKO for its JAO, the frequent threat that CPS represent to peace, security, and public confidence in the rule of law, especially due to impunity, is implicitly recognized. Among the challenges to the rule of law identified in the Handbook are the following:

. . . members of the executive branch, other powerful social actors or persons involved in organized crime may exercise undue influence over judges and prosecutors. . . . If the conflict was linked to ethnic, religious, political or other affiliations, the post-conflict justice system may suffer from bias and revenge along similar lines. . . . Given the climate of impunity, corruption and nepotism, there may be little or no public confidence in the justice system. This may be compounded by perceptions that the judiciary is dominated by members of an oppressive group. Legislative, judicial and law enforcement officials may have committed human rights violations, and the failure of the justice system to address those violations may have been a root cause of the conflict. Finally, local actors may believe that strong rule of law institutions will threaten their own interests and status.20

This complex of interrelated challenges provides an apt description of the dysfunction of a legal system in the grip of a CPS. Under these not uncommon circumstances, merely providing capacity building programs is highly unlikely

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to be effective at rooting out impunity or providing disenfranchised groups equal access to justice because the “local actors” who believe their interests will be threatened by a properly functioning legal system exercise “undue influence” over it. Incorporating international judges and prosecutors (IJP) with at least a measure of executive authority for crimes that threaten the mandate is likely to be the only means of gaining convictions of high-profile members of a CPS and beginning to create the space for members of the legal profession who aspire to uphold the integrity of the system to survive and become a force for change.

Prominent Illustrations of the Use of International Judges and Prosecutors

While Afghanistan provides an example of why a hybrid prosecution institution and court are necessary, Kosovo illustrates that insufficient resources and an unfocused mandate allowing selection of any case for international prosecution and trial will not provide success either.

UNMIK itself also reigned in its international prosecutors by reviewing and, in some cases, prohibiting the filing of indictments, searches, and arrests of certain “untouchable” former KLA commanders based on the UNMIK senior leadership’s balancing of judicial action against the potential for violent political demonstrations and backlash at the UN mission itself. The institutional weakness of IJP was marked by the lack of inter-agency cooperation: when international prosecutors requested help from the International Criminal Tribunal for the former Yugoslavia (ICTY), or even intelligence on KLA command structure from KFOR, it was often not forthcoming. An exception was ICTY taking two cases for eventual prosecution which UNMIK had decided not to indict and arrest. After Kosovo declared independence, UNMIK bequeathed 10,000 cases to the European Union Rule of Law Mission in Kosovo (EULEX), most of which were in the police investigation stage due to the lack of cooperation.

A senior UNMIK prosecutor explained that he had been ordered by the UNMIK leadership not to arrest, further investigate, or indict three senior former KLA figures, two after extensive investigations had been conducted by UN Police; one of the latter had the arrest stopped the day it was to have occurred. The reason given by UNMIK senior leadership was that the interest in prosecution, including indictment and arrest, had to be balanced against the possibility of negative reactions of the population, including possible violence during protests against such arrests.

KFOR required military-level secret clearances, which most UNMIK prosecutors did not have. In the future, international prosecutors with such clearances, or SOPs with member states to expedite such secret clearances, should be considered. Another difficulty was that the ICTY, in its investigations, took witness statements with the express assurance that the statements would only be used in ICTY prosecutions. Thus, UNMIK international prosecutors had to ask.

This entailed ICTY following their time-consuming investigation protocols and resulting in acquittal at The Hague when witnesses recanted or provided conflicting testimony from their UNMIK/ICTY investigation statements when testifying at trial.
Corruption as a New Threat and Hybrid Justice Institutions as the Antidote

to an insufficient number of experienced police and prosecutors to evaluate, investigate, and prioritize their efforts. Some of these cases involved high-profile political operatives.

**EULEX Kosovo and the Special Investigative Task Force (SITF)**

Just days prior to Kosovo’s unilateral declaration of independence in 2008, the EU created EULEX Kosovo. Owing to Kosovo’s desire for recognition as a State as well as for continued assistance from EU member states and eventual accession into the EU, EULEX was granted authority by Kosovo’s leadership for both a strengthening and a substitution mission. The mandate of the Executive Division (i.e., the substitution mission) is to ensure that:

...cases of war crimes, terrorism, organized crime, corruption, inter-ethnic crimes, financial/economic crimes, and other serious crimes are properly investigated, prosecuted, adjudicated, and enforced, according to the applicable law, including, where appropriate, by international investigators, prosecutors, and judges jointly with Kosovo investigators, prosecutors and judges or independently.⁴⁴

The continuing inability of Kosovo’s legal system to cope unaided with the political-criminal nexus of certain prominent former KLA members was documented in a 2012 report by the OSCE Mission in Kosovo that found that “In some instances the local judiciary was unwilling to try the case because of the defendant’s influential position in the Kosovo government. There was also a case in which defendants were former KLA members and there had been threats to the presiding judge.”⁵⁵ EULEX winnowed down the 10,000 cases it had inherited from UNMIK to 400 high-profile cases. According to Kosovo’s leading think tank, the Kosovo Institute for Policy Research and Development, as of 2013 these cases “include around 20% of Kosovo MPs.”⁶⁶ As occurred with UNMIK, political considerations appear to have interfered with EULEX’s pursuit of indictments in some cases.⁷⁷ EULEX has, however, undertaken the

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prosecution of some very prominent and feared former KLA commanders, including Fatmir Limaj (for war crimes and high-level corruption, a change from UNMIK’s earlier decision against his arrest) and Sami Lushtaku (for war crimes and threatening a journalist, again, a change from UNMIK’s 2001 decision against charging him for assault and battery on an Albanian citizen. Lushaku was, however, later prosecuted and convicted by UNMIK IJP for assaulting police). The ability to adduce reliable evidence and ensure a fair and legitimate outcome in these cases will provide a litmus test for the efficacy of EULEX.

In 2011, the executive authorities conferred on EULEX were used to create a Special Investigative Task Force (SITF) to probe allegations set forth in the Marty Report.\(^2\) This report had been prompted by allegations published by Carla del Ponte, former head of ICTY, that KLA commanders had committed crimes against humanity after the international community intervened in Kosovo in 1999. She was precluded from pursuing these allegations since her remit only extended to the end of open hostilities in June 1999. Thus, to bring the perpetrators to justice, it was necessary to create the SITF using the authorities granted to EULEX. In July 2014, the head of the SITF announced the initial findings:

Roma, and other minority populations of Kosovo and toward fellow Kosovo Albanians whom they labeled either to be collaborators with the Serbs or, more commonly, to have simply been political opponents of the KLA leadership . . . this was solely about certain individuals in the KLA leadership using elements of that organization to perpetrate violence in order to obtain political power and personal wealth for themselves.\(^2\)

The SITF was unable to name the culpable former KLA leaders since the special court that would be used to try these cases had not yet been constituted by the government of Kosovo, a step that eventually took place in 2016. Witness intimidation has been the primary impediment to the SITF’s work. The chief prosecutor argued that the special tribunal, which will be comprised only of international judges and prosecutors, was needed to ensure “ . . . certain


safeguards that would provide the only means of a fair and secure trial in this matter.”30 Owing to the overlap between those responsible for orchestrating the campaign of violence in Kosovo in the early years of the mission and those seeking to capture the state and exploit it for criminal purposes, the SITF could deliver a decisive blow to the illicit structures operating in Kosovo, if it is able to protect witnesses adequately so they are able and willing to testify.

Until the SITF’s investigations and trials are completed, we cannot judge their success. However, Kosovo’s lesson for NATO SP is that a mandate for only CPS-relevant crimes, and only the most senior officials, must be provided, along with strict limitations preventing political interference with the prosecution of cases. Moreover, in light of the need for transparency and equality, there is a need for accountability of international staff and public sanctions when violated.

Conditions Necessary for Success

• Rapid deployment of qualified IJP at the start of a mission

Currently most UN judicial affairs officers and EU lawyers are used for capacity-building tasks and primarily attorneys are recruited for this purpose. As a result, most do not have the experience or qualifications to serve as judges or prosecutors, and, therefore, the current UN roster is not tailored to provide IJP capable of performing executive functions. The UN should establish a roster position for executive mandate judges and prosecutors that specifies the years of experience and specific expertise in relevant areas of criminal law to perform operational executive mandates.

• Effective autonomy of IJP in missions operating with executive authority

An effort must be made, at minimum, to implement guarantees for independent decision-making by IJP who exercise executive authority, and to ensure that both judicial independence and its appearance are also maintained.31 While some states’ legal traditions allow prosecutors to be politically driven or instructed, all require judges to be fully independent, and the majority require

30 Ibid., 4.

31 See “International Principles on the Independence and Accountability of Judges, Lawyers and Prosecutors,” International Commission of Jurists, Geneva, 2007, 25. “From the perspective of their professional independence, it is crucial that judges are not subordinated hierarchically to the executive or legislative, nor that they are civil employees of these two powers. One of the fundamental requirements of judicial independence is that judges at all levels should be officers of the judiciary and not subordinate or accountable to other branches of government, especially the executive.”
prosecutors to be functionally, if not fully, independent. Decisions about IJP’s contract renewals, discipline, and removal for cause should not be made by mission leadership. This would violate standards for judicial independence, open the door to political interference in the cases that IJP investigate and prosecute and the verdicts they reach, and expose the mission to justified criticism that it does not comply with the same principles it expects the local judiciary to follow.32 There is a potential for conflict between the UN principle of consent of the parties to the conflict33 and prosecution for mandate crimes when the prospective indictee is a leading figure in a CPS as well as a primary interlocutor in the peace process. “Mandates should provide adequate authority and capacity to deal with CPS.”34

The term of employment for IJP should be for at least one year, and preferably two, owing to the time required to adapt to a new legal system, nurture productive working relationships, and pursue complex cases to conclusion. Related to this, it is vitally important that a process be installed to assess IJP performance professionally and objectively, in particular where disciplinary infractions are alleged. This may be enabled by serious review of case results, statistics, and outside independent monitoring of performance. The solution is to establish a High Judicial and Prosecutorial Council (HJPC) to evaluate the performance of IJP that is comprised of a majority of senior international jurists with participation and input from mission leadership. In light of the evaluation results, the HJPC could also decide on contract renewal periods longer than one or two years.

- The entire legal continuum must be functional

Although IJP play a vital role, the entire legal continuum, from “intelligence to incarceration,”35 must be capable of functioning in the face

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of intimidation, bribery, and direct assault from prevailing political-criminal networks. Thus the international community will need to rapidly field capabilities required to fill gaps in local capabilities that are likely to thwart the mission’s efforts. Essential functions include criminal intelligence, support for covert and technical surveillance, and a legal framework for their use in trial; protection for witnesses, victims, and lesser offenders from within illicit power networks to enable snaring the heads and organizers; specialized expertise among international police investigators for war crimes, financial crime, and organized crime as well as a roster of forensic experts and labs available outside the mission; crowd and riot control; high-risk arrest; close protection; and maximum security prisons with transparent parole and pardon frameworks. The time to deploy all these capabilities is at the start of the mission so that the “golden hour” can be seized when the legitimacy of the mission to confront the CPS phenomenon is at its peak.

- Security

Owing to the likelihood that criminalized power structures will seek to preserve their access to criminally derived wealth, power, and impunity through extreme means, IJP and especially their local counterparts are liable to be at considerable risk. It is vitally important they be provided close protection details, security for the court houses and prosecution offices where they work, and protection for the homes and families of local judges and prosecutors.

- Ability to vet local judges and prosecutors and forge a collaborative working relationship

To minimize the influence of CPS over the cadre of national judges and prosecutors with whom IJP are empowered to work, the mission should have the authority to vet and reject any candidate who is not trustworthy and to remove them for cause when required. All justice professionals (both national and international) who are part of the proposed hybrid justice institutions (both special court and prosecution office) discussed below, should file mandatory asset and financial declarations that are then factually verified annually to deter corruption.\textsuperscript{36} The composition of the national legal personnel assigned to work with IJP should also provide balanced representation for the parties to the conflict. There must be guarantees of a term that prevents political control over judicial decisions through threats of termination.

\textsuperscript{36} If such verification gives cause to believe that illicit enrichment had occurred, the appropriate accountability mechanisms within the hybrid institutions should make use of other tools, including banking and financial investigations, Mutual Legal Assistance, and integrity testing, to ensure that no illicit activity has occurred.
Pre-mandate Assessments Should Determine Whether the Legal System Is Part of the Solution to Criminalized Power Structures, Is Part of the Problem, or Somewhere in Between

Assessments need to do more than examine gaps in the capacity and skills of indigenous police, prosecutors, judges, and prison officials to perform their functions. It is critically important to understand if the legal system has functioned as part of the repressive apparatus of the state, is rife with impunity for informal power brokers implicated in war crimes or crimes against humanity, or is coopted or intimidated by a criminalized cadre of elites who were one of the parties to the conflict. If this is the case, they are part of the problem and the mandate needs to provide robust authorities to address that. If the only shortcoming is lack of capacity, then the legal system is poised to be part of the solution with the requisite training, equipping, and mentoring. It is essential to begin by understanding whether the legal system is actively hostile to the rule of law, merely suffers from a lack of capacity, or is somewhere in between.

Conclusion

If the justice system is part of the problem, the solution requires a hybrid prosecution office and court, not simply supporting or strengthening the national judiciary. If the justice continuum for the NATO SP is a national jurisdiction prosecution office and courts, supported by international prosecutors with only advisory powers who are co-located with full-file access providing intensive mentoring, even this can be easily sabotaged by an uncooperative Government. Thus, the ACJC, if it is successful, depends upon the political will and continued integrity of President Ghani, Attorney General Hamadi, and properly vetted and motivated national prosecutors who are given the political space to do their job and an independent and courageous national judiciary. Moreover, sufficient security, including close protection, is required.

The Afghan experience illustrates why this cannot be relied upon when the government is in the grip of CPS. In 2010 the arrest of a close aide to President Karzai resulted in “push back,” with former Attorney General Muhammad Ishaq Aloko (2008–2014) ordering his prosecutors to deny international advisors access to the case files before any powerful figure could be tried, thus effectively turning the mentors into trainers and removing their ability to stand beside and encourage the prosecutors with specific
action proposals. While member state politics and preferences for their own sovereignty will always favor strengthening over substitution, especially where the criminalized power structure controls or influences the political opinion of that member state, for NATO’s SP to succeed, it is necessary to have control over the criminal justice continuum after the CPS senior officials leave SP custody!

An intermediate or “partnership” option via hybrid justice institutions (HJI) tailored to the CPS phenomenon is thus needed as the middle road, one that should be politically palatable during the “golden hour.” When neutral and fair assessments indicate criminalized political networks actively exploit the legal system for illicit purposes or intimidate it into passivity, mandates should authorize the creation of hybrid justice institutions comprised of both IJ and IP and carefully vetted national judges and prosecutors as the court of first instance for expressly defined crimes that constitute a threat to the mandate or the mission. This would include, in addition to conflict-inherited war crimes and crimes against humanity, violence against political adversaries in keeping with a protection of civilians mandate, theft of international assistance (by internationals as well as locals), grand corruption that drains the government of public trust and legitimacy, intimidation of witnesses, and espionage or attempts to suborn or intimidate mission staff. Indeed, special courts are recommended in the UN Judicial Affairs Officers’ Handbook when there is a “...lack of capacity and/or independence and impartiality of the national justice system.”

If the mandate specifies the type of cases under the limited jurisdiction of the HJI, this will alleviate the broad discretion with which cases were assigned to IJP under UNMIK, which dissipated their ability to focus on dismantling the criminalized centers of power. Hybrid justice institutions should be provided specialized international criminal investigative expertise in lawful intercept of communications, forensic accounting, and financial crimes. They should have

37 “Two major events in 2010—the arrest on corruption charges and subsequent release of an aide to President Hamid Karzai, and the near-collapse of Kabul Bank due to massive fraud by politically connected bank shareholders—demonstrated both the extent of corruption and the weakness of Afghan political will to stop it.” SIGAR, “Corruption in Conflict,” Sep. 2016, ii.


39 For example, in UNMIK, prosecutors were instructed at one point to “find a case we can prosecute of electricity theft, as many are not paying their bills, we need an example.”
a mandate to attain real time access to active national case files. In addition to gathering evidence relating to cases under the special court’s jurisdiction, one of their core functions should be to mentor carefully selected local personnel in these specialties who are assigned to work exclusively in support of the HJI. Holding international staff to account for theft of international assistance is also a critically important part of the HJI mandate since the failure to uphold the rule of law on mission members would only reinforce the belief that those who wield power also enjoy impunity.  

IJ should initially comprise a majority on the judicial panels of the hybrid courts (trial and first instance appeal) and IP should be in charge of key decisions on charges and investigations as to the selected crimes. Given the need recognized by NATO for partnership, for working with rather than substituting for local counterparts, this option is superior to the well-accepted practice of establishing exclusively international tribunals to hear war crimes cases. Such tribunals provide no capacity building for the indigenous legal system, and they are confined to crimes committed prior to the international intervention rendering them useless for purposes of confronting violent opposition to the peace process.

The hybrid court concept is superior since it would be located in the affected state with internationals and national prosecutors and judges working collaboratively, sharing the risks associated with confronting powerful forces accustomed to impunity. The skills, expertise, and knowledge of both are essential to be successful. Once the special court demonstrates it is able to prosecute and convict the most dangerous and notorious political-criminals successfully with full participation of national counterparts, it becomes possible to test whether the composition of the judicial panels could shift to majority national. This strategic option is designed both to dismantle criminalized power structures and endow the local legal system with the capacity to prevent criminalized political elites from reasserting their clout after the mission departs.

40 The UNMIK model with its cadre of IJP is illustrative since it had an unprecedented number of international staff investigated and successfully prosecuted in Kosovo for crimes of rape, corruption, gender-violence, murder, and other crimes. This was possible because UN Headquarters (i.e., the Secretary General in consultation with the Office of Legal Advisors) was willing to waive immunity for international staff who became suspects and allow investigation and trial by its own IJP. There was one exception where the UN International Prosecutor who had investigated an UNPOL officer-shooting case was overruled by OLA and prevented from prosecuting.
Chapter 9

ISAF’s Role in Security Reform in Afghanistan

Ahmad Rafi Nadiri

Introduction

This article provides an Afghan’s perspective on NATO’s role in Afghanistan, a country that was and is the victim of war, violence, conflicts of domestic armed groups, and outside interventions. NATO has taken centre stage in the rehabilitation, renovation and security of Afghanistan. The soldiers of your countries have sacrificed a lot for this cause. I, as a young Afghan and someone who understood and witnessed the importance of the presence of your forces in Afghanistan, would like to thank you and express my appreciation for your honest contributions and sacrifices.

NATO has had an active presence in Afghanistan for the past 15 years. During this time, the Alliance has had important achievements in countering terrorism and supporting a stable and safe environment for most of Afghanistan’s population. However, NATO still faces tremendous challenge such as the resurgence of the Taliban, spread of the Islamic State of Iraq and Syria (ISIS) and continuation of war in a significant portion of the country and the persistence of proxy wars (NATO has failed to target the terrorists’ safe havens in neighbouring countries).

The NATO presence in Afghanistan: From the International Security Assistance Force to NATO

Following the 9/11 tragedy and after the Taliban declined to hand over the Al-Qaida leaders to the United States (U.S.), U.S. along with eleven
other counties, most of which are members of NATO, deployed troops in Afghanistan following United Nation's counterterrorism resolutions1368 and 1373.¹ This resulted in the fall of Taliban regime.

After the end of Taliban regime in 2001, the Bonn conference was held where all different Afghan political factions, with the exception of the Taliban, convened to decide on the formation of a new government in Afghanistan. They agreed on a three-round process:

- The temporary administration of Afghanistan;
- The transitional government;
- The elective government, decided by an independent election.

The Bonn agreement contained two attachments one of which referred to the security of Afghanistan during the temporary administration, transitional government and the role of international society regarding the temporary government. According to the first attachment of the Bonn agreement, until the formation of the Afghan National Army that would maintain the security of Afghanistan, a force had to take the responsibility of maintaining security in Afghanistan during the temporary and transitional governments; the International Security Assistance Force (ISAF) was assigned by the United Nations to this responsibility. Initially, this was a six-month mission; however, after the end of each term the Security Council of the United Nations extended their operation period.²

**Goals and Duties of ISAF in Afghanistan**

- Stability and rehabilitation of Afghanistan through providing security;
- Working along with Afghan security forces on counterterrorism; Training of Afghan security forces; Supporting and supplying Afghan National Army; Providing security to

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² According to Resolution 1368, for the first six months the U.K. was the lead for ISAF. In the second six months, according to Resolution 1413, Turkey took command of ISAF. In the third six months, according to Resolution 1414, Germany and Netherlands took command as a coalition.
those areas in which development organizations are working. Also, protecting the constructed installations; Helping Afghan government disarm illegal armed groups; Counter-narcotics and helping the Afghan forces in this regard; Humanitarian assistance; Supporting the rule of law, human rights, and women's rights.

From the beginning of 2001 ISAF was active in providing stability and security in Afghanistan and provided most Afghans with the chance to live in a stable society. I will briefly point out ISAF’s achievements below.

**Rule of Law and Human Rights**

ISAF’s role in the rule of law included helping the legal and judicial institutions by drafting new laws; training the staff of the Department of Justice, court, police and defence attorneys; implementing capacity-building programs for the legal and judicial institutions; expansion of human rights; and public awareness programs through the ISAF Radio, ISAF magazine and ISAF news. Through these programs Afghanistan was able to rebuilders legal and judicial system, create new laws that met global standards in support of human rights and women’s rights, create some level of trust between the people and the legal and judicial institutions, strengthen the formal justice system, and establish an independent human rights commission. Currently, Afghan courts are staffed by well-trained judges, 15% of whom are women. Also the Attorney General’s office has well-trained prosecutors, 18% of whom are women. The Bar Association is active with more than 3,500 members and is working as an independent association to ensure access to justice for all Afghans.

**Security and Training of the Security Forces**

Since 2001 ISAF has paid attention to the security sector, which is the key element of good governance. At the beginning ISAF had operational responsibilities along with the task of training the Afghan security forces; however, in 2014 Afghan forces started to take charge of maintaining the security of the country. Now NATO is focused on training and supporting Afghan security forces and providing them with necessary equipment. The Afghan National Army reached 194,000 troops in 2014, and the number of police reached 157,000 in 2013.³

³ The number of the Afghan National Police was reported at 157,000 in September 2013, which is expected to reach 160,000 by the end of 2014. They are to be continuously reformed until the force qualifies and internationally accepted. [https://en.wikipedia.org/wiki/Afghan_National_Police](https://en.wikipedia.org/wiki/Afghan_National_Police).
Media/Press

One of the main achievements of the international society after 2001 is the freedom of press. Presently hundreds of TV and radio stations and newspapers are active in Afghanistan. The press is considered the fourth force of the system and can have a crucial role in a democratic system.

Infrastructure

With the ISAF presence, hundreds of schools, dams, hospitals, clinics, factories and buildings for governmental institutions have been built. As a result, the children of Afghanistan, boys and girls, go to school, hundreds of patients get treated, and the population benefits from public services. In 2001 only one million Afghan children went to school and girls had no access to education, but in 2016 around eight and a half million Afghan children were in school, half of whom were girls.

Healthcare System

ISAF has aided Afghanistan’s healthcare system treat poor people, the wounded, and distribute medicine to hospitals and clinics all over Afghanistan, all of which have had positive effects on people’s lives. According to the Ministry of Healthcare, mortality during pregnancy has decreased from 1,600 to 327 cases for each hundred thousand pregnancies and women’s access to healthcare services is increasing\(^4\). So far hundreds of clinics and hospitals have been built.

Women’s Rights

After the collapse of the Taliban in 2001, Afghan women have had a lot of achievements in various sectors. The 2004 Afghanistan’s Constitution states that men and women have equal rights. Currently women make up 28% of the parliament. The law on Elimination of Violence against Women\(^5\) has been enacted, with a special prosecution office and courts. Shelters

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\(^4\) According to the Ministry of Public Health, “in 2003, only 9% of Afghans had access to healthcare services,” whereas today, as much as 67% of Afghans have access to the Basic Package of Health Services and Essential Hospital Services provided by over 2,200 health facilities in all 34 provinces”. www.worldbank.org/en/news/feature/2015/12/22/afghanistan-builds-capacity-meet-healthcare-challenges

\(^5\) The EVAW law (Elimination of Violence against Women) was enacted by President Hamed Karzai on July 20th 2009. According to the 79th article of the Afghanistan constitution. Source: Afghan Judicial Reference Set, Afghanistan Islamic Republic Official Gazette.
have been created to fight violence against women and to help the victims. Girls can go to school again. Civil society associations and a Ministry of Women Affairs has been established to advocate for women’s rights.

**Disarming Illegal Armed Groups**

The Afghan Government, along with ISAF, has been able to collect hundreds of thousands of weapons under Disarmament, Demobilization, and Reintegration and DIAG programs and submitted them to legal officials.

**Counter-narcotics**

ISAF has helped Afghan farmers to replace opium with other crops while assisting in training Afghan security forces eliminate the narcotics trade. As a result, the percentage of farming and trafficking the narcotics has deeply decreased. All these achievements would not have been possible without the direct contributions of ISAF. Despite all of these achievements Afghanistan and ISAF still face great challenges.

**Security Challenges of Afghanistan**

Through an overall survey it can be shown that security challenges in Afghanistan have two sides: an internal side and external side.

**Internal side**

1. Lack of sufficient well-trained security forces and lack of adequate modern military equipment;
2. Lack of sufficient air force operational capability;
3. Corruption and weakness of rule of law;

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6 DIAG – Disbanding Illegal Armed Groups. The DIAG focused on weapons management through the creation of data bases that could register and track small arms and light weapons (SALW) and positioned itself as a political guidance process as it tested a context-responsive and conflict sensitive program that was successful in such terms. [https://cve-initiative.org/2016/12/01/disbanding-illegal-armed-groups-diag-program-in-afghanistan-flexibility-of-peace-operations-through-conflict-sensitive-designs/](https://cve-initiative.org/2016/12/01/disbanding-illegal-armed-groups-diag-program-in-afghanistan-flexibility-of-peace-operations-through-conflict-sensitive-designs/)

4. Opium farming and trading that directly generates Taliban income.

5. High rate of unemployment among youth which causes them to join insurgent and terrorist groups.

**External side**

1. Interference from foreign countries especially the neighbouring countries of Afghanistan;

2. The departure of ISAF forces has allowed a resurgence of the Taliban and ISIS

3. Existence of safe havens for Al-Qaida, Taliban and ISIS in bordering areas of Pakistan and the support of the Pakistani Government for these forces.

4. Lack of a good strategy by the international community for engendering security in Afghanistan.

**Suggestions and Recommendations**

- **Military forces:** The major request from NATO commanders in Afghanistan was the increase of forces and lately the presence of NATO's military advisors.

- **Rehabilitation and reconstruction:** These processes must start soon after each successful military operation as they are the key points that creates trust between local people and security forces.

- **Opposition:** Reconciliation with opposition parties if they accept the Constitution of Afghanistan.

- **Border Control:** Pressing on Pakistan to control the Qabaely areas and the border so Pakistani Taliban cannot enter into Afghanistan and at the same time put pressure on Pakistan to stop its support of Afghan Taliban.

- **Civil-military interaction:** While striving to provide stability and security it is necessary for NATO forces to be closely in touch with the civil society and the Afghan people. Without the support of the people and the sociological legitimacy of ISAF’s mission in Afghanistan, bringing peace and security in Afghanistan will not be possible.

- **Community policing:** In the last couple of years the “community
police” program has been a successful step towards better security and direct communication between the people and police. The intent is for people to help law enforcement by sharing information and for the police to gain people's overall support as they are addressing the specific security concerns of each community. Unfortunately most of the NATO's focus has been on the Army. It is suggested that more attention be paid to the police.

- Corruption: Support for anti-corruption programs and a legal and judiciary centre for anti-corruption is required.

- Local governance: Better coordination amongst civil society institutions and other good governance watch institutions is required. This would allow locals to get more involved in governance in order to have better oversight and assessment of government plans and strategies.
Chapter 10

Police Development

Vern White

“If you don’t like change you’re going to like irrelevance even less.”

Introduction

Understanding what is important in a policing-community relationship is key to actually delivering on what the police and the community expect from each other. Understanding how community-oriented policing works and why it is important in delivering a relevant service has been the work of many researchers, not just by police leaders but as well by community leaders, sociologists and practitioners. The ability to deliver such a service is at the foundation of a successful police service provision within any and every community. Policing is a community activity focussed on many aspects: improving the lives of citizens; maintaining the law and order of the community and resolving conflict within that community. The importance of a stable policing model, regardless of the environment, can mean the success or failure of that very society. In this chapter I will touch on what I would argue are the most important aspects of police development and the foundation of such development: leadership, community engagement and delivering on the needs of the community.

Leadership

We expend a lot of energy working on the challenge of leadership, specifically the focus on leader (ship) development. Quite often the emphasis is on what leaders should become, namely an approach based on the leader and the traits and characteristics that they should demonstrate to be successful. This is extremely important as the leader of a police model is key to the development of that police model. Here I will endeavour to identify what leaders should do to make others become the best they can be, and in doing so, become successful individually and thereby creating the best possible model for policing, in any circumstance. The concept of police stability and police development, I would argue, is first and foremost about the expectation of the client being served, the community, and then what the police model can do to develop in a relevant manner for that client group. There is no secret sauce in police development, and if there was those responsible for policing of those countries represented in NATO would have invented it.

Since the formation of NATO, some of our countries’ greatest leaders have come from the military of NATO countries. Those leaders have not just been found within the most senior ranks, although they are there as well, but importantly from every rank. The work of NATO partner countries is renowned for its ability to adapt to changing environments, providing a strong service to mission while developing capacity and capability along the path presented in mission.

Alternatively we have seen through NATO interaction that there is a tendency to try to find a way to work within a system that has been “inherited,” whereas I would argue that the focus should be on the transformation of the existing system to make the required changes to move an organization forward within the context of what was received, but not necessarily adapting to what they were given. Quite simply, leaders may adapt to their environment, but real transformational leaders change the system and make a difference, by being that difference. Police development requires transformational leadership and organizational transformation, every time.

When we look at transformational leaders throughout history, it becomes evident that they have placed their focus on starting a revolution, not just being a part of an evolution. Policing is not different. I would argue that looking at history and examining the great leaders we see
individuals who have been the type of leader with the innate ability to shift the thinking of the people around them, and it becomes evident that they all had something in common. They were able to grasp that a change in the manner in which we think, a change that focused on action, could create and achieve incredible results. It is more than simply inspiration, as inspiration often ends after the “feel good period.” Rather, transformation brings people to new places and exciting opportunities, literally changing their worlds.

Many would identify leadership success as personal success, but the true leaders are those who have shifted the paradigm in which they operated, as well as that of their organizations or cause, which may or may not have meant personal success or accomplishment. In my world, policing, having worked in three provinces, three territories across Canada and for three different police organizations, I have seen leadership at every level of those organizations. I have seen some leaders with the ability to get things done regardless of the system that was in place, which they had inherited. However, the real transformative leadership I have witnessed occurred when the leaders changed those very organizations. I have found and would argue that it is only the truly transformational leader that can help an organization make the necessary shift.

In short, what is required are individuals who can listen, understand the challenges and requirements of the day, and then ignore what has been done prior, or what is currently in place. Instead, those individuals must be willing and able to take a new path, a new direction for the organization, country or cause that they are working to change, leading the transformation from within the organization itself. As the renowned poet Ralph Waldo Emerson wrote, “Do not go where the path may lead, go instead where there is no path and leave a trail.” In policing it takes that level of leadership to bring an organization to the point of working for their community, not in their community.

The Challenge

When we start our careers, in particular in military or para-military organizations, we are tasked with taking on roles in a highly structured, resilient and hierarchical bureaucracy that is designed to garner control, not free thinking. As author Bill Deresiewicz wrote in Solitude and

Leadership, when discussing membership in such organizations, the rules that are present and the manner that reward and punishment are meted out are clear and obvious. He notes that in his experience, and I have seen the same phenomena, it is not uncommon that the leaders found within are mediocre, walking carefully to gain personal advantage. They are not the risk accepting, free thinkers required to bring change.\footnote{William Deresiewicz, “Solitude and Leadership,” American Scholar, March 1, 2010, http://people.terry.uga.edu/bostrom/Leadership_Articles/Solitude%20and%20LLeadership_American%20Scholar.pdf accessed 26 July 2017.} In developing a policing model within the parameters left from a military conflict there is often little opportunity for such thinkers, or so it may seem. The reality, however, I would argue is much different. If the parameters appear be too restrictive, true leaders will expand those parameters.

As important as the ability to broaden the noted parameters is the willingness to try. To understand how this is done we should as well try to understand why it is not done. It is a strange phenomenon. We join these organizations, policing in my case, but the military as well, with a desire to be challenged, to make a difference and to risk it all, even your life, for a cause. What happens on the way up the corporate ladder is startling. One day you are willing to risk your life and the next you are not willing to risk a promotion, or even risk being wrong, to do the right thing. How does one square that circle?

From a personal perspective, whether I was the Commanding Officer of the Royal Canadian Mounted Police (RCMP) in Nunavut, or the Chief of Police in Ottawa, the police officers who worked with me would go out every day, strap on their equipment, leave our buildings and they were willing to run head on into danger, risking everything they had, including their lives to do their job for their communities. We all grew up in our respective careers carrying weapons fully ready to kill, or be killed, to save the lives and liberty of others, as tragic as that sounds. So, the question must be asked, when do we lose that drive, that willingness to risk everything and that need to make a difference?

To be clear, there is a serious need for authentic leadership within the development of a strong and relevant policing model, regardless of the location. In the selection of leaders for such roles there must be consideration for enticing the right leaders into the international sphere. This means the right leader, with the right skills and the passion for police...
development including capacity and capability building.

Deresiewicz speaks directly to specific examples of leaders where there is more than a need for physical courage, specifically the requirement for moral courage. This is an area where I believe we are greatly lacking - the moral courage to be wrong, to take chances, to pursue change when it is unpopular and to challenge the status quo at every turn. It is exactly that type of leadership that is absent in many of our communities. Moreover, it needs to be pursued if we wish to make as much of a difference as possible. Within the concept of police development it is not only needed it is essential.

Our challenge is that our world has never been under more stress and risk. “Traditional” wars are being fought alongside non-traditional wars (e.g. hybrid warfare, role of non-state actors, proto-states). For example, one of our greatest perceived threats is from a terrorist organization that acts as a proto-state and operates a large army that employs both traditional soldiers and lone-wolf mercenaries around the world. Significantly, all of their “soldiers” are willing to die for their cause. The impact of this threat requires our traditional models of military and para-military operations to shift. It requires an approach that is both fluid and yet disciplined.

We have seen the impact of these “non-traditional” wars. As a result, our new normal is a constant menace of internal attack from unknown and unsuspecting sources. The need for the courageous leader, with a willingness to take chances and challenge the status quo has never been greater. Quite simply, maintaining the status quo is an impossible aspiration today. Finding, developing and supporting those new leaders that are required to meet the challenge of the new security environment will allow an opportunity for success against the myriad of new threats we face. Conversely, failure to do so will bring about a void of the necessary leadership to take on the perils we face. In the development of relevant policing, we can see that leadership is of paramount importance.

Leadership: What is it really?

I consider three factors when I analyse leadership. These are: what it is to me; what it is not to me; and lastly, the realization that I may not be the best judge.
What leadership is to me

Leadership expert Frances Hesselbein observed, “Culture does not change because we desire to change it. Culture changes when the organization is transformed – the culture reflects the realities of people working together every day.” As mentioned previously, the great leaders are change management gurus. They look for new ways to do old things and pursue with a vengeance that need for transformational change. They are the visionaries with an ability to think strategically and then operationalize it. The demand for people to grasp the need for change and then move personally and organizationally toward that change will be what separates mediocrity from excellence. But transformational leaders do not just change an organization; they also take all those around them along for the ride. They ensure that everyone is part of the solution and the organization’s success. They build relationships and show others the importance of the change process.

Courage of great leaders has shown to be an essential ingredient to their success. Finding that form of courage is what all of us should be looking for in our future leaders. Specifically, it means finding those who are willing to fail, if it means a chance to succeed. The leaders with that type of courage of conviction, the courage to step out in front of a crowd, the courage to be wrong when trying to do the right thing, the courage to lose their job doing what is right for their job/organization/community/country, or for their men and women who depend on them.

I experienced an example of this type of leadership when I was with the Ottawa Police Service. We had officers wanting to serve in International peacekeeping roles, as police officers, or as reservists with the Canadian Armed Forces. Many senior leaders in the organization felt it was too high risk and that we should focus on our core business, namely policing in Ottawa. When challenged, these leaders were clear that the risk of losing an officer in an international role was too high, and while that would indeed be a tragedy, a number of us felt that the opportunity for personal and organizational growth, as well as the opportunity to serve one’s country, was a value that could not be passed up. The next five years saw the service send more than 100 officers overseas, in theatre and non-theatre locations, in both policing and military roles. By 2012, we were serving in seven countries, representing Canada, Ottawa and the Ottawa Police Service. The

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experience these well-trained and qualified police officers gained, many of whom had previous military service, was extremely valuable to the service, to the community and to their gaining a greater understanding about many of Canada’s next Canadians, migrating from many of the respective operational zones. I would argue that it is why and how we train, learn and grow as police officers. Moreover, with regard to “putting officers in harm’s way” in an overseas theatre, we do that every day in our own communities.

The point is, transformational leadership is primarily found in those who are willing to take risks, the way we started our career in policing and in the military. Not knowing what is around the next corner, not knowing what or who is in the car we check, what is in the pockets or the minds of the person we are about to deal with. When do we stop being courageous enough to do what others expect us to do? When do we stop taking chances and become risk adverse and lose the leadership edge we were born with in these roles?

Those engaged in the mission were ready to put themselves in harm’s way; however, the hierarchy was resistant to “risk it.” The question must be asked, risk what? Risk possible embarrassment, risk being wrong? In the end, our men and women have the courage needed to do their jobs, therefore, the leadership needs to get it right. If our followers/subordinates are willing to risk everything, then their leadership needs to do the same. Real leaders understand that.

What leadership is not (to me)

If leadership is about moving something forward and creating something that did not exist before, as well as creating an environment where change is valued and new ideas are encouraged, then the opposite of leadership is staying within the limitations of the status quo, keeping things the same, staying where you are, and often keeping an organization there as well. The fear of failure will ensure mediocrity, which is what a failure to produce leadership will entail – mediocrity. Furthermore, leadership is not:

• Being a follower - you may understand the need to follow when others lead, but leaders are always focused on being in that leadership role, or part of that role. Leaders bring others on-board.

• Agreeing with everyone. As a leader you must be able to say no, it is essential as a leader to be responsible.
Doing the same thing over and over. Stop following the past. Stop following what others are doing and take on the responsibility for being different and moving in other directions to get the job done by finding new ideas and being innovative.

Keeping things as they are because it's easy and because things have always been done that way. Leaders know how to do things differently in order to get desired results.

Avoiding conflict at all costs - either by being in denial that a problem exists or by giving up because it's too difficult to manage. Leaders know how to resolve, accept, or move through conflict.

The choice to be a leader is sometimes made intentionally and sometimes forced onto a person by circumstance. I have seen people who are very strong leaders in one aspect of their lives yet may not necessarily have that strength in other aspects. It is a lifelong path to develop and expand your leadership style. Leadership is not a rank or title; it is the ability to make a difference by bringing about change while motivating others to be a part of that change.

The realization that I may not be the best judge

I would like to think I know what to look for in great leaders; however, I am not certain that I have been around enough great leaders to be sure. I have learned more from poor and weak leaders about real leadership and what it isn't than I have from great leaders who were able to show what it should be.

From a personal perspective, the expectations I place on leaders around me are clear. I demand they focus on our community, internally and externally, which means those who work for you and those you work for. I demand that leaders understand that Canadians want to trust our organization, and we owe them for that trust. My viewpoint stems from the belief that we may challenge the work of our government agencies, police, military, immigration, border services, corrections, and the myriad of other agencies serving Canadians, because as citizens we have expectations and a right to challenge governmental organizations since they work for us.

In any case, to have the capacity to identify greatness as a leader I would need to see more of it. The leadership dilemma is not lost on me. In short, do you focus on getting to a position to make a difference or do
you make a difference to get to a position? There are arguments for both, although I would suggest that making a difference to get to a position will be a clearer path to where you can focus on doing the right thing, regardless of the impact. I have tried to live by the adage, “when you know what the right thing is, you are out of options.”

Moving from the importance of leadership in police development I will look at the key ingredient of community engagement.

Community Engagement

Nicholl\textsuperscript{6} identified that community policing (development) looks to reduce crime and disorder in communities by building trust, respect, and collaboration between the police organization and the community and its citizens. If we are to understand the importance of police development it is essential that there be strong engagement between the organization under development and the community it serves. This is truly what will make the service provided relevant. At the centre of every successful police organization is their ability to connect to those being served. This entails finding solutions to local problems and developing a targeted approach to those problems, often impacting on issues like local politics, integrity and trust. This is where police development is truly found, when the organization becomes a problem solver with and for the community.

In a post-intervention situation the challenge of building a relationship with the community lies with the police. Often the relationship has been stressed, if it existed in the first place, and changing the course could be a major task. In an effort to develop a relevant police organization within the community, there is an absolute need for the police to look at an overhaul of the public’s perception of the police through multiple engagement practices and targeting the issues that impact on the community the most. When we look at the public perception there must be attention given to a focus on what concerns the public have with their police including; their attentiveness; reliability; integrity and a real understanding of public service as the police exist because of and for the public.

Expecting courtesy, respect, commitment and ethics from a police

agency trying to develop their service can be challenging but absolutely key to success. As noted the success of police development will require a commitment of individual staff, including leaders and that the organization operates within a support of law model within an emphasis on the police working for the law and not the political or neo-political.

**Community Needs**

There is little argument that the police exist to serve communities. Although accountable through various mechanisms to political structures, often directly correlated to funding, few would argue that any police agency that received operational guidance from political leaders would be fraught with corruption or the potential for corruption. The importance of a police organization being receptive to the needs of a community is key to the success of that relationship.

In modern day policing I argue that a relevant and respected community police organization is accountable through their various structures but are answerable to those they serve for what they do and why they do it. In essence the operational actions of every police organization must work for the law and not the lawmaker to maintain relevance with the community.

Our citizens have a high level of trust with their military, law enforcement and security agencies. It is, and has been, a foundation of strength for my home country, Canada. It is not to be taken for granted. It must be remembered that failure to succeed at our mission, or to ensure safety and security at home or abroad, can quickly erode that trust. I expect our leaders to understand the importance of that reality. Not only to comprehend the significance of that trust but to ensure that their actions are able to transform themselves and their organizations as necessary to meet the challenges of the security environment so that they can succeed and maintain that trust. The level of fragility in our relationship is often forgotten until there is a serious breach and we quickly see the results. That connection to community and understanding their expectations can maintain and even build trust. We have seen how much society respects the loss of its guardians in the way they show respect to those tragic losses.

**Conclusion**

Our citizens understand that all of those serving them are doing so with the best of intentions and that there will be times when mistakes are
made. It will not be how we manage the mistake that allows us to maintain trust with those we serve but rather how we assure them that we have learned from that mistake and are doing everything possible to ensure it is not repeated. The reason is simple. We all need something that we can look to with an inherent level of trust. Canadians expect those they count on will not only do things right but also to do the right things.

The leaders we choose must have the ethical standards to be truthful and accountable for their actions as well as the actions of their subordinates. This is not to say they must “own” every action of every subordinate, but they are responsible for how individuals, events and especially transgressions are managed. Importantly, loyalty only matters if acting with integrity. Loyalty is not about covering for those who have acted unethically and have betrayed the trust of their organization and fellow citizens.

As a leader of a military, para-military, law enforcement, or security organization, you must be able to develop trust internally and externally if you expect to have the authority to lead. Within the Canadian context the public’s perception of what you do, what you stand for and what you stand up against will more often than not come from the mouths of others rather than from your own organization. Their perceptions will most likely be shaped by the media or foreign entities. Reality does not always enter the picture. Yet, it is the reality that matters most. As a result, leaders must be able to bring their stories to life. It is this type of leadership that will ensure citizens will know who you are, what you do, what you need and where you should be. Real leaders will recognize the importance of being a trusted part of society as they act on their behalf.

In closing, there are a few things I look for from people I engage with in leadership roles. I look for people who believe in what I believe in. Some of the greatest change movements I have been involved with have come with this as a foundational ingredient. I do not need them to be the same as me. I do not need another friend, and I certainly do not need someone who thinks like I think. I just need them to believe in what I believe in.

The second factor I look for in leaders around me are people who understand that the moment they became a leader they subordinated personal focus. As leadership guru Bishop Gerald Brooks stated, “When you became a leader you gave up the right to think about yourself” (Brooks,
2009). The greatest gift a leader can receive is the opportunity to lead, and they must realize that they now carry with them the added responsibility of caring for people around them. In essence the ability of a leader and that organization to understand and fulfil the needs of a community within the law will see the development of a relevant policing agency.

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Chapter 11

Fostering Nation-state Stability Resilience through Stability Policing Best Management Practices

Joshua G. Behr and Thomas L. Reese

Introduction

This paper presents an innovative approach being used to support NATO Stability Policing (SP) concept development. Introduced is a process whereby SP practices may be evaluated for their effectiveness relative to either a sudden rupture in governance or a gradual weakening in governance. The utility of SP practices may be assessed relative the ability to mitigate further weakening governance, accelerate recovered stability, and enhance the longer-term resilience of the governance system, a concept posited here as *stability resilience*. In addition to introducing the concept of stability resilience, the paper presents selected findings gathered from the Drivers of Weakening Governance Elicitation (DWGE) Annex\(^1\) whereby indicators of stability were documented, key SP practices associated with the promotion of stability were identified, and the drivers of weakening governance were...
explicated. The paper concludes with the recommendation that these elicited data may be leveraged to inform model development to test, through simulation, the resilience of particular SP practices to identify Best Management Practices (BMPs). Such simulation may highlight how the injection and timing of SP practices may slow the erosion in governance and facilitate a recovery that leads to a more resilient state.

**Background**

State or regional stability is dependent upon quality governance. The drivers of weakening governance, if not counterbalanced or otherwise left unchecked, have the potential to devolve a state towards failed state status. Effective governance is dependent upon informal perceptions relating to trust, peacefulness, and sense of justice. When trust, peacefulness, and justice are compromised, the social cohesion of communities within the state begin the process of unravelling and governance weakens.

Governance as a qualitative construct means to control, regulate, encourage, or otherwise direct behavior of individuals, organizations, or systems within the state to effectuate a desired outcome or policy. Within the nation-state, this control may be promulgated through legislative, rulemaking, or executive authority coupled with specialized bureaucracy. The government’s relationship with those that are governed is one of power, where the state maintains the sole authority in the use of force to compel compliance or conformity. However, compliance may come about by way of coercive threat (sanctions through enforcement mechanisms), reward (favorable access), and voluntary action (persuasion through education, compelling argument, or appeal to cultural or religious conformity).

Governance exhibits three notable characteristics. First, governance is not static, meaning that the ability to effectuate policy through control is always in flux. Thus, the labelling a state or region ‘stable’ does not preclude the natural waxing and waning of control that is part and parcel of social-political systems which contain mechanisms to allow for responsive self-correction. Second, governance is fragile, meaning that confidence and legitimacy may erode quite rapidly in response to a shift in internal perceptions or external forces\(^2\). Thus,

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often the self-reinforcing dynamics may overwhelm the system’s ability to respond to the collapsing confidence setting the path toward further weakening governance. Third, governance is subject to resilience, meaning that there are governance practices that may be adopted and governance cultures that may be nurtured that mitigate and counteract destabilizing influences.\(^3\) Thus, the development of bureaucratic-institutional mechanisms, the adoption of best practices, and the inculcation of cultures of accountability may not only strengthen the self-stabilizing nature of social-political systems but may also bring the stability to a new normal of stability resilience.

Resilience is the characteristic of society’s systems to withstand both internal and external pressures to fissure. Stability Policing (SP) BMPs may be deployed not only to stabilize emerging societal volatility but also to promote longer-term, future resilience. That is, the well-timed deployment of targeted SP BMPs not only may modulate fluctuations in governance, mitigate the impact of episodic rupture in governance, and hasten the recuperation in eroded governance, but may also effectuate a more resilient society that is less likely to devolve again towards instability. This is the idea, posited here, of stability resilience where purposely adopted responses, such as injection of SP practices, have the ability to mitigate further weakening governance, accelerate recovered stability, and enhance the longer-term resilience of the governance system.

**Objective**

The objective of this paper is to present the approach developed and the selected findings gathered by the authors in support of several NATO SP workshops intended to foster NATO SP concept development.\(^4\) SP BMPs are those practices that are understood to most effectively either temper, hasten, or transcend the instability stemming from either a sudden rupture or gradual weakening in governance. These SP BMPs may eventually be formalized.\(^5\)

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3. This third characteristic, arguably the most enlightening one, underpins the concept of stability resilience advanced in this paper.


5. See Allied Joint Doctrine for Stability Policing, August 2015, NATO Standard AJP-3.22.
Organization

This paper is organized into seven sections:

1. Description of the cycle of building stability resilience through a process by which both theoretical and real-world SP practices may be assessed for their effectiveness in addressing either a sudden rupture in governance or gradual weakening in governance,

2. Conceptual illustration of the Stability-Instability-Stability (SIS) process whereby a rupture or an erosion in governance is followed by arresting and recovery periods,

3. Description of the elicitation approach to generate three datasets necessary to advance the SP concept development,

4. Identification of indicators of Safe and Secure Environment (SASE) (first data set),

5. Identification of potential SP BMPs practices that may be associated with counterbalancing specific drivers of weakening governance, specifically SP BMPs facilitating SASE (second dataset),

6. Identification of the dynamics driving weakening governance, specifically the dynamics disruptive to SASE (third dataset), and

7. Modelling and simulation recommendations that promise to articulate the interdependencies and reinforcing loops among drivers of weakening governance and the SP BMPs intended to mitigate the impact of these drivers.

Section 1: Cycle of Building Stability Resilience

Governance may be challenged by cross-cutting dynamics. The System of Systems (SoS) inclusive of geopolitics, population movement, weather and climate, resource scarcity, supply chains and market shares, inequality, disaffection, and competing religious and political ideologies makes continuity in stable governance an exceptional feature among the myriad state and sub-national entities. While not completely immune

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to both internal and external pressures, some governance practices may promote stability while others may be conducive to instability. SP practices may be integrated into, or work in partnership with, a nation-state’s governance system to promote peace and continuity.

There is a need to better understand which SP practices, and the timing of those practices, will yield returns in immediate stability and longer-term resilience. The process of identifying SP best management practices relative to the drivers of weakening governance is illustrated in Figure 1 below.

From a process point of view, the alignment between SP practices and the drivers of instability involves an iterative, reinforcing cycle of two processes. The first process involves identifying the indicators of stability and the drivers of instability. These indicators and drivers may be derived from subject matter experts, the literature, and lessons learned from recent interventions, as well as elicited form NATO stakeholders by way of workshop focus groups (the findings of such an elicitation effort are reported in the several of the following sections in this paper).

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The second process involves identification of the SP practices that support these indicators of stability and, thus, rise to the level of best management practice (likewise, the findings of such an elicitation effort are reported in this paper). SP BMPs are, by definition, those that are paired to address specific drivers of weakening governance. The process of ‘pairing’ of instability drivers with SP practices constitutes the cycle of building stability resilience through SP BMPs.

In short, this framework provides a conceptual approach for the alignment of SP BMPs Management with the drivers of weakening governance. SP BMPs ought to align with fostering trust, maintaining a peaceful environment, and administering justice (these being the necessary conditions for stability, the absence of which connotes instability)\(^\text{17}^\)\(^\text{18}^\)\(^\text{19}^\)\(^\text{20}^\).

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**Cycle of Building Stability Resilience through SP BMPs**

![Diagram](image)

**Fig.1: Cycle of Building Stability Resilience through SP BMPs.**


Section 2: The Stability-Instability-Stability (SIS) Process

Conceptualizing change in governance is best achieved by way of the Stability-Instability-Stability (SIS) process. Stability may be conceived as a state of normalcy where domestic tranquility is associated with healthy governance buttressed by trust, peacefulness, and sense of justice.

However, this stability may be threatened either by an episodic shock to the system, where governance is rapidly degraded, or by a gradual erosion, where societal cohesion and confidence is lost over a relatively longer period.

This collapse or weakening in governance is followed by an arresting period where the governance enters its weakest period, sometimes signaled by the absence of a functioning government or state-centralized authority. This is characterized by the rise of tribal or syndicate networks vying, often violently, for territorial gain and influence and loyalty from local populations.

In the recovery period, more centralized control is reestablished and strengthened as trust and legitimacy are engendered. Over time, a post-instability new normal is achieved where governance is able to maintain stability. As illustrated in Figures 2 and 3 below, the sudden rupture in governance and the gradual weakening in governance, respectively, followed by both recovery and new normal are the two primary ways to illustrate the SIS process.

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Fig. 2: Sudden Rupture in Governance.

In the recovery period, more centralized control is reestablished and strengthened as trust and legitimacy are engendered. Over time, a post-instability new normal is achieved where governance is able to maintain stability. As illustrated in Figures 2 and 3 below, the sudden rupture in governance and the gradual weakening in governance, respectively, followed by both recovery and new normal are the two primary ways to illustrate the SIS process.
SP Altering the SIS Paths

How may the injection of SP practices alter a nation-state’s SIS path? It is illustrated that the response of the SoS to injection of well-tailored SP BMPs, whether it be in the scenario of sudden rupture in governance or the scenario of gradual weakening of governance, may be described as one (or a combination thereof) of the following three outcomes:

1. First, the SP BMPs may result in lessening either the rupture or the erosion in governance. This is likened to mitigating or arresting the loss of governance. The instability is “tempered.”

2. Second, the SP BMPs may also hasten the climb back toward normalcy. This is likened to jump-starting the recuperation. The stability is “hastened.”

3. Third, the SP BMPs may also result in a hardy governance that transcends the governance of the pre-instability normal. That is, the post-instability governance is relatively stronger than pre-instability governance. When the deployment of SP BMPs result in a SoS that is more robust in its governance than before, we characterize this as stability resilience. The pre-event stability is “transcended.”

As illustrated in Figures 4 and 5 below, the injection of SP BMPs will alter the SIS path in one or more of the shown ways.
Three SIS Guiding Principles

The first SIS guiding principle is that, to work towards stability
resilience, there must be an alignment between SP doctrine supported by informed SP BMP and the drivers of weakening governance. Simply, SP BMPs ought to align with fostering trust, maintaining a peaceful environment, and advance justice.

The second SIS guiding principle states that that the deployment of sound SP BMPs can arrest weakening governance and restore governance to a more robust, new normal. Simply, SP is associated with arresting the deterioration in governance, strengthening the challenged governance at the nadir, altering the stability recovery curve, and resulting in a more resilient governance normal.

The third SIS guiding principle is that fostering Stability Resilience requires integrating SP BMPs into the SoS either prior to or during the early stages of weakening governance. Simply, fielding appropriately tailored and timed SP BMPs sooner rather than later has the highest probability of altering the governance recovery curve.

Section 3: The Elicitation Approach

In the process of SP concept development, and consistent with the Cycle for Building Stability Resilience through SP BMPs noted above, it has been necessary to elicit information from workshop SMEs. Data capturing activities parallel the elicitation process and include: 1) indicators within a stability theme, 2) role of government/policing practices & functions in promoting stability persistence, and 3) dynamics/drivers of weakening governance. Figure 6 below illustrates these three data capture points.
Fig.6: Elicitation Process.

Drawing upon previous NATO SP workshop reports\textsuperscript{27} \textsuperscript{28} \textsuperscript{29}, literature\textsuperscript{30} \textsuperscript{31} \textsuperscript{32}, and subject matter expertise, seven Stability Themes, along with a foundational premise for each, have been identified. The above elicitation process (Figure 6) may be applied to each of these seven themes. Reported below, in the following sections, are the Data Capture points 1, 2, and 3 for the first theme, SASE (the only Stability Theme to be systematically elicited thus far).

1. **Safe and Secure Environments (SASE)**

   **Premise:** A SASE is viewed as a strength in promoting stability. When populations feel safe and secure, feeling of disaffection are mitigated and appeals for destabilization are less attractive.

2. **Freedom of Movement (FOM)**

   **Premise:** The ability of a citizen to travel unhindered and have FOM is viewed as a strength in promoting stability. Restrictions on freedom of movement due to security concerns, either real or perceived, may be viewed as a governmental response to losing control.

3. **Rule of Law (ROL)**

   **Premise:** The fair application and enforcement of laws, known as the ROL, is viewed as a strength in promoting stability.

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\textsuperscript{27} Oostdijk and van Vark, NATO SP CD&E Campaign 2016-2017 Gap Analysis (March 2017).


\textsuperscript{29} Initial Outcomes Report, NATO Stability Policing Concept Development Campaign, Rome (October 2016).


Violations of ROL are associated with injustice and unequal treatment, which in turn foster resentment towards governing authorities as well as towards those perceived to be receiving the relative benefit from the lack of fair application of law. However, the concept of ROL reflects local culture and may vary nation-by-nation.

4. **Political Freedoms & Responsive Electoral Process (PFREP)**

*Premise:* The freedom to express preference relative to government policies as well as a responsive electoral system are viewed as strength in promoting stability. The limiting of political freedoms, as well as shifting electoral practices, including the negation or timing of elections, may be perceived as efforts by authorities to squash opposition, which, in turn, may contribute to disruptive agitation and seeking redress outside the formal political process.

5. **Trust, Legitimacy, & Confidence in Government (TLCG)**

*Premise:* TLCG is viewed as a strength in promoting stability. Perceived corruption erodes confidence and trust. The legitimacy of the government suffers when public officials are perceived as holding their authority by way of graft and corrupt bargains. Further, declining confidence in the ability of authorities to deliver basic services, or failure to deliver on other promises, make appeals for extra-legal, non-traditional action more attractive to disaffected citizens.

6. **Opportunities & Aspirational Pathways (OAP)**

*Premise:* The ability of a citizen to have opportunities and pathways to pursue one's aspirations is viewed as a strength in promoting stability. Opportunities and aspirational pathways to achieve a quality of life for oneself and the household provide hope. Limiting the ability to pursue one's aspiration may stoke resentment towards those perceived to be responsible
for the truncated opportunities, thus making appeals for change by way of non-traditional means more attractive.

7. **Public Services Continuity (PSC)**

Premise: Continuity in Public Services is viewed as a strength in promoting stability. Public service delivery is viewed as a basic function of government. The ability to accomplish activities of daily living and provide for one's family may be disrupted by sporadic and uncertain public service delivery, thus making promises of extra-governmental more attractive.

**Section 4: Indicators of SASE**

Through the elicitation process, we have identified indicators of SASE.

1. **Activities of Daily Living** indicators are those routine actions that are deemed necessary for continuity in basic life needs and safety needs, considered foundational needs within Maslow's Hierarchy of Needs.

   - **Economic**: Independent retail shops open; citizens patronizing these businesses; the ability to travel, without being harassed or molested, to the store to purchase basic commodities.

   - **Social**: Children playing; able to publicly marry and celebrate life’s occasions; cultural venues such as museums and notable sites are open for visitation.

   - **Public Services**: Electricity at scheduled times; clean water; availability of public transportation or free-market transportation so citizens may travel to conduct business and visit relatives.

   - **Health**: Access to trained professionals to receive medical and preventive health care; especially access to these services for children and elderly.

2. **Sustenance** indicators include having the means to provide both nutrition and shelter to the extent that it supports the individual’s functioning of cognitive awareness, logical reasoning, and physical mobility.

   - **Food**: The availability of food; caloric intake staves both pangs and
persistent hunger; availability of traditional, culturally-specific, familiar foods; difficulty in bartering or purchasing ingredients signals disruption in traditional supply chains; scarcity of ingredients is noticed on the street level.

- **Shelter/Housing:** Availability of housing *without fear* in geographic areas consistent with the cultural preference; absence sense of dread about dislocation from current location.

3. **Perception** indicators are those that are associated with a sense of belonging and safety. These are considered second tier needs after foundational needs within Maslow’s Hierarchy of Needs.

- **Efficacy:** There are mechanisms for contact with authorities, where community concerns are expressed to responsive authorities engendering a sense of efficacy; follow up by the police letting the community know what action was taken.

- **Fear:** No broad-based fear or suspicion of the police motives; police are a positive force and part of the community itself, rather than a mechanism of state coercion and spying; the justice process champions individual rights, even at the expense of chiding police for not respecting these rights; absence of fear of spoiler incidents targeting of minority groups.

- **Respect:** Absence of violence, threats, or protests at minority cultural or religious festivals; absence of threats or intimidation of minority groups.

- **Trust:** Institutions are viewed as necessary to promote the wellbeing of the citizens; police are there to protect individual citizens; police constitute the good guys and the job of the police is to protect the population from the bad guys.

- **Optimism:** People able and willing to plan the future; investments in real estate, businesses, and savings are conducted with a degree of certainty; absence of a sense of dread about the prospects of the society to live peaceably and prosper

4. **Protection** indicators include state mechanisms safeguarding an individual’s private property, including the home and its contents. In addition, protection includes the safety of the individual person from molestation, intimidation, assault, and acute injury, as well as protecting a class of people from scapegoating.
• **Private property**: Police are responsive to vandalized or burgled property.

• **Person**: Assaults and robberies are tolerable and within the acceptable range.

• **Scapegoating**: Groups are not targeted in public discourse or by public officials, including police, attributing misfortunes of one group to the behavior of another group.

5. **Grievance Mechanism** indicators present the ability of an individual, or representatives of a group, the necessary avenues to peacefully communicate and articulate grievances to public officials.

• **Group Grievance**: The presence of convened task force, special committee, or formal body to investigate, research, document, and make recommendations to address a collective grievance.

• **Individual Grievance**: The presence of internal affairs mechanism to address grievances with the local policing; trusted authority to resolve disputes.

6. **Opportunity** indicators are suggestive of the presence of choice where the individual has free will to choose among options. The presence of opportunity is associated with a sense of control. Truncated opportunities frustrate the idea of self-determination.

• **Employment**: The availability of jobs for motivated individuals; especially jobs for young men; pay commensurate with sustenance; ability to be able to provide food and shelter for the family.

• **Schooling**: Schools are accessible for young children; trade and apprenticeship training is accessible, especially for young men; Universities are operating with sustainable enrollments.

7. **ROL** indicators convey the idea that the authority exercises control over individuals, institutions, or policy must operate within the confines of established legal documents, rather than being arbitrary or at the whim of officials holding office; conferring of this authority emanates from documents and processes seen as legitimate; authorities, and those with power due to ownership of wealth, are subject to the same laws and are held accountable when operating outside the law.

• **Accountability**: Government and business officials being held accountable by way of the judicial system for violating the public trust;
officials behaving with impunity or flaunting the legitimate legal or political processes.

- **Corruption**: The political process is separated from security delivery; professional ethic of independence within the security/policing units; investigative oversight mechanisms designed to dig into corruption charges; investigators do not serve at the will of political officials.

- **Public Order**: No military or paramilitary activities present either in the streets; enforcement of public order is accomplished by uniformed civil police that are not militarized.

- **Justice**: Treatment and sentencing processes for arrested citizens appears to the lay person to be fair, logical, and reasonable; those involved in law enforcement and the judicial system are cautious about expressing, or being seen to be motivated by, discriminatory views.

- **Due Process**: Individuals within the judicial system are processed in a transparent way; a vigorous, independent bar association to represent the rights of the accused.

8. **Freedom of Movement** indicators suggest a dynamic society is where both individual and goods may be expected to move freely as people socialize and engage in commerce.

- **People**: Able to go about daily business; absence of checkpoints or random stops of citizens, even in the name of public security; travel itself is not viewed as suspicious.

- **Commerce**: Freedom of movement for legal goods and people; the production and transportation of goods moves freely; commerce takes place without bribes.

9. **Freedom of Speech** indicators encompass the ability of both the individual and organizations to either narrowcast or broadcast ideas and expressions that may be offensive or challenging to authorities.

- **Political**: The ability to express preferences through electoral process or expressions related to public policy; participation in the political life without feeling fear of reprisal.

- **Discourse**: Citizens freely conversing and interacting in public spaces; variety of views expressed in forums; absence of chilling activities by the government.
• **Civic Engagement:** People participate in associations related to betterment; associations not monitored by government officials.

10. **Human Rights** indicators embrace the physical and mental dignity or the individual, not to be violated regardless of condition or situation.

• Reports of human rights abuses circulating in the press and social media are infrequent; extra- or para-governmental organizations that engage in abuse are few.

**Section 5: SP BMPs Facilitating SASE**

Elicited through the focus groups are a range of SP practices that promote a SASE.

1. **Community Policing** practices are closely tied to the concepts of visibility and responsiveness. Active community policing engenders mutual trust and awareness of respective needs between residents and police, thus building trust and a sense of shared interest and partnership.

• **Proactive Awareness:** Practices that engage the community at times other than when reacting to crime; early notice of disaffection signals; rapport will increase situational awareness and quality intelligence gathering; conversation lowers tension and suspicion and humanizes both sides.

• **Substance Abuse and Mental Health:** Police practices need to include training to manage substance abuse and mental health calls for service.

• **Residing in the Community:** Practice that requires rank and file officers to reside in their communities where they work and live; abuse is less likely. Others suggest that this familiarity may lend itself to corruption.

2. **Culture of Service and Protection** policing practices reinforce SASE indicators. The task of policing is most beneficial to households and individuals of the community when policing professionals view their role as a duty to serve and protect the public. A culture of service and protection is motivated by top down policies that encourage a daily focus on the needs of the people within their jurisdiction.

• **Service Culture:** A service culture is the foundation of building trust; police must be there to serve the citizens.
• **Procedural Justice**: Police practices that reinforce procedural justice are also foundational to building trust. Police training ought to reinforce familiarity with procedures for interacting, detaining, and processing suspects even before the suspect interacts with the justice system.

• **Clear Policing Standards**: Police are under the law, bound to operate within the law; clear guidelines available for officers; extra-legal paths to an end is not acceptable

• **Human Rights**: Policing practices must emphasize protection and upholding of human rights; the cost of being perceived as violators of human rights is high and a stain that will persist.

3. **Beyond Formal Roles** policing practices to gain public trust and confidence is highly beneficial. Policing at the community level requires officers and law enforcement officials to go beyond formal roles of crime prevention and apprehension. The individual police person may reach out to the community through social work, thus building trust and confidence.

• **Humanizing & Service Behaviors**: Activities beyond the formal role; showing compassion from a human perspective.

• **Access to Social Services**: Officers may connect a citizen’s need with social services or healthcare.

• **Partnering with the Community**: Partner with citizens to help reduce school truancy; identifying facility needs (water, sewerage, lighting, electricity) in the community and communicating this to other agencies or departments.

4. **Education Campaign** practices are important components of policing strategy as this helps mitigate or counterbalance inaccurate information and perceptions, whether it be about the role of policing in general or response to an incident.

• **Citizen Understanding**: Citizens need to be educated on the role and function of police, otherwise suspicion will grow; police must be involved in shaping perceptions

• **Hybrid Threat**: External-generated narratives about internal events and practices often promote disaffection and suspicion; proactive and immediate counter information campaign.
• **Building Trust**: An understanding of police motivations promotes trust and reduces fear of police; police leadership ought not weigh in on political debates; project an image on impartiality.

5. **Independence** of policing is promoted by institutional practices and professional culture that views policing as separate from politics and impartial in enforcing the laws.

• **Judiciary**: Policing practices ought to clearly demarcate the functions of policing from the judiciary.

• **Politics**: Commanders and leadership within the police ought not be appointed by elected officials; police leadership ought not weigh in on political debates; project an image of impartiality; nepotism laws enforced; independence from the political arm.

• **Freedom of Speech**: During the electoral process, police promote a peaceable environment where all parties can express opinions, especially relating to current officials and policies.

6. **Accountability** practices should formalize that no person is above the law and there are formal mechanisms to check behavior of officers.

• **Internal Affairs**: Mechanism for objective and impartial internal affairs; transparency in actions taken to punish officers who have violated the public trust.

• **Follow Through**: Practice of accounting system for contact with the population and following through and explain what action has been taken or what to expect to happen next.

7. **Specialization** in the training and organizational structure of the police is a practice that facilitates SASE. The management and investigation of crimes requires specialized training. Focused units with such training are better able to resolve issues with increased solve rates, thus tamping down crime and contributing to SASE.

• **Organized Crime & Gangs**: Organized criminal activity will challenge weak presence of authority and prey upon the population; specialized organized crime and gang unit.

• **Vulnerable Populations**: Vulnerable populations are subject to predatory practices; undercover units to address predatory practices against children, protect the elderly, the sick, and the poor.
8. **Freedom of Movement** policing practices should create an environment where residents can move about freely without the fear of attack or imprisonment.

- **Checkpoints**: Checkpoints, having the appearance of militarization, may slow freedom of movement; checkpoints have utility when there is an effort to stem the flow of contraband.

- **Patrolling Roads**: Patrolling of roads and visible presence along major travel routes can assure facilitate timely response; the prevalence of highway robbery may be impacted by patrolling.

9. **Professionalization** policing practices include a melding of training and instilled culture of service. Creating an environment and facilities wherein residents are able and encouraged to gain formal education and knowledge brings about a sense safety and stability.

- **Living Wage**: Compensation commensurate with professionalization of police; entry compensation should be living wage with mileposts for raises.

- **Training**: Specific recruitment standards, including psychological assessment, to assure quality candidates; specific training lattice with modules for cultural competency, rule of law, scope and practice of professional policing; continual process of training; advancement and promotion tied to merit and performance.

**Section 6: Dynamics Disruptive to SASE**

The focus group process began with the identification of indicators of SASE and then identification of SP practices that facilitate SASE by way of promoting these indicators. Next, elicited from the are descriptive narratives about how SASEs evolve away from stability. That is, drivers at play in the dynamics of intensifying instability and weakening governance.

- **Disaster Strikes**: The economic and political fabric of a state may be overwhelmed by either a natural or human-induced disaster, including regional war or famine, precipitating weakening governance; the disruption may be a shock to the system that frustrates the meeting of basic needs, such as food, medicine, and shelter; the recovery may take months or years; scarcity in basic needs may trigger unrest; opposition may focus on the suffering of the population and the perceived inefficient and ineffective response of the current leadership.
• **Exit of Skilled Persons:** Rising tensions or violence in area may foretell the weakening governance; under such conditions, individuals with means and marketable skills are more likely to exit in search of opportunity, safety, and regularity elsewhere; with the departure of the professional and skilled classes, the region’s economic energy may be sapped, further encouraging an exit strategy by those with the means.

• **Refugee Movement:** Populations tend to move or relocated when there is a lack of security, either perceived or in fact; violence or the threat of violence may cause the migration of populations; fleeing populations may cross political boundaries; the humanitarian treatment and management of displaced populations may strain resources; political settlements may take a long time while conditions on the ground worsen.

• **Otherness:** Otherness is the idea that groups view others with growing suspicion and a willingness to blame other groups for the state’s misfortunes; the dynamics that promote growing otherness include political rhetoric, which may be both internally and externally generated; the presence of otherness growing is an early indicator of the unraveling of SASE.

• **Order Above Human Rights:** Police are an instrument of the state, upholding public order, sometimes at the bigger cost of human rights; harsh police response to civil unrest may quell disorder in the short-term, but in the longer-term such response feeds into disaffection and mistrust of the police, which contributes to the dynamics of eroded SASE.

• **Illegitimate Elections:** When the integrity of an election is questioned, this is disruptive to SASE; when a non-favored candidate wins, then the election is viewed as illegitimate; vocal opposition and protest to the erstwhile election may trigger a harsh crack down by security forces, which in turn may lead to demands for ouster of political leadership.

• **Treatment of Detainees:** The treatment of detainees and prisoners communicates to the broader citizenry; the arrest, absence of representation, and uncertainty in the due process of the system may result in languishing incarceration; the detainment of citizens for ‘speech’ crimes against the state becomes more common as a response to political opposition; ill-treatment and poor conditions at detention centers contributes to disaffection within the broader population who have relatives and friends that have suffered, which erodes the legitimacy of the state and is destabilizing.

• **Police in League with Criminal Elements:** At the leadership
level, police become associated with corruption and aligned with powerful interests and may be viewed as representing the interests of the powerful rather than serving the people; at the street level, the inadequacy of compensation for rank-and-file police may make bribery attractive; rumors of corruption abound and trust in police erodes, contributing to weakening SASE.

- **Civil Law Uneven**: A justice system that lacks transparency and due process is viewed as partial to some groups relative to other groups in the way it deals with civil issues; civil issues related to fines, transferring of property, and claims against a neighbor are experienced by the common citizens; an unjust or impartial process promotes disaffection and contributes to a sense of illegitimacy of the judicial system.

- **Police Aligned with Party or Ethnicity**: When police are perceived to be populated, both at the street level and the leadership level, by descriptive representatives of one cultural or ethnic group, then this allows for potential mischaracterization of police motives, especially when police are required to arrest violent protesters.

### Section 7: Looking Forward and Recommendations

The focus group elicitations are part of a larger, longer-term modelling and simulation effort. The SASE elicited information is intended to inform the development of a model that allows for the simulated testing of SP BMPs. The goals of the modelling and simulation effort are:

1. Identify and model the system of interdependencies among the key factors in the dynamics that drive an erosion in governance,

2. Identify and model the deployment timing of SP BMP, and

3. Simulate the effectiveness of a combination of SP BMP in stabilization and recovery.

Conceptually, the alignment and relationships among the various drivers of weakening governance (Process #1) and the identification of complementary SP BMPs (Process #2) may be illustrated within a conceptual loop diagram, which forms the high-level conceptualization of the relationship among divers of weakening governance and policing practices.

To this end, it is proposed that a Group Model Building event be conducted where both drivers and BMPs are represented in holistic fashion.
Such conceptual loop diagrams are useful for understanding the dynamics of the interplay of factors over time that may lead to temper, hasten, and transcend governance resilience. This causal loop model may serve as the foundation for further articulation of a system dynamics modelling enterprise and, thereafter, the simulated testing of SP practices to identify Best Management Practices.

**Conclusion**

This paper articulates an innovative approach being used to support NATO SP concept development. It is the premise of the approach that governance is subject to resilience, meaning that there are governance practices that may be adopted and governance cultures that may be nurtured that mitigate and counteract destabilizing influences. Ultimately, when these practices and cultures are deployed and embraced by the host nation, a more stable state will emerge relative to the period of weakening governance. This more robust state has now the characteristic of stability resilience. More specifically, SP practices and cultures, when properly timed and injected to arrest the slide and quicken the recovery, may be considered Best Management Practices. Through the framework presented here and articulated in the DWGE Annex, it is possible to better understand which SP practices are BMPs. Through modelling and simulation, we will be able to generate insights into which SP practices may be expected to perform the best in arresting and stabilizing the weakening governance, and facilitating a recovery towards a more resilient stable state.
PART 4:
FUTURE DIRECTIONS
Chapter 12

Improving Support to the Afghan Ministry of Interior Affairs

Catherine Royle and Matthew Hing

Introduction

There was nothing easy or straightforward about the task the international community (IC) set itself in Afghanistan as Article 5 of the NATO Treaty was invoked: the aim was to stop Al Qaeda’s attacks and prevent Afghanistan being used as a haven for terrorists. That meant ending the Taliban regime and preventing the country becoming ungoverned space. Achieving that was a huge challenge in a country that had been mired in conflict since 1979 and was isolated from much of the IC once the Taliban came to power in 1996; in one of the poorest nations in the world; in a complex neighbourhood; and in the absence of most of the normal institutions of governance on which to build. And that got much harder when the Taliban – with access to safe havens in Pakistan – returned to fight the new regime as the IC was distracted by Iraq.

Huge progress has been made on education, health care, mortality rates, infrastructure, including access to drinking water, electricity, roads and mobile phones that facilitate economic participation by people previously isolated in remote rural areas. A constitution was agreed, elections held and a government and parliament are functioning. There
was even a peaceful transition from one President to another – only the second peaceful transition of power in Afghanistan’s long history. Responsibility for the security of the country passed from the International Security Assistance Force (ISAF) coalition to the Afghan authorities, and the Afghan National Defence and Security Forces (ANDSF) withstood a surge in violence. These are not trivial achievements, but few would claim that Afghanistan could no longer be a safe haven for terrorists. The social and economic development has slowed since ISAF was replaced by the Resolute Support Mission (RSM), and this slowdown is a direct result of continuing insecurity. If the IC is to achieve its initial aim, there is more work to be done to build security. And this means better governance as well as more capable ANDSF.

The institution where governance and security come together is the police. It is difficult to imagine how a stable, sustainable Afghanistan could be developed without policing that represents the legitimate face of the government to people across the country, that offers increased security to the people, and that upholds the rule of law in a way that is at least as effective as the Taliban. If there is ever to be some kind of peace in Afghanistan – perhaps as a result of a political reconciliation deal – there will need to be a police force (or service) that is a constructive part of the relationship between the government and the people. A police force with the same sort of capabilities as others in the region that is regarded as dedicated to serving the people rather than kleptocratic elites. If there isn’t, it will be very difficult to maintain a fragile peace and continue to build a nation.

How hard can it be?

Building a capable and sustainable police force is one of the hardest challenges in any society. Policing is the area where politics and security coincide. Whereas the military can maintain some distance from the population and politicians, the police cannot be trained or operate without being intimately involved with the people and the levers of power. This means they are far more subject to pressure, and the number of parliamentarians to be found regularly in the corridors of the Ministry of Interior Affairs (MoI) illustrates this. In addition, in a country that is suffering an insurgency, the police are required to cover a spectrum of activity from counter-terror operations and providing intelligence on local insurgency, to solving crime, mediating in disputes, managing traffic and providing security and reassurance to the population. These are all
tasks for the police: it is not a choice between participating in the counter insurgency campaign and undertaking community policing. The police must address the whole spectrum if they are to provide the legitimacy and security needed in a stable nation.

The range of policing tasks, plus the other responsibilities of a Ministry of the Interior such as issuing passports and driving licences requires support from a huge range of agencies and organisations. Special Forces are best able to support training on counter terror; gendarmes are ideally placed to help develop policing in insecure areas; civilian police are needed to support the main force and help develop links between the police and the population and the police and the politicians; experts on institution building are needed to help develop the Ministry and its chain of command; the military can offer the best advice on procurement and logistics; Rule of Law professionals are needed to build policing competence and link the police to the rest of a developing rule of law apparatus; communicators are needed to help build understanding between the police and population; and civic educators need to help a population without recent experience of policing by consent to understand their rights and their duties. If there were ever a task that needed a comprehensive or whole of government approach, this was it.

Where are we now?

The current received wisdom in the IC is that the MoI and the Afghan National Police (ANP) are the weak links in the ANDSF. That is reflected in the most recent Periodic Mission Review just endorsed by the North Atlantic Council which identifies the need for NATO’s RSM (which offers Train, Advise and Assist support to the ANDSF) to increase its work with the ANP.

As ever in Afghanistan, that view of MoI /ANP is a simple statement of a complex problem. There is little doubt that there are significant weaknesses. Successive surveys of the Afghan population have reported serious issues of corruption – although the level of trust in the ANP has also risen. Corruption matters not only because it is clearly vital that the police embody the rule of law if the government is to be regarded as legitimate, but because it is denying the government much needed revenue. It also undermines the development of good leadership. Many positions (from senior ones in the MoI to local roles with opportunities for bribery and extortion) are bought – and this creates vested interests
against reform that are intimately linked to local and national politicians. It has not proved easy for the government to identify and install clean and competent leaders. The political pressures on the MoI have also resulted in frequent changes of Minister, with consequent shifts in priorities that have disrupted development. MoD by contrast had quite stable leadership.

But the problems are not all about the police themselves. The range of tasks given to the police has not been appropriate. Whilst it is to be expected that the police would be involved in counter-terror and counter-insurgency operations, the police have been required to carry out tasks that more properly rest with the Afghan National Army (ANA). For several years the Afghan National Civil Order Police units (ANCOP) were sent to deal with acute incidents because Army commandos (kandaks) could not or would not deploy. That has changed, but it had an impact on the development of ANCOP. Likewise, police units are still being asked to hold areas that have been cleared by the ANA. They are neither equipped nor trained to do this, and a pattern has developed of areas being cleared of insurgents, only to be re-taken in months or weeks. An increase in the capacity of ANA is needed to take on the hold task and allow the police to focus on other issues. The 4-year Roadmap that is now being developed may finally address this.

**How did we get here?**

The initial IC approach to the challenge of rebuilding Afghanistan divided the tasks by country. Germany took the lead on policing, and in the period to 2009 they and a number of countries worked to build ANP and specialist capabilities such as the Special Police Units, ANCOP, investigation capability and counter narcotics police. The Law and Order Trust Fund Afghanistan (LOTFA) was set up in 2002 under the UN Development Programme to pay police salaries and undertake professional development. But this support was not coordinated or even part of an agreed strategy. The decision to form the International Police Cooperation Board (IPCB) in 2007 illustrates an appreciation of the need to coordinate activity and coincided with the setting up of a European Union Police (EUPOL) mission Afghanistan. But the IPCB was not empowered to force coordination on donors, and activity continued without agreed priorities.

The resurgence of the Taliban in 2008 and the consequent increase in international military and civilian effort in Afghanistan exacerbated the problem. The NATO Training Mission Afghanistan (NTM-A) was set up
in 2009 to address the need to build a bigger and more capable ANDSF to take on the insurgents. NTM-A was twinned with the US Combined Security Transition Command (CSTC-A) under one Commander, and with the US providing the bulk of resources. It was decided that the police should number 157,000, and a new 8-week curriculum was set up to train new recruits. This was supplemented by a large literacy programme as it became obvious that Afghanistan simply did not have enough literate people to man the ANDSF. That literacy programme, plus an increase in salaries made the ANDSF an attractive option and ensured recruitment. Whilst the resources of NTM-A/CSTC-A ($1bn a month) – and the vigour of its response to the security crisis – were appreciated by the wider IC, civilian voices were being raised questioning whether the NTM-A/CSTC-A programme would deliver a functioning police capability.

The divisions that began to emerge over police development in Afghanistan were significant. Within NATO itself there were some who questioned whether police training should even be part of the NATO mission. And within the civilian community there were concerns that the force generation of ANP would lead to a militarised force not suitable or trained to undertake policing. Some in the military felt they had been forced to take on the task by the failure of the civilian effort. Big players such as the US State Department’s Bureau of International Narcotics and Law (INL) were absent as interagency problems in Iraq spilled over into Afghanistan. Yet still, there was no common vision of a way forward. Matters came to a head in the run up to the 2012 NATO Summit in Chicago. The Summit aimed to take decisions on funding for the ANDSF, but agreement on contributions from the IC beyond the US required an agreement on how policing should be developed. It was a classic disagreement between those with the resources – the military – and those who felt they had more expertise (civilian police, gendarme forces, civil servants, and development experts), but far fewer resources.

A settlement was reached. Nations committed resources for ANDSF for four years, but it was agreed that the IPCB should be reinvigorated to improve coordination, increase the focus on policing as opposed to military action by the police, increase the voice of the Afghans in the development of the police and agree a strategy. This effort resulted in the first clear statement of the goals of police development in Afghanistan. The 2013 document setting out a 10-year vision was written by an Afghan official in collaboration with working groups supported by the IC – both
Improving Support to the Afghan Ministry of Interior Affairs

It set out the Afghan ambition to move to civilian policing when the security situation permits, and represents a vision that is familiar to those who have worked in other conflict situations of evolving from a police “force” focused on preserving the government to one that has an emphasis on service to the public.

The vision at least gave an end state. But it did little to improve work on getting there. Despite better communication between the numerous international groups working with MoI, coordination remained poor. The problem is best summed up by the fact that leaders in MoI/ANP often had three or four different international advisors or mentors. Some of their role was better described as liaison – not least because many of the “advisors” did not have the necessary training or experience to direct their Afghan colleagues. Some were the right people, but Afghans were often subjected to conflicting views from different advisors – even when IPCB had brokered an agreed approach on a particular issue. Different funding mechanisms and agendas made the situation worse, and there is little doubt that international resources – both financial and human - were not well employed in support of MoI/ANP.

The vision was meant to be followed by a suite of 2-year implementation plans that would serve to agree priorities and align international efforts to deliver a coherent development programme. That did not happen for a number of reasons: a continuing and deep philosophical difference about the role of the police, the sheer difficulty of reforming an institution in the middle of fighting an insurgency, the low priority accorded to MoI/ANP by ISAF in comparison with MoD/ANA, and lack of Afghan buy-in and adequate human capital to accomplish deep reform. But the main reason was that although everyone in the IC agreed on the need for coordination, no one was willing to be coordinated. The most obvious manifestation of this was that IPCB’s attempts to create a database of what the IC (totalling over 40 different actors) was doing with MoI/ANP were frustrated by the failure of the IC to provide information.

It would be invidious to point at any one IC partner and assign responsibility for the failure to build an effective strategy for MoI/ANP. Despite considerable and sincere effort, none of the big players – ISAF, the UN Development Program, and EUPOL – managed to provide leadership or build consensus. And IPCB was not empowered or staffed to fill the gap. UNDP ran the payroll but did not succeed in building any effective programmes of professional development.
EUPOL brought significant amounts of police expertise to the country and successfully built up the Staff College. But it could have achieved more if it had been more focused rather than working in areas already covered by others, and if Brussels had allowed more flexibility for its leaders in country to respond to emerging necessities. ISAF (and NTM-A) – as the biggest and best-resourced organisation – inevitably focused on the military because it was a problem set ISAF’s military leadership understood and knew how to address. NATO nations did not provide much expertise on policing to ISAF or NTM-A. To make things worse, the experts that were provided were often not listened to. The complexity of the organisation also made it hard for diplomats and the development community to gain traction. Beyond Kabul, a lot of good work was done in the provinces on the tactical level to recruit and build a force. But the very basic curriculum did not lay the foundations for police tasks beyond the fight. And the end of nearly all IC involvement beyond Kabul took place before sustainability was achieved. In the case of ISAF, the pace and pressure of trying to deliver before the end of 2014 undermined the good intention of Afghan ownership of the programme. It was quicker and easier to impose things, but it proved to be at the cost of sustainability and coherence.

In the IC in general, there was a tendency to dismiss the MoI/ANP as an insoluble problem – with the blame being laid at the level of corruption and the lack of Afghan will. There was obviously some truth in that, but that explanation underplayed the fact that MoI/ANP had never been accorded priority in the planning for achieving stability in Afghanistan and had never been addressed in a coherent and coordinated manner. Efforts to build the ministry as an institution capable of directing a national effort and building police for the present fight and the rule of law role were particularly weak. There had been an emphasis on planning but without the concomitant thought being given to implementation. For example, it was only in 2014 that the MoI took the decision to move to budgeting by objective.

It is no accident that the most successful effort was the Special Police. These units – General Directorate Police Special Unit (GDPSU) then General Command Police Special Unit (GCPSU) – were intensively and consistently mentored by Special Forces. The project was successfully insulated from other international initiatives, and the units were largely protected from Afghan political interference. The support covered the
institutional development – budget, recruitment, training, procurement etc. Strong links were built with prosecutors. The result is specialist units that undertake the most challenging counter-terror operations nationally and in Kabul. The lesson is that success requires significant and consistent investment.

Another look – 2015 onwards

The change in NATO mission – from ISAF to RSM – at the end of 2014 meant a steep reduction in resources. And the mission focused on Train, Advise and Assist of the ANSF and associated institutions. But that wasn’t the only change. The EU decided to end the EUPOL mission at the end of 2016. President Ghani expressed a clear wish to transfer control of the payroll from UNDP. All this – coupled with a renewed understanding that a capable and sustainable MoI/ANP was vital to the eventual stability of Afghanistan and thereby success of the IC mission – provided another opportunity to consider how to address the challenge. And to face up to the inescapable truth that unity of effort by the IC would be a necessary (although not sufficient) condition of success.

It was clear that doing more of the same would not yield better results. It was time for a different approach. On the back of an initial idea from HQ Joint Force Command Brunssum (JFCBS), consultations with stakeholders of all stripes resulted in an initiative that became known as the Ministry of Interior Support Team (MST). It was led by MoI and the Canadian Embassy, with RS a key player. The aims of the first phases of MST were:

- To agree priority areas for IC support.
- To engage members of the IC working with ANP/MoI in a coordinated effort and share information on their needs assessment of the MoI/ANP and current work with a view to building a database focused on the identified priority areas.
- To use the database to outline projects and ask donors to take on projects with specific outcomes in order to deliver agreed priorities for MoI/ANP.
- To align all IC work in priority areas behind MST identified projects and seek to align IC funding (including LOTFA) to those projects.
The new elements of this approach were the commitment from IC partners active in the area of policing to work as a team. And this team was designed to identify projects and specific outcomes so as to focus efforts on priorities. Another advantage of this approach would be that donors could be approached with well-defined, limited projects (and outcomes) that might be an easier sell than a request to supply resources and people for the general objective of improving the ANP.

Implementation of the Ministry of Interior Support Team Concept

“I’m not sure that this is going to work. I’ll give it 50/50”, Catherine said as she prepared to leave Kabul. The first week of April 2016 had been a tiring series of meetings with actors from the Ministry of Interior Affairs, across the International Community and with the main staff in the HQ Resolute Support Mission – our second visit that year. Yet, despite widespread acknowledgement that something better needed to be done with the MoI, the reception to an offer of help was, from most, at best lukewarm. The notable exceptions being the Canadian Ambassador, Deborah Lyons, and the Commander of the Resolute Support Mission, General Nicholson, who saw the urgent necessity for an improved MoI: first, in support of security operations and second, as a vital arm of government in a safe and stable country. With Catherine’s words ringing in my ears, the prospect of remaining in Kabul for three months with the role as the secretary of the team to establish the project and with an early draft of the Terms of Reference in my hand, I went for a coffee.

I sat. I thought. I thought some more. The problem, in essence, had three main elements:

• First, why should the MoI, a range of security, development and humanitarian actors across the IC and the NATO Mission, for the first time, properly coordinate their efforts?

• Second, how can international support be better aligned in support of the MoI?

• Third, what would be the implications for the NATO Mission now and in the future?

It was time for another coffee and more thinking. Finally, I sketched-out an outline of a practical approach to the problem. To inform how to think about the problem and to gain some conceptual considerations (principles)
to be kept in mind in given situations relevant to this context, I found a good starting point in NATO doctrine. Regarding the application of Civil-Military Interaction (CMI) the doctrine was clear and served to stimulate and guide my thinking around the problem. It stated that “At the tactical level, NATO force commanders must be empowered to conduct effective cooperation and coordination to execute operations. This should include working with international and indigenous local authorities and actors.”

It also stated that the political/strategic, operational and tactical levels, “…must function in a complementary manner to achieve success.” In practice this meant establishing an information flow in order to inform the chain-of-command at the tactical-level (within HQ Resolute Support Mission), at the operational-level (HQ JFCBS), at the military strategic-level (SHAPE) and, if required, at the political-level (NATO HQ).

The empowerment, mentioned in the doctrine, was in-place and was at the core of the current NATO Train, Advise and Assist mission. This was, after all, a military effort within a broader effort by the IC – obvious, but often forgotten. I hesitate to call it a “comprehensive approach.” While it did have some features, it also lacked the expected levels of cooperation and coordination and, therefore, did not get the most from comparative advantage. The issue was not a lack of empowerment but rather a reflection of the evolution of the mission, the complexity and the reality of trying to implement institutional development while fighting an insurgency.

In addition, the doctrine did elaborate and provide a number of guiding principles. The most important parts of these principles are below. My interpretation - my judgement in the application relevant to this context - of the principles is in the square brackets.

• Proactive engagement… [work with, don’t lead]
• …shared understanding… [discuss with, don’t brief]
• …mutual trust and a willingness to cooperate…[listen to and take time to build trust]
• Thinking focused on outcomes… [difficult to measure, but takes the thinking beyond outputs, ie not just training people but understanding to what effect they have applied their training]

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• …respect decision-making autonomy of partner organizations. [it is vital to understand that this is a contested space where partners will argue and challenge assumptions. Must be prepared to accept that partners will say “no”]

It was these principles, balanced with a broad operational experience and a developing understanding of the context, which I tried to apply. The context was, and remains, extremely challenging. In addition, I quickly encountered a couple of significant contextual barriers. These were:

• That the IC had been trying to coordinate for years and had not managed it, so why would it work now?

• There was a widely held perception across the IC that NATO wanted to lead everything and they were, therefore, reluctant to coordinate.

Here, again, the doctrine helps. It states that, “Unity of effort may be elusive and only harmonization of effort may be achieved.” So what? Was this good enough to achieve the task? In this context, I thought that it was realistic and sought to achieve some form of harmony.

First, a comparison: Support to the MoD involves one actor: NATO.2 As a result it has received focused and coherent support from people who understand the culture3 of a MoD. In comparison, support to the MoI involves the United Nations Assistance Mission to Afghanistan, United Nations Development Programme, NATO/Combined Security Transition Command – Afghanistan, European Union Delegation, European Union Police Mission, United Kingdom Department for International Development, German Embassy/German Police Project Team, Turkish Embassy/Turkish Police Training Mission, and donors to the Law and Order Trust Fund Afghanistan (including Japan and Korea). There are also other bi-lateral donors working with MoI but not with the Resolute Support (RS) coalition countries. This was a very congested space. Support had been significant but had been hampered by the fact that many actors, with a few exceptions, did not understand the culture of the MoI – particularly a MoI appropriate for the Afghans. As a result support has been typified by multiple advisors to the same person, unfocussed support, incoherence, and donor fratricide. Some organisations sent the wrong

2 Other nations have provided some support, but this is very limited compared to NATO.

3 For the purposes of this article, culture consists of something that is shared and/or learned by a group of people.
people who applied the wrong cultural approach to a problem that was not understood. An important lesson for NATO was that it was, and still is, operating in the development-space (institutional development) without the necessary skills and knowledge to do so. This was a systemic failure and not a criticism of individuals. Indeed, the fact that any progress has been made at all is remarkable and is testament to the hard work, flexibility and dedication of those who have risked their lives to serve in Afghanistan.

That sums up the complexity of the context and scale of the challenge. How and in what way did we tackle the problem?  

The How

The How was to create a team, the Ministry of Interior Support Team, from all those involved in delivering support, led by the MoI at Deputy Minister level and co-chaired at the Ambassadorial-level, that would serve to assess support to the MoI to determine gaps, redundancies and duplications. This would be used to develop a plan of action in the form of projects designed to set out a pathway to a functioning, sustainable system.

The assessment was deliberately narrowed to three focus areas deemed essential by all for an improvement in effectiveness and efficiency. These were leadership, training and education, and linkages between Kabul and the provinces. With this concept in mind, and with the agreement of the chairs, the team started to get established from early April 2016, with two meetings a week. I was deployed to Kabul to be the secretary to the team. This was a deliberately chosen position that placed a military member of NATO but not of the Resolute Support Mission, clearly in support and not leading, to be proactively engaged [work with, don't lead], to influence the discussions and to be able to dedicate the time and effort required to stimulate and drive the team towards achieving the outputs. We deliberately downplayed NATO’s role in this in an effort to establish the MoI, specifically the head of the General Directorate of International Coordination, Mr Abdul Basir Yosufi, as the chair of the meetings. Our approach to this project was an idea from NATO, but not NATO’s idea – we did not and did not want to own it. In this way we proceeded.

Thankfully, I was not alone. The Canadian Ambassador provided Ms. Karen Bongard as the co-chair of the project, and the Resolute Support Mission provided Lieutenant Colonel John Jacobsen, Danish Army, from their plans team to assist. Additional support was provided by Deputy Advisor Ministry of Interior’s staff, Colonel Sante de Pasquale, Italian Carabinieri, and Mr. Paul Sidney, a U.S. ex-policemen.
The first output was the Terms of Reference. An early draft was circulated in mid-January 2016 and finally issued on 20 April 2016. This was a long time, but it was time well spent as it was an invaluable opportunity to really understand the context, to debate the issues, and to address concerns as a way of building trust in the team and in what it was trying to achieve. The time spent was vital to establishing mutual trust and a willingness to cooperate [listen to and take time build trust] and did much to build enduring working relationships that are in-place today. It was not easy and reaching a shared understanding [discuss with, don’t brief], through the collaborative efforts of writing the Terms of Reference, in which achievable common outputs are defined, was a significant effort. Crucial to this was respecting the decision-making autonomy of partner organizations [it is vital to understand that this is a contested space where partners will argue and challenge assumptions. Must be prepared to accept that partners will say “no”]. Part of this was gaining an understanding of what everyone else was doing and who they were advising. This highlighted the potential for donor fratricide as it became clear that some important figures in the MoI had up to four advisors from four different organizations and providing un-coordinated, potentially conflicting, advice. The developing of a broad understanding also served to test and validate my approach, as outlined above, to the problem and its elements.

With the Terms of Reference agreed we set about further developing our shared understanding with regard to the three focus areas. To do this we ran workshops on the focus areas: Leadership on 2 May 2016 and Training and Education on 9 May 2016. The focus area Linkages between Kabul and the Provinces was covered during discussion in the normal meetings, supported by relevant material from the workshops. The workshops were excellent sessions with a balance of half Afghans and half from the IC. Culturally they seemed to work for all involved and served to develop through brainstorming, group-work and free and open discussions. The results were used to inform the outputs as specified in the Terms of Reference. So what did we achieve?

The What

The Terms of Reference specified a number of outputs: an Interim Report (completed in June 2016 and sent by the Chief of Staff, HQ Resolute Support Mission, to Joint Force Command Brunssum as the out-of-theatre HQ); an Outline Action Plan (completed on 31 July and issued under the covering letter by the Minister of Interior, Taj Mohammad Jahed, and
the Deputy Minister for Policy and Strategy, Masood Ahmad Azizi); and a Detailed Action Plan (finalised in June 2017 and to be signed by the Minister of Interior, Taj Mohammad Jahed). The publication of the Detailed Action Plan was several months later than anticipated. It is, however, a very useful document and its delay reflects the sheer scale and complexity of the team’s work, including the data input onto a new Aid Coordination Database. It was worth the wait. So, in addition to these outputs, what were the outcomes of the Ministry of Interior Support Team?

Throughout the whole process we consciously ensured that there was thinking focused on outcomes [difficult to measure, but takes the thinking beyond inputs, i.e., not just training people but understanding to what effect they have applied their training] in order to gain a clearer picture of how the support to multiple efforts complement each other and to what effect. The early outcomes are:

- For the first time there is a clear understanding of donor support to the MoI and how it relates to the Ministry’s Strategic Plan. This is captured in detail in an Aid Coordination Database.

- The IC is, for the first time, genuinely coordinating support to the Ministry of Interior through assisting in the implementation of the Ministry’s Strategic Plan.

- The success of the Ministry of Interior Support Team has led to a broader review of the International Police Coordination Board process. This will include the formalisation of the Ministry of Interior Support Team within the process.

- Capacity has been demonstrably built within the General Directorate of International Coordination. The positive change has been quite dramatic, including real ownership of the Ministry of Interior Support Team as the forum for coordinating support at the working-level.

- HQ Resolute Support Mission is reviewing how it can provide better support to the MoI.

**Ongoing Work and the Way Ahead**

In many ways the Ministry of Interior Support Team has achieved success well beyond expectations. It has, however, only established a baseline of understanding and a much improved willingness to coordinate
support. The difficult task of implementation remains. To start to address this, a project from the Detailed Action Plan to provide a Senior Mentorship Scheme for the Province and District Chiefs of Police has been chosen as a test case for implementation – a proof of concept. The reasons why this project was chosen were that the Resolute Support Mission, due to its mandate, cannot conduct advising below the Police Zone level; that one of the focus areas was the need to improve the linkages between Kabul and the Provinces; and, most importantly, that the Province and District Chiefs of Police are the leadership nodes within the Afghan National Police structure that directly support the population. The IC will provide training to the Afghan mentors, who will be senior Afghan Policemen.

A summary of progress is:

- Agreement reached by the Ministry of Interior Support Team to focus on this project.
- The NATO Stability Policing Centre of Excellence was approached and agreed to assist with curriculum design and delivery of four training serials.
- Draft curriculum completed and now in Kabul for comment and input from the MoI.
- Draft timeline for delivery established with the first course due to be delivered in October 2017. The other courses will follow in 2018 with the aim to handover a sustainable course to the MoI.
- IC police support is being sought to provide the trainers to deliver the course.
- Work is ongoing to create a support structure for the Afghan Mentors. This has been slow due to senior leadership changes in the MoI.
- Business case for funding has been developed and awaiting agreement from the Law and Order Trust Fund Afghanistan.

**Conclusion**

Since January 2016 the MST process and its individual IC member organisations have:
Identified three priorities: leadership; links between Kabul and the provinces; and, education and training;

Built a database (based in and managed by the MoI) containing information on IC projects in the priority areas;

Supported the creation and development of the General Directorate of International Cooperation in MoI which is staffed by Afghan civilians and has responsibility for taking forward projects emerging from the MST process;

Delivered a Detailed Action Plan of initial projects, and

Started work to deliver several projects, including the creation of an Afghan mentorship cadre for Provincial Chiefs of Police and District Chiefs of Police and a Human Resource Management system.

The MST process has been recognised as a constructive and inclusive way of working. Discussion is now underway to formalise the MST as a permanent working group under International Police Coordination Board (IPCB). The priority is not on the organisational aspects but on the proof of the concept: can it deliver outcomes? Perhaps the key piece of the puzzle is to ensure MoI buy-in at all levels. The MST has the support of leaders at the highest level. But lower down the organisation many people have the opportunity to stifle change and stop developments they see as negative for their personal interests. The IC is working with the President and other leaders to address this issue. It will not be easy.

On the international side, we are testing whether there is a will to align resources behind projects identified as vital to progress. As supporters of MoI/ANP we have to move beyond delivering discrete projects and pockets of improvement and start building a system that can be a sustainable foundation for policing in Afghanistan. This means looking again at training and making a plan to teach policemen about policing. It means building a Human Resource Management system that will help create a pipeline of leaders and incidentally is probably one of the most significant contributions we could make to fighting corruption. It means prioritising and working as a team. Ultimately, the responsibility lies with the Afghans. Only they can determine whether reform will succeed or fail. But the IC needs to do the best it can to help and be a coherent part of the solution.
Chapter 13

The Future Role of Gendarmeries in National and International Contexts

Hans Hovens

Introduction

In 2010, the association of national gendarmeries and affiliated corps, encompassing the European and Mediterranean Gendarmeries and Police Forces with military status (FIEP), tasked the Dutch Presidency with assessing the relevance, potential role and mandate, and added value of gendarmeries in the following years. Taking the 21st century security challenges as a starting point, contributions to a seminar held in 2010 (and the subsequent seminar proceedings) seemed to favour a future role for gendarmeries in both the national and international contexts. In these contributions, special reference was made to an asymmetric threat with a higher level of violence from opponents; to the growing importance - and scale - of peace operations; to the rise of more and more joint operations in which military and civil organisations work together; to security and public order problems rising in the aftermath of floods or natural disasters; and to the growing importance of moral and ethical standards. These trends seemed to align with the distinguishing characteristics of gendarmeries,

characteristics that enable the gendarmeries to police in less benign, less stable, or less secure environments, and to act as a linchpin between the worlds of the military and civil (police) organisations.

Seven years later, the security situation seems to have changed. Perhaps the contributors misinterpreted the signs in 2010, or perhaps the security situation in the world we are living in has undergone rapid change.

It is already several decades ago that it was still commonplace to think that the core task of the armed forces was the protection of national territory against threats from outside, and that the enforcement or maintenance of law and order in our countries was the responsibility of the police. By the end of the 1980s, the fall of the Iron Curtain had brought an end to the bipolar world order and opened up new possibilities and challenges. The nature of many conflicts changed from inter-state to intra-state conflicts, and with that the range of tasks of international organisations such as the United Nations (UN), the European Union (EU), the Organisation for Security and Cooperation in Europe (OSCE), and the North Atlantic Treaty Organisation (NATO) increased dramatically. Finally, interconnectedness and interdependence in economic, political, environmental and cultural issues grew, and the blurring of internal and external security began.6

It is in this setting that NATO HQ Supreme Allied Command Transition (ACT) requested a contribution on the future role of gendarmeries in the national and international contexts. This contribution could also answer the question whether gendarmerie-type forces could be considered an integral part of the quest for NATO assets capable of bringing stability by policing.

Examining the ACT’s project manager’s request and the title of this article, a few questions must be raised: What will the future look like? How will the future manifest itself? What is a gendarmerie or what are gendarmerie-type forces? How will the future be connected to the future role or roles of the gendarmeries? What will their role(s) be in the national context? And, what will it be in the international context? Do the outcomes

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differ from those of the assessment in 2010? And finally, how is the subject of gendarmerie connected to stability policing?

This article focuses on the concept of gendarmeries or gendarmerie-type forces. After defining the concept of “gendarmerie”, the article will elaborate on the rationale for the existence of gendarmeries. Common or shared characteristics of gendarmeries and their value(s), especially in situations where stability and security are -or could become- at stake, are dealt with.

As this contribution deals with the future role(s) of gendarmeries in both the national and the international contexts, possible future scenarios will be discussed before going more in detail with regard to their possible role(s). Having done so, an assessment will be made of the relevance, potential role (and mandate), and added value of gendarmeries, both in the national and international contexts. Focusing on the aim of the campaign, it will be argued that the characteristics of gendarmeries enable them to police in less benign, less stable, or less secure environments. It will also be argued that the specific characteristics of gendarmeries, as an asset of NATO’s stability policing capabilities, enables them to act as a linchpin between the worlds of the military and civil (police) organisations, and could be very useful at the beginning of an operation or/and as bridging capacity during the transfer of authority between NATO and UN or EU missions.

Finally, the character of this article needs to be addressed. Being a former member of the gendarmerie family, this contribution combines the feelings and ideas of an enthusiastic former professional who is happy to tell you that -depending on the definition used- the international community could eventually have access to 3,5 million gendarmes worldwide. However, this enthusiasm is tempered by the researcher, who has tried to stay as objective as possible, and coloured by the consultant, who wants to provide practical solutions.

On the future

The future will be influenced by the relationship between internal and external security, shifting (security) paradigms, and the development of international relations. In addition to these three angles, this section will focus on the possible implications of four emerging megatrends for future conflict and future cities: the growth of world population, urbanisation,
concentration in coastal areas, and growing (digital) connectivity.\(^7\)

During the last decades, the world has become more and more interdependent and interconnected.\(^8\) Foreign policy increasingly has domestic consequences, and domestic policy can threaten interests abroad. The period around the turn of the century can be characterised as a period in which the distinction between internal and external security, the police and the military, as well as public and private responsibility for security, seems to have become blurred in most countries. Another observation concerns the fading distinction between crime control and warfare: transnational risks (including terrorism and organised crime) cross national borders, and national and international responses to these threats often rely on the military and military forms of control. A final observation concerns the interdependency between security and development aid and cooperation.

Referring to the blurring boundary between internal and external security, one can point to three developments that explain this phenomenon: the widening of the debate on security after the fall of the Iron Curtain; the process of globalisation (transnational organised crime, migration, technology and the environment), and the blurring of former external borders. One might add that the terrorist threat in the early years of the twenty-first century has resulted in a growing involvement of the military in the internal security of most countries, especially the US and

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Europe. Finding an answer to violent crime and adapting to new roles and responsibilities, in the arenas of both national and international security the boundary between the police and the military seems to be fading as well.

The shifting security paradigm is the next angle to be addressed. The last century also showed a transformation of the concept of security related to notions of the night watchman state (a state that has the least possible amount of powers to uphold law internally and defend the country from foreign aggression), through to the welfare state (a state that plays a key role in the protection and promotion of the social and economic well-being of its citizens), to the concept of human security (a more encompassing understanding of safety and security, with a focus on groups and individuals living in states, rather than on the security of the state). Safety, security, prosperity, and identity increasingly became the issues that matter to citizens.

Worldwide trends, such as the globalisation of crime and subsequent responses, and the privatisation, pluralisation and hybridisation of security (and the related replacement of the idea of the police as the sole guardians of public security), resulted in what several authors define as a “shifting security paradigm”. This gradually led to a reorientation of the role of the state and the role of other actors (both governmental and non-governmental) and citizens in the realisation of security. An issue connected to the debate on the shifting security paradigms concerns the theory of the social contract. While this theory argues that the legitimacy of state authority over the individual derives from a (hypothetical) contract between them, some authors feel this contract is at stake: either because the present-day situation needs new leadership or because they argue that

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whoever creates a normative system that makes people feel safe through the predictability and order that it generates will be accepted to set rules to maintain this system.  

The ever-growing interconnectedness, interdependence and complexity that go hand-in-hand with globalisation reinforced the effects on politics and international relations.

The effects of foreign policy on domestic affairs - and vice versa - increased, and the interdependency between security and development became accepted. Traditional boundaries between internal and external security, police and military, war and crime control, and public and private security actors blurred. At the same time, the role of the state regarding systems of social control seems to be changing (sometimes in favour of non-state actors).

With regard to international relations, two opposing views exist. In the first view, security, prosperity and the solution of global problems, such as the environment and food supply, can only be achieved through close international cooperation. The second vision exudes a policy of realism, where international relations are based on geopolitics and states always place their own interests first.

Since 2008, the worldwide financial crisis and protracted economic stagnation, which simultaneously coincided with the increase of refugee flows, a shift of economic and political power, revolts and local conflicts, undermined confidence in politics in several countries. Therefore, politicians seem to be more and more in favour of a foreign policy based on geopolitical arguments, protectionism and isolationism. Large military exercises, such as those conducted during the Cold War, are once again being held and the domestic deployment of the military seems to be on the rise due to the threats of terrorism and crime. Security has become more complex: there are multiple threats, and multiple state and non-state actors.


11 R. De Wijk, De Nieuwe Revolutionaire Golf.
Internal and external security are more interwoven than ever and a shifting focus of the armed forces (toward its primary task) is evident. There are no simple answers to the present-day complex security issues, and this might indicate that the future will show a mixture of both views (i.e. regimes of international cooperation vs. narrow pursuit of state interests).  

The future of international relations is strongly connected to the future of domestic affairs. It is uncertain what this future will look like. On the one hand, one might argue that the first view on international relations will prevail, and that the challenges of safety, security, prosperity, food supply and the environment will be tackled by international cooperation. Expeditionary deployment of for example gendarmerie-type forces seems evident.

On the other hand, and more connected to the second view on international relations, nationalism and protectionism are important drivers of the developments in the world. Sentiments and realities related to the bipolar world (such as during the Cold War) could become visible, and activities regarding expeditionary justice and security operations could reduce. Deployment of gendarmeries in this setting could become less likely, while (at the same time) the need to deploy these forces in a domestic role could increase, especially when governments and politicians are increasingly moving away from their citizens and must emphasise maintaining domestic law, rules and order.

A final observation refers to the environment in which future operations might take place. On the basis of contemporary research in the areas of demography and economic geography, Kilcullen et al suggest that future life on our planet will be affected by four emerging megatrends, identified as: the increase of the world population, accelerating urbanization, expanding urbanization in coastal areas, and increasing (inter)connectedness. There is little doubt that these trends influence safety and security and therefore maybe even future conflict. Taking insights advanced

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by scholars such as Arquilla and Ronfeldt,¹³ Fall,¹⁴ Kalyvas,¹⁵ and Norton,¹⁶ Kilcullen gives a behavioural explanation for the ways in which populations are managed, suggesting that those populations respond best to predictable, ordered, normative systems that tell them what they need to do (or not do) to be safe. It is in feral, “urban no-go areas” where public security might have to be restored and where gendarmerie-type organisations might be deployed.

**On the Gendarmerie**

With some exceptions, one can (still) hold the view that there is ample literature on the phenomenon of the gendarmerie.¹⁷ Existing literature is mainly historical and mainly Anglo-Saxon (from countries with little experience with gendarmeries).

The question of what a gendarmerie is must be answered within the context in which gendarmeries operate. The more traditional discourse on the role and design of the police and the military (and with that the role and design of the gendarmerie as well) takes place along two lines: the role of the military in national security and the debate on the function and design of the police system. A first observation is that over a prolonged period the military had a role in domestic security every now and then, although scale and importance varied.¹⁸ Present-day national security challenges, as well as the nature of the expeditionary role of the armed forces during the last decades, show a “police-ization” or constabularisation of

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13 Arquilla and Ronfelt, Networks and Netwars.
the military.\textsuperscript{19} At the same time, national security threats as well as the role of national police forces in police reform abroad have led to a process of militarisation of the police.\textsuperscript{20}

Another observation regarding the status of the police: a (more) normative approach indicates that a democracy can only prosper with a civilian police force in place. Civilian police forces have therefore become the norm for democratic societies. It is exactly this observation that resulted in the dissolution of many gendarmeries in Africa.

Although there is no generally accepted definition for “gendarmerie”, it is possible to make distinctions between two main attributes of this force: the police aspect and the military aspect. Looking at the term “police”, the narrow definition includes both crime control and public order management. Not all gendarmerie-type forces are given both of these tasks. Examining the term “military”; gendarmeries can belong to the armed forces in the narrowest meaning, although there are also gendarmerie-type forces that are organised along military lines. All gendarmeries, though, have in common that they perform (some) police duties and share military characteristics (organised along military lines (centralised and hierarchical), heavier weaponry and equipment, robust, group cohesion, military legal status enabling flexibility, military code, and versatility. So, although bearing the same name, gendarmeries differ widely.

Based on the characteristics, the normative assumption that a democracy can only prosper if the police force is civilian (and citizens are policed by consent) as well as the publics’ perception of gendarmeries, Gobinet formulated two hypotheses.\textsuperscript{21} Looking at the future, either the existence of gendarmeries could be endangered by their assumed incompatibility with civil liberties and democratic principles, or the gendarmeries might provide a legitimate alternative to the police force.


\textsuperscript{21} P. Gobinet, “The Gendarmerie Alternative”.

209
Gobinet’s study shows that gendarmeries are tasked to maintain public order and perform riot control and criminal police duties in many European democracies. The unique amalgamation of military semantics and civilian police tasks symbolises the modern gendarmerie concept, which can provide a substantial added value with its specialised and professional police units. Gobinet’s study singles out arguments which demonstrate that police forces with a military status present useful credentials to promote the liberal democratic policing ideal in twenty-first century Europe.

Although gendarmeries differ (as do many Military Police forces), one might try to define them as a law enforcement agency responsible for a number of police duties among civilian populations on a national level and being either part of the military or organised along military lines.

An earlier study showed that a more restricted definition of “gendarmerie” would result in some 835,000 gendarmes being available for police duties worldwide.\(^\text{22}\) The same study shows that a more extensive definition results in the availability of approximately 3.5 million gendarmes. De Weger has suggested to redefine the gendarmerie concept in order to have an even greater potential of gendarmerie-type forces.\(^\text{23}\) Lutterbeck concluded that the number of gendarmeries in Europe has grown significantly over the past decades. The gendarmeries seem to have expanded more than other security forces, and secondly, they have come to play an increasingly prominent role in addressing the many security challenges of the post-Cold War period. Gendarmeries gained in relative importance vis-à-vis conventional armed forces; however, a lack of systematic data prevents a similar observation regarding the position of gendarmerie-type forces relative to ordinary (i.e. civilian) police forces.\(^\text{24}\)

So, the characteristics of gendarmerie-type forces seem to enable these forces to play an important role in both internal and external security, and reinforce Gobinet’s conclusion that there is, indeed, room for the gendarmerie alternative. The extent and nature of the contribution of the gendarmerie as a response to the security challenges of the future will be discussed in the next section.

\(^{22}\) The results of this study were presented by the author at the Military Police Chiefs Conference in Portsmouth-Southwick Park, United Kingdom. 10-14 September 2012.


\(^{24}\) Lutterbeck, The Paradox of Gendarmeries.
Possible Future Role of Gendarmeries

The sketch in the second section of this article reveals future security challenges that are more intense and wider than what one could have been expected in 2010. On the one hand, threats or challenges to security are, in terms of their spatial dimension or their intensity, neither purely internal nor purely external in nature. Examples are: an influx of streams of refugees and related irregular migration, international terrorism, and transnational organised crime. On the other hand, hybrid threats and geopolitically driven tensions might give reason to prepare for more large-scale conflicts.

Finally, governments seem to be losing contact with their citizens. A growing number of citizens is experiencing a gap between their needs for a predictable public security, their expected right to share in prosperity and presupposed right to their own identity, and the quick fix rather “simple” solutions of the politicians. Unless the political leadership succeeds to take back control, social unrest and subsequent public order problems might occur.

Taking these new security challenges into consideration, a more robust response than police are usually able to provide seems to be necessary. Though practiced in several countries (e.g. the Netherlands, Belgium and France), the deployment of the military for national security purposes is contested by several authors. Little known, though illustrative for a restricted role for the armed forces in domestic security, is King Abdullah II of Jordan’s decision in 2008 to push back the role of the armed forces in the internal security of Jordan in favour of the Jordanian Gendarmerie Forces (Darak).

The call for more robust policing has led to a process of militarisation of the police. As Lutterbeck and De Weger point out, the number of gendarmes and the scope of their involvement in national and interna-


26 From the author’s own experience as Head of the FIEP fact-finding mission to the Jordanian Gendarmerie (Darak) Forces in early 2010.


211
tional security matters (or, to be more precise, the convergence of internal and external security agendas) grew over the past three decades, and will - most probably - continue to do so.\footnote{Lutterbeck, The Paradox of Gendarmeries; M. de Weger, “The Rise of the Gendarmes? What Really Happened in Holland”. Connection, The Quarterly Journal, 8, No 1, Winter 2008, 92-114; M. de. Weger, The Potential of the European Gendarmerie Force.} The figures of the Royal Netherlands Marechaussee alone indicate an absolute growth by almost 200% since 1980 (1980: 3,900) and a relative growth with regard to the total number of the Dutch armed forces from 3.5% to 11.5%. Trends seem to favour the distinguishing characteristics of the gendarmeries, characteristics that enable the gendarmeries to police in less benign, less stable, or less secure environments on one hand and to act as a linchpin between the worlds of the military and civil (police) organisations.

Three matters can put pressure on the advance of the gendarmeries: demilitarisation of internal security, budgetary constraints and limited resources. As mentioned by Lutterbeck, and in line with Gobinet’s first hypothesis, the long-term historical trend towards the demilitarization of internal security might eventually end up in the abolition of the formal military status of gendarmerie forces and the end of this police concept.\footnote{Lutterbeck, The Paradox of Gendarmeries; Gobinet, “The Gendarmerie Alternative”.} A second aspect concerns the rapidly changing international security challenges and the subsequent call for enlargement of the armed forces (along with the necessary budget). As long as gendarmeries fall under the authority of the Ministry of Defence, they might have to fight for a justifiable share of the available defence budget. Finally, gendarmerie forces can, just as every other police organisation, be characterised as a limited resource. That means that deploying or involving gendarmeries in whatever context is a matter of prioritising and making choices.

While some dispute their domestic role, there seems to be consen-
ployment capability, their military and police training, as well as their capability of working in tandem with military forces and civil organisations, make them capable of performing in more robust police missions, in more demanding circumstances, under military command or in close coordination with the military.\(^{31}\)

In asymmetric and hybrid threats with a higher level of violence from opponents, the growing importance and scale of peace operations (both preventive and post-intervention), the rise of more and more joint operations in which military and civil organisations work together, as well as security and public order problems rising in the aftermath of floods or natural disasters, gendarmeries seem to be more easily deployable than is typically the case for civilian police forces.

Nevertheless, the expeditionary deployment of gendarmeries can also come under pressure. First, gendarmeries are by nature limited in numbers. This limitation results either in prioritising tasks in the national or international domain (or the interface between internal and external security), or being noncommittal with regard to deployment for the various international organisations. In the latter case, governments could want to keep freedom of action to deploy their gendarmerie under the umbrella of UN, NATO, EU, OSCE, EUROGENDFOR\(^{32}\) or ad hoc coalitions.

Secondly, the role of gendarmeries in crisis operations could become hampered by the long-term historical trend towards the demilitarization of internal security: If gendarmeries have to draw back from policing in their home countries, they will ultimately lose the skills and experience necessary to be successful in expeditionary police operations.

**A Role for Gendarmeries in Stability Policing?**

So far, it is not contested that gendarmeries might play a role in police operations abroad. In this section, the possible role for gendarmerie or gendarmerie-type forces in stability policing will be addressed. Before


\(^{32}\) The European Gendarmerie Force (EUROGENDFOR or EGF) was launched by an agreement in 2006 between five member states of the European Union: France, Italy, the Netherlands, Portugal, and Spain. Romania and Poland joined later. EUROGENDFOR is “a Multinational Police Force, born to participate to the stabilization of crisis and conflict areas outside the European Union, where it contributes to the protection of population, the upgrade of the Human Rights, and the reestablishment of the Rule of Law.” [http://www.eurogendfor.org/organisation/what-is-eurogendfor](http://www.eurogendfor.org/organisation/what-is-eurogendfor)
doing so, a definition of stability policing must first be dealt with.

For many people, “stability policing” is a difficult concept. That is no surprise. On the one hand, there is still no agreed definition for the term “police”, and -secondly- the adjective “stability” is rather confusing for a relative outsider. A first observation is that it all seems to be about “policing”, a verb. Looking at the literature, most academic work focusses on the police, rather than on policing or to police. Comparing several definitions, one can state that policing always involves explicit attempts of a group or society regarding organised public order management, the enforcement of laws and rules, and crime control and information brokering in order to offer a safe and secure environment and to protect life, liberty and property of persons.33

As mentioned earlier, the adjective stability could be confusing. The Cambridge English Dictionary defines stability as: “a situation in which something is not likely to move or change or refers to the state or quality of being stable.” On the other hand, the US Joint Publication 3-07 on Stability describes stability as:

…the overarching characterization of the effects created by activities of the United States Government (USG) outside the US using one or more of the instruments of national power to minimize, if not eliminate, economic and political instability and other drivers of violent conflict across one or more of the five USG stability sectors (i.e., security, justice and reconciliation, humanitarian assistance and social well-being, governance and participation, and economic stabilization and infrastructure).”34

It is most likely that stability in the sense of stability policing refers more to the second definition. In fact, stability in the sense of stability policing could refer to the restoration and maintenance of stability in a certain country and would not necessarily have to be related to expeditionary action.

Looking in more detail at the verb policing, stability policing is not


restricted to police. It seems to be more than that. Following the description used in the NATO Stability Policing Campaign, it is also about (re-)organising indigenous police forces, advising on the police function and the necessary legal basis for law enforcement, training police personnel, and supporting the development of personal and institutional accountability.

In short, stability policing is about policing and helping build police institutions in situations that are less benign and less secure.\textsuperscript{35} The assets to do so must be adequate to operate within or together with the military and must be able to work together with others in the judiciary and security sector reform. These required capabilities call for specific characteristics from the stability policing asset, characteristics the gendarmeries or gendarmerie-type forces share. At the same time, one must realise that gendarmerie resources are limited and that some degree of prioritisation is necessary.

\textbf{In Conclusion}

On the basis of the hybrid security threats and challenges ahead, it was argued that present-day security challenges are more intense and wider than what one could have expected in 2010. As a consequence, there are future roles for gendarmeries in both the international and national contexts. But, owing to the limited nature of police resources, choices must be made. A further increase in the number of gendarmeries is possible but will not be enough to cope with all of the security challenges.

Based on the foregoing, there is a possible call for gendarmeries in a domestic role, a role in a more conventional deployment of armed forces, and an expeditionary Security Sector Reform role, especially stability policing. Linking gendarmeries to stability policing, as one of the possible choices, gives the military commander an asset with robust law and order capabilities that can operate under both the military chain of command and civilian leadership, an asset that understands the language and is familiar with the procedures of military doctrine. Finally, it was argued that gendarmeries have experience in dealing with issues connected to stability policing.

Even here, again because of limited resources, one should look carefully at who can deliver the capabilities necessary for stability policing. One could examine the necessary capabilities and might restrict

\textsuperscript{35} NATO Standard Allied Joint Publication 3.22 Allied Joint Doctrine for Stability Policing.
gendarme assets to those which have “non-transferable specific police capabilities/expertise” and police leadership.
Chapter 14

Establishing Security and Consolidating Gains through Transitional Public Security and Stability Policing

Karen Finkenbinder

What has been will be again, what has been done will be done again; there is nothing new under the sun. Ecclesiastes 1:9

Introduction

Though scholars may debate if the author of Ecclesiastes was King Solomon, the sentiments expressed certainly seem to support the wisdom of a Solomon. Because even in ~900 BC, the author recognized what has become a common mantra of armies– they say they do not do “policing” they try very hard not to do “policing” and, yet, they do “policing” anyway – repeatedly. Whether armies want to perform policing duties or not – eventually, the security situation may require it. Major General Sir Charles W. Gwynn observed in 1934 that the Army “can be employed to prevent a situation from getting out of hand, and not merely to restore one that has

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1 Transitional Public Security is at present a Department of Defense term used in Joint Publication 3-07. It is the framework for the military to establish security in the wake of intervention but also has implications for other environments in which public order does not exist, such as disasters, natural and manmade. This article uses U.S. military doctrinal concepts and aligns them with current NATO Stability Policing efforts. This is a conceptual piece and does not reflect the views of the Department of Defense.

2 The Holy Bible, New International Version.
passed out of control.”

This was not done in Iraq in 2003 when in Baghdad, U.S. military failed to intervene as joyous crowds looted “the commercial district, ransacked government buildings and pillaged residences of regime officials.” As U.S. military failed to proactively maintain order, looting and similar activities eventually turned into an “uncontrolled wave of criminal violence.”

Thus, as we have relearned in recent years, failing to establish security and consolidate gains after victory will likely ensure that intervenors stay longer than desired or return, often to conditions that are worse than during the initial intervention. The international community has made strides in building policing capability and capacity to be used in interventions; however, within the military, cultural obstacles exist in the general purpose forces that can negatively impact security and long-term police development. If combat forces fail to establish security through transitional public security and consolidate gains through stability policing – in the words of one African Union police leader “You may as well stay home, because you do more damage than good.”

To win in a complex world, Army leaders must ensure that they “respond to and resolve crises, defeat enemies, establish security and consolidate gains.” Defeating enemies and establishing security are not enough. According to the U.S. Army Operating Concept:

Army forces defeat enemy land forces and seize, hold, and defend land areas. The Army also prepares for security operations abroad including initial establishment of military government pending transfer of this responsibility to other authorities. Balanced Joint Force capabilities create synergy and provide the President, Secretary of Defense, and combatant commanders with multiple options to prevent conflict, shape security environments,

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5 Ibid, 7.
6 Ibid, 14.
7 Interview with confidential source, May 17, 2017
8 Ibid.
and win wars.\textsuperscript{9}

The long win comes through a whole-of-society approach.\textsuperscript{10} NATO doctrine notes that any NATO response should be integrated into a broader effort or “collective strategy.”\textsuperscript{11} Similarly, the U.S. Army assumes that it will “conduct operations as part of joint, inter-organizational and multinational teams.”\textsuperscript{12} This article argues that armies should establish security through the use of transitional public security (TPS) and that the primary tool to consolidate gains is stability policing and, eventually, through security force assistance (SFA) and cooperation.\textsuperscript{13}

\section*{Background}

In the post-9/11 world, the US military again realized that their overwhelming preference for conventional warfare did not square with the reality of the other.\textsuperscript{14} The term de jour may be irregular or asymmetric warfare, but over the years it has been called many things as Figure 1 depicts.

\begin{footnotesize}
\begin{enumerate}
  \item Allied Joint Publication 01(D), “NATO Doctrine.”
  \item TRADOC Pamphlet 525-3-1, “The U.S. Army Operating Concept,”11.
  \item To be clear, this paper is focused narrowly on establishing security and conducting stability policing as activities. To successfully police, there must be a reliable judicial process (perhaps hybrid) and detention capability; however, this paper will not address the rubric of stability tasks. Though they are all important – the author argues that the most important tasks are in fact security and policing because without them, nothing else can be adequately developed; but, even in establishing security, detention and adjudication capabilities are necessary, even if it is the military doing them, the latter via a tribunal at Division or Corps
\end{enumerate}
\end{footnotesize}
As Melillo observed in 2006, “the military culture has long been convinced that technological overmatch was the prescription for security.” Though reality is and always has been that the US military spends most of its time doing the other, most efforts were focused on extending “…its conventional superiority and focused on…the next peer competitor.” And there were years where the military, particularly the Army as the land power, seemed to be aware that it needed to focus more on asymmetrical threats and made many gains in institutionalizing counterinsurgency, stability and irregular warfare thinking within the force. But, after another six years of “nation building,” the new strategic guidance for the Department of Defense was published and it suddenly seemed to give commanders permission to revert back to the status quo:

15 This slide is used in the Peacekeeping & Stability Operations Elective taught at the U.S. Army War College.


17 Ibid, 23.
In the aftermath of the wars in Iraq and Afghanistan, the United States will emphasize non-military means and military-to-military cooperation to address instability and reduce the demand for significant U.S. force commitments to stability operations. U.S. forces will nevertheless be ready to conduct limited counterinsurgency and other stability operations if required, operating alongside coalition forces wherever possible. Accordingly, U.S. forces will retain and continue to refine the lessons learned, expertise, and specialized capabilities that have been developed over the past ten years of counterinsurgency and stability operations in Iraq and Afghanistan. **However, U.S. forces will no longer be sized to conduct large-scale, prolonged stability operations.**\(^{18}\)

As many Army officers have proposed, “we don’t have to size for it and that means we won’t do it.”\(^{19}\) This has been confirmed by others as they discuss unit rotations through the National Training Center (NTC) and Joint Readiness Training Center (JRTC) – unequivocally, all officers have stated that commanders focus on their combat tasks – not any of the “stability tasks” even though training center staff try to force them to think about such issues.\(^{20}\) The feeling seems to be that we can redevelop competencies to do stability stuff on the fly – we cannot do that with our weapons systems. And understandably, commanders fear losing their war-fighting capabilities.\(^{21}\) Others have suggested, somewhat cynically, that until the military industrial complex creates a system that invokes stability,


\(^{19}\) This information has been relayed to me by students in the last three classes of 2219 (Peace & Stability Operations) and 2229 (Security Sector Reform). It is overwhelmingly a consensus of the students.

\(^{20}\) During the annual J7 Exercises conference, staff from NTC and JRTC expressed their concern that commanders only want to train on the systems and traditional combat training tasks and were not interested in the stability menu of training tasks available.

Establishing Security & Consolidating Gains through TSP and SP

DOD will not train on it because as they see it – our technical solutions to governance issues are driven by business and profits.22

This culture of Army leadership, particularly in the combat arms, to revert back to the war they want to fight, in contrast to what they may actually do, impacts their views of the environment they think they will find themselves in. A vision of Erwin Rommel, the Desert Fox, leading his Afrika Korps to victory in the North African desert in 1942 comes to mind. Even when, intellectually, commanders understand that the new world brings forth conditions that are volatile, uncertain, complex and ambiguous (VUCA), translating that environment to potential future operations is a difficult matter.

Though armies may prefer to conduct traditional force-on-force battle in open terrain, the reality is that as the world’s population is increasingly urbanized, bad actors will operate in population-rich cities, conditions that preclude military advantage.23 Cities, particularly megacities, give rise to concentration of extreme poverty, inadequate security and can become seedbeds for criminals, insurgents and terrorists. These are not conditions for which most armies train, particularly those parts of armies that are required to move in or with large pieces of equipment (mechanized infantry, cavalry, field artillery and the like).

Cities were, until recent times, considered general systems, “centrally organized from the top down.”24 This notion has given way to a more nuanced approach in which cities are still systems but can be “centralized or decentralized, structured from the top down or the bottom up and are not in states of equilibrium but may well be in constant states of disequilibrium.”25 Thus, inputs such as population, spatial interaction, segregation, land use, transportation, growth, and other variables may have unpredictable consequences in a city. Similarly, interventions will be unpredictable and likely have unintended or unrecognized second and

22 By the time students get to the Army War College, they are senior and perhaps a bit cynical. However, their cynicism seems supported by their recent realities. GEN (USMC) Smedley Butler once said that “War is a racket. It is the only one international in scope. It is the only one in which the profits are reckoned in dollars and the losses in lives.” GEN Butler was retired when he expressed such sentiments and became increasingly cynical in his later years.

23 Ibid, p 12.


third order effects.

Some of these effects have been seen in recent operations. As Bayley and Perito found, the US intervened several times in post-combat interventions with policing activities. In all of them, “the need to create law and order locally became a major preoccupation as violence and the threat of violence continued post-invasion.”26 They looked at operations Just Cause (Panama), UNITAF and later UNISOM II (Somalia), Operation Uphold Democracy (Haiti), IFOR (Bosnia and Herzegovina), UNMIK (Kosovo) as well as the invasions of Iraq and Afghanistan. Each case reflected a failure to adequately plan for stabilizing the security situation and included failures to understand the necessity of establishing security and conducting policing functions.

Establish and Maintain Security

Army forces conduct security operations across wide areas to ensure freedom of movement and action and deny the enemy the ability to disrupt operations. Commanders combine reconnaissance; raids; and offensive, defensive, and stability operations to protect populations, friendly forces, installations, borders, extended infrastructure, and activities critical to mission accomplishment. Army forces integrate with partner military, law enforcement, and civil capabilities to establish and maintain security. Army forces secure wide areas to deny the enemy use of terrain, protect populations, and enable the Joint Force to project power from land into the air, maritime, space, and cyberspace domains. The Army’s ability to establish control on land prevents the enemy from disrupting activities and efforts critical to consolidating gains in the wake of successful military operations.27

The failure of U.S. Army combat units to intervene in Baghdad as crowds poured into the streets and began looting turned into a “systematic effort to strip the capital’s stores and public institutions of anything of value…celebratory pillage was replaced by gangs of men armed with

26 Bayley and Perito, The Police in War, 33.
Establishing Security & Consolidating Gains through TSP and SP

assault rifles and organized criminal groups that removed contents… and set buildings on fire.”

Therefore, “central authority disappeared and uncontrolled criminal violence ensured. U.S. troops did not see looting as a military threat and did not intervene.” Even with U.S. military support, the Iraqi police were incapable of restoring public order.

 Had the combat soldiers watching the violence intervened and established civil security the U.S. would have likely gone a long way toward stabilizing Iraq. Instead, their failure to impose basic security, allowed a situation to develop that continues to destabilize Iraq, fourteen years later. Their failure to establish security ensured that the Army could not consolidate gains.

**Consolidate Gains**

*The consolidation of gains is an integral part of armed conflict and is essential to retaining the initiative over determined enemies and adversaries.* Enemy organizations operate on physical battlegrounds and in other contested spaces such as perception, criminality, and political subversion. To consolidate gains, Army forces often play a supporting role by reinforcing and integrating the efforts of multiple partners. For example, Army units provide military support to governance, rule of law, and law enforcement.

Repeatedly, overwhelmingly, researchers have found that legitimate policing is required to stabilize societies. “War provides a great opportunity for lawlessness.”

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28 Bayley and Perito, The Police in War, 6.

29 Ibid, 7.


31 Under the U.S. Army’s Mission Essential Task List, there is a Mission Essential Task to “Conduct Area Security.”

32 TRADOC Pamphlet 525-3-1, “The U.S. Army Operating Concept,” 19.


at insurgencies, it has been found that a continued military presence often exacerbates feelings of occupation and delays acceptance of the government.\textsuperscript{35} In contrast, policing that is conducted transparently and fairly, promotes community ownership and legitimacy toward reform efforts.\textsuperscript{36} Thus, as quickly as possible, the military must transition to police and, ideally, such police are distinct from military forces. In particular, they should clearly look like police. An interesting phenomenon has been observed in the U.S., when police are kitted out in “full battle rattle”\textsuperscript{37} – the “trust and confidence” scores by members of the public go down. Similarly, the more approachable that police appear, the “trust and confidence” improves.\textsuperscript{38}

Transitioning to police allows the police to enter communities and do what they can do well – win the allegiance of the population and control violence, regardless of whether it originates from criminals, insurgents or terrorists.\textsuperscript{39} This, in U.S. Army doctrine, is called \textit{civil control}.\textsuperscript{40} Bayley and Perito call this \textit{core policing} in which police serve and protect people to control violence.\textsuperscript{41} Such activities ensure that the stability sought by the military, and usually paid for through the blood of our young soldiers, remains. Failing to mobilize and deploy adequate, legitimate policing may well doom the international community to repeated forays into unstable states and the unnecessary suffering of people.\textsuperscript{42}

In recent years, theorists and policy makers have looked at this issues and tried to figure out ways to ensure that we do not fight the hard fight only to lose the peace. Within the U.S. Department of Defense, current thought looks at two complementary activities: transitional public security and stability policing.

\textsuperscript{36} Comments by Tracy Meares during plenary of the Police Legitimacy and Reform Forum, “Policing and Community Trust.” March 2, 2017.
\textsuperscript{39} Bayley and Perito, The Police in War, 73.
\textsuperscript{40} United States Army Field Manual 3-07, “Stability Operations,” October 2008, 2-9, 2-10
\textsuperscript{41} Ibid, 74.
Establishing Security & Consolidating Gains through TSP and SP

Transitional Public Security

TPS is the military forces’ establishment, promotion, restoration and maintenance of public order. Public order is a condition in which there is an absence of widespread criminal and political violence. Without public order, people cannot go about their daily lives without fear of violence and they will never gain confidence in their government. TPS sets the conditions that allows public order management to transition from military to civilian implementation.43

TPS bridges the gaps between short-term requirements and long-term goals as it focuses on implementation to address immediate needs. TPS should be conducted by combat forces immediately after victory because if it is not, an opportunity to reign in potential bad actors and spoilers is squandered.

If the military conducts TPS (many of the tasks are identical to those conducted in stability policing), they should transition to police forces as soon as possible. Many TPS tasks are ordinarily done by police and in the absence of police they cannot go undone, particularly those involving public order. Further, TPS requires detention capabilities and a tribunal process to ensure that appropriate disposition options are available for bad actors.

Stability Policing44

At present, NATO doctrine, AJP 3-22 notes that stability policing activities are focused on establishing a safe and secure environment (SASE), restoring public order and security, and establishing the conditions for meeting longer term needs with respect to governance and development. In order to conduct such activities, personnel trained and equipment for public order, public safety and law enforcement are required.45

Because of lessons learned in recent years, it is clear that sometimes the military is the only organization available to provide security in certain conditions; yet, it is not ideally suited to conduct policing for long periods of time. Though there are military police, who receive training commensurate


44 Stability Police/ing can be a noun or a verb. When using it as a noun, it refers to Carabinieri/Gendarmerie-type forces that have a normative public order role.

with civilian policing (law enforcement, problem-oriented policing), their primary role is to police the military and they have insufficient capacity to do policing over the long-term. However, they have structures in place to be able to advise planners and commanders and help them think through policing requirements. The MP should be considered as the bridge between the conventional military and specially-trained stability police as noted in Figure 2. NATO MP doctrine notes that stability policing is the fifth line of effort for military police.46

Policing is not “military light.” Soldiers and police are “different jobs and require different training."47 Police training focuses on the need for officers to respond as individuals, using discretion and situational awareness, and capable of being flexible and adjusting methods as needed.48

There are entities within NATO Nations that are specialized assets designed to conduct stability policing. They often routinely conduct stability policing activities in their own countries. These are gendarmerie-type forces such as the Italian Carabinieri, French and Romanian Gendarmerie, Dutch Marcheussee, and the like. These units are trained in police use of force, executive powers of search and arrest, conflict resolution, public order management, combatting organized crime, using criminal intelligence, etc. Such units are trained to replace or reinforce indigenous police forces. These forces can perform the entire gamut of policing tasks until such time as indigenous forces or other actors assume these roles. If available, they are best-suited to implement civil control.

Security Force Assistance/Security Cooperation/Development

At some point, when the crisis is stabilized, security force assistance, security cooperation and police development will be provided by a variety of defense and other actors. It may be that stability policing transitions to an interim policing capability provided by an international organization such as a UNPOL mission which then provides training, mentoring and advising (and in some cases performs executive policing). Or, stability policing may transition directly to the host nation, also an environment that likely requires training, mentoring and advising – and depending on

46 Within NATO, MPs perform five functions: mobility support, security, detention, police and stability police.


48 Ibid, 20.
the scenario – may require stability police to reinforce or partially replace indigenous police until capability and capacity can be built.

Figure 2 reflects the movement from purely military operations to police primacy. Ultimately, as the security situation improves, stability police are able to assist the transition to police primacy and TPS transitions to stability policing.

Considerations

In light of the increasing chances that the military may find itself fighting through the streets of urban environments and perhaps megacities, wise commanders understand that such population-centric systems are the environment for which police are designed. Police were conceived as an antidote to criminality and social problems that manifested themselves in cities. Bayley and Perito argued that we cannot have democratic nation building without legitimate and effective policing. They note that there is

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49 Many thanks to Dr. William “Trey” Braun, Army War College, as this slide is a modification of one he provided.


51 Bayley and Perito, Police in War, 67.
already strategic agreement that police are the entity that is able to mobilize public support to “coproduce” public safety.\textsuperscript{52}

But, in the early days after an intervention, effective police are rarely there or, if they are there, have themselves been instigators of conflict and are not in sufficient numbers to prevent a spiral into disorder and chaos. Thus, the military needs an approach that recognizes that at least in early days, they must conduct some “policing tasks.” Plus, transitional public security is likely a military commander’s legal responsibility under obligations found in Laws of Armed Conflict.\textsuperscript{53} Even if not a legal requirement, it is certainly a moral and ethical one and in today’s climate of nearly instantaneous social media and critique, it would behove a commander not to ignore pleas for public security.\textsuperscript{54}

Though the U.S. does not possess its own civilian stability police, through the NATO alliance it has access to numerous member nations that do have such specially trained and focused assets. At present, NATO HQ Allied Command Transformation (ACT) is involved in stability policing concept development. The impetus for this project was the understanding that purely military capabilities do not adequately stabilize and strengthen the security sector.\textsuperscript{55} Their concept paper recognizes the role NATO has played in stabilization and/or police development; yet, NATO does not have a specific capability for it, though it does have several member nations that have forces trained and equipped to do stability policing.\textsuperscript{56}

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\textsuperscript{52} Ibid, 67.

\textsuperscript{53} Convention (IV) Respecting the Laws and Customs of War on Land, The Hague, 18 October 1907.”
https://ihl-databases.icrc.org/ihl/INTRO/195?OpenDocument. This document speaks to the protection of civilians during occupation and it defines occupations as “a territory is considered occupied when it is actually placed under the authority of a hostile army.” One of the requirements is that the occupying power must “restore and ensure public order and safety while respecting, unless absolutely prevented, the laws in force in the country.” This sentiment is echoed in the Geneva Convention, under additional protocols and customary international law as well as in the court of public opinion.

\textsuperscript{54} In light of what occurred in Iraq, and to some degree in Afghanistan, commanders should not expect their careers to survive public pressure if they stand by and allow such extreme lawlessness and serious harm to civilians, if they have any power to stop it.


\textsuperscript{56} Ibid, 5.
Military or “Stability” Police?

There is some consternation about the role of MP in stability policing. MP can conduct stability policing activities as such activities are part of their training; however, over the long haul they are not the ideal force to do so. First, they have many other requirements, not the least of which is to police the military force. Secondly, and perhaps more importantly, they are members of the military and repeatedly we have learned that civilian primacy is essential to developing capable, sustainable police. If other realistic options exist, such as gendarmerie-type forces, they should be used. It should be noted that some gendarmerie forces fall under the military; however, in the eyes of civilians, they are not considered soldiers – an important distinction to acceptance and legitimacy; however, history often shows us that ideal alternatives are unavailable. Lastly, MP have other competencies that may be more essential to successful stability policing, such as detention operations. In post-intervention environments, few countries will volunteer to conduct detention operations – yet MP are often exceptional professionals in this area. U.S. military police learn to conduct detention operations, which will be required in the stability policing environment (along with some kind of judiciary/courts which may be a military tribunal in early days). MP also have expeditionary forensic capabilities that will likely be needed.

In contrast, stability police such as Gendarmerie and Carabinieri have domestic policing duties among their civilian communities. They are often dual-hatted under the Ministry of National Defense and the Ministry of Interior. It would seem to make more sense to use the MP to help commanders conduct TPS, by being planners, advisors and the conduit to transition to stability police forces like the Carabinieri and Gendarmerie. And, lacking detention capabilities, the MP might lead the detention effort. Gendarmerie forces are the best tool to actually do stability policing.


58 U.S. Army Corrections facilities are accredited by the American Correctional Association. Recently retired U.S. Army Military Police officers are often recruited by the U.S. Federal Bureau of Prisons and state prisons.


60 BG (P) David Glaser, U.S. Army Provost Marshal General, remarks made at the Senior Military Police Panel, May 1, 2016, Clinton, Maryland.
Nonetheless, the MP belong squarely in the “police box.” As often noted in various fora, each type of police have areas of strength and weakness. Each type of police operating independently is not as strong as police working together in a complementary fashion. The MP will still be operating in the environment as long as military forces are present. Understanding and using the MP criminal intelligence and problem-oriented policing knowledge will benefit any other police or military entities working in the environment.

Figure 3: The Police Box

Other Environments

Though to this point TPS and Stability Policing have focused on “post-intervention” environments, there are other times that both may be appropriate, particularly in humanitarian aid and disaster relief when law and order has broken down or in pandemic response, such as in the Ebola Crisis. In both situations, the military may be called in to be a security force absent any other options as perhaps the first responders were themselves victims. The same transitional public security rubric should apply. Such environments are vulnerable to spoilers and instant security is required to stop them in their tracks. This likely requires more draconian approaches to security than many Westerners usually feel comfortable with, such as
martial law and curfews. However, both have been proven to be somewhat effective in tenuous situations such as after disasters and to suppress unrest.\textsuperscript{61}

**Planning**

As most military occupations and subsequent stability operations have discovered, planning is often based on false assumptions – one of the most egregious is that a functioning policing capability exists and will continue to exist after the occupation. This assumption rarely is validated. Whether in Iraq, where what police remained fled into their homes, reluctantly returned and were largely ineffective or, in Afghanistan, where functioning police were largely non-existent, the end result is the same: no one is there to provide internal security.\textsuperscript{62} Commanders must plan to conduct security and determine what force generation will be required when the fight ends. Ideally, a stability police planner will be involved in the planning – likely within the NATO Provost Marshal’s Office, at least in early days. The military and civilian police planners from potential contemporaneous or follow-on missions must continually integrate their planning efforts.

**Unified Command**

Unified command brings together multi-agency or multi-jurisdictions to respond in a holistic and integrated manner. The United Nations uses this approach as they form the integrated mission and develop civilian, police and military components that report to a head of mission.\textsuperscript{63} Unified command is ideal for transitional public security and stability policing because they are functionally similar and will likely be done by various actors that transition over time. Regardless, as part of mutual planning, participants develop mutually agreed-upon objectives, strategies and priorities. Whether the command is accomplished through unity of command, in which one single commander directs all forces, or through a more decentralized approach, the end result should be the same.


\textsuperscript{62} Bayley and Perito, Police in War

– coordination and cooperation toward a common objective.\textsuperscript{64}

\textbf{Civil Security versus Civil Control}

Civil security provides for the safety of the host nation and its population and is essential to provide a safe and secure environment. Establishing civil security requires a government dedicated to providing public order to all its citizens, the cessation of large-scale violence, physical protection and territorial security. Lacking adequate indigenous police, all of these functions can be and should be done by stability police, if available. If stability police are unavailable, the military must not shirk its duty to provide civil security until sufficient gendarmerie are available.

In contrast, civil control centers on justice reform and the rule of law and public order and is supportive of rebuilding host-nation judiciary, police, and corrections systems. The military should support civil control, but it should not be the lead, and if it is, should only do so for the minimum amount of time to transition to better-suited civilian actors such as judiciary, court and penal experts. It is quite possible the military may support such efforts longer than it desires; however, such duration may be absolutely necessary to consolidate gains and ensure international efforts are successful. Nonetheless, protracted military involvement will more than likely retard police primacy.

In recent years, the military has tried to do civil security and civil control, the former seemingly too little, too late. And for the latter, it seemed that there was great confusion on the role of police in society and how functional, legitimate police are developed, especially in a context where they are regarded as a threat by one of the parties to the conflict. Additionally, there were decisions made to use police as a counter-insurgency force that had a strategic and long-term negative impact toward police development. Core policing functions require skills and equipment that allow self-protection as well as a “bubble of military protection in the form of fortified stations, defensive armament and equipment, and support of military forces who may be called upon as a backup.”\textsuperscript{65}


\textsuperscript{65} Bayley and Perito, Police in War, 163.
Conclusion

This article proposed that armies should establish security through the use of TPS and that the primary tool to consolidate gains is stability policing and, eventually, through SFA and cooperation. Military commanders must understand that many of the tasks required in transitional public security are in fact ordinarily done by police but that does not make the police “military light.” Military and police roles are distinct. The militarization of the policing function is unhelpful to long-term police development.

If the military fails to establish security, it cannot and will not consolidate gains. Transitional public security is a necessary tool for military commanders. After the military establishes public security, stability police forces can conduct policing functions, either reinforcing or replacing indigenous police, until such time as there are enough capable police to assume responsibility for the policing mission. This may involve a transfer to a UN or other international or regional mission, or to the host nation itself. MP may be called upon to act as stability police until sufficient numbers of Carabinieri and Gendarmerie-like forces arrive. If the latter are unable to contribute sufficient numbers of stability police, military forces may need to serve in that role for a longer period of time. If so, they should access gendarmerie as advisors to ensure they understand policing requirements. If gendarmerie forces are unavailable, they should leverage their military police.

The views expressed are those of the author and do not necessarily reflect the official policy or position of the Department of the Army, Department of Defense, or the U.S. Government.
Stability without effective policing is rare. The Allied Command for Transformation has recognized that Projecting Stability requires the capacity to conduct Stability Policing. This text has its origins in the efforts of NATO members and partners, in such places as Iraq and Afghanistan, to address Rule of Law and Stability Policing issues and their role in achieving both the efficient use of military forces while establishing sustainable and acceptable institutions of governance that will allow the withdrawal of military forces from post conflict situations and address problems in areas of fragility with stability policing rather than the deployment of military assets. The years of relevant experience, both theoretical and applied, of the authors is evident in their respective chapters.

We are reminded by Dr. Karen Finkenbinder that “[t]he long win comes through a whole-of-society approach.” Most military forces prefer to avoid policing activities and often undertake them as an afterthought. Yet, in an increasingly urbanized world, those projecting stability, engaged in armed interventions, or trying to consolidate battlefield gains are likely to be operating in a densely populated area with a civilian population desperately seeking a safe and secure environment. Stability Policing must be a tool available to our commanders that is incorporated at the earliest stages of planning.

Policing is a fundamentally different task from warfare. NATO as an institution is reliant upon military leaders using military tools. We must have the courage of leadership that Vern White addresses to recognize that NATO must reach beyond our usual resources to find the skills required to assess policing needs and develop programs to project stability by building policing capacity. NATO has considered transformative models of engagement, such as enhanced Enduring Partnership, as a follow on
engagement to ISAF/Resolute Support in Afghanistan. It envisioned a civilian led NATO mission, with two deputies; one a military professional, and the other a law enforcement professional, recognizing the different expert skills required to build capacity in state security forces and achieve stability in a post conflict environment.

Policing capacity development is not an easy task for NATO. Our force generation practices are designed to bring together allied and partner military forces with the capacity to achieve military goals. Police forces are usually not part of NATO members’ ministries of defense. In some member states police forces are usually part of regional and local governments rather than national governments. Vern White calls upon police forces to readily release police officers for service on international missions. One of the lessons learned in Iraq and Afghanistan was that “matrixed reserves,” where reservists can be identified by both their military (infantry) and civilian (police sergeant) skills, can provide soldiers as individual augmentees with invaluable perspectives drawn from their civilian professions in law enforcement and an ability to operate in a military organization.

National gendarmeries show that multinational alliances and coalitions have collective resources that are unavailable in unilateral efforts. Some countries lack a national police forces, other nations have administrative barriers to the international deployment of municipal police forces. As Hans Hovens demonstrates, national gendarmeries combine paramilitary structure with domestic policing experience. They are often under a ministry of defense, allowing easier force generation for international deployments. In adverse environments, they bring collective military discipline and are trained to use heavier weapons than most police forces. In certain circumstances, gendarmeries may provide the best skillsets and organizational capacity for stability policing operations.

Stability Policing provides a methodology for planning, structuring, and assessing pre-conflict and post-conflict Stability Policing operations. It also clearly demonstrates the need for non-military expertise from social scientists, anti-corruption specialists, and development agencies. If the indicators of a Safe and Secure Environment are to be used in determining the need for, planning the level of effort of, and assessing the effectiveness of Stability Policing operations, we will require early and ongoing outreach and collaboration with international organizations, non-governmental organizations, and civil society. We will have to use the resources of the
overseas development agencies of our members and partners to use the Stability Policing framework. We must move beyond seeing policing efforts as a burdensome post-conflict activity but embrace it as a tool of stability projection in fragile states that prevents conflict and consolidates military gains.

While Joshua Behr and Thomas Reese have given us a structure for Stability Policing, Catherine Royle and Matthew Hing, with their on-the-ground experience in Afghanistan, have presented the complexities, frustrations, and conflicts that arise in multilateral policing capacity development efforts. Policing is a secondary concern in a military environment. International policing support operations are often delivered by numerous international organizations, military and police entities, and bilateral support agencies, and are often joined to one or more multi-agency coordinating body. Resources, and exogenous circumstances rarely allow the attainment of the original goals of an international police training program. Commanders and leaders of such programs are forced to shift from original outcome goals to “what is possible,” or “what is good enough.” While there are some universal aspects of good policing, all police services are part of the political, social, and security environment of a particular place and time. International police advisors can go home, the local police they assist must continue to function in an environment of considerable peril. Stability policing efforts often involve the integration of international policing and human rights norms to local culture and exigencies. This is a slow iterative process requiring the type of “work with, don’t lead” international engagement that is often difficult in a culture that cannot bear leadership vacuums. The skillset required of police trainers is distinct from military trainers. Police training goals should be humble and realistic, done in a dynamic and adaptive fashion that can react to shifts in ambient circumstances.

We have empirical evidence that has achieved consensus on the need for effective policing with local support as a key element of state stability. We recognize the need for Stability Policing as an instrument to Project Stability. These papers demonstrate that our soldiers, academics, and diplomats, and, of course, our law enforcement professionals working in our centers of excellence, defense colleges, and commands have given Stability Policing a great deal of profound thought. They also demonstrate the need for further development of our Stability Policing capacity by incorporating police, social science, and whole-of-NATO (member and
partner) expertise into our planning and doctrine to Project Stability to avoid conflict.

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Acronyms

ACJC Anti-Corruption Justice Centre
ACO Allied Command Operation
ACT Allied Command Transformation
AIBA Afghan Independent Bar Association
ANA Afghan National Army
ANCOP Afghan National Civil Order Police
ANDSF Afghan National Defence and Security Forces
ANP Afghan National Police
ANSF Afghan National Security Forces
ATP Allied Tactical Publication
AU African Union
AUC African Union Commission
AJP Allied Joint Publication
BIH Bosna i Hercegovina
C2 Command and Control
CAAP Comprehensive Approach Action Plan
CD&E Concept Development and Experimentation
CEPOL European Union Agency for Law Enforcement training (College Europeen de Police)
CFSP Common Foreign and Security Policy
CIVPOL Civilian Police
CMI Civil-Military Interaction
COE Centre of Excellence
COE Contingent Owned Equipment (UN)
COESPU Centre of Excellence for Stability Police Units
COPAT Centre of Power Analysis and Targeting
COPD Comprehensive Operations Planning Directive
CPCC Civilian Planning Conduct Capability
CPS Criminalised Power Structure
CSTC-A Combined Security Transition Command – Afghanistan
CSDP Common Security and Defence Policy
DDR Disarmament, demobilization and reintegration
DFID Department for International Development
DFS Department of Field Support
DGE Directorate General of External Relations
DIAG Disbanding Illegal Armed Groups
DOD Department of Defence
DPKO Department of Peacekeeping Operations
ECOWAS Economic Community of West African States
EF3 Essential Function 3
EGF European Gendarmerie Force
EEAS European External Action Service
EOD Explosive Ordnance Disposal
EPW Enemy Prisoner of War
ESDC European Security and Defence College
ESDP European Security and Defence Policy
EU European Union
EUJUST LEX European Union mission to support and train judges,
prison officials and other justice sector workers

**EUISS** European Union Institute for Security Studies

**EUFOR** European Union Force

**EUGS** European Union Global Strategy on Foreign and Security Policy

**EUMM** European Union Monitoring Mission

**EUMS** European Union Military Staff

**EUNAVFORMED** European Union Naval Force Mediterranean

**EUPFT** European Union Police Forces Training

**EUPM** European Union Police Mission

**EUPOL** European Union Police

**EUPST** European Union Police Service Training

**EVAW** End Violence Against Women International

**EUROJUST** European Union Agency for Justice cooperation

**FFAO** Framework for Future Alliance Operations

**FIEP** Association of European and Mediterranean gendarmeries and police forces with military status (France, Italie, Espagne, Portugal)

**FPAT** Force Protection Assessment Team

**FPU** Formed Police Unit

**GCPSU** General Command of Police Special Units

**GCSS** Global Combat Support System

**GDPSU** General Directorate Police Special Unit

**HJI** Hybrid Justice Institutions

**HN** Host Nation

**HQ** Headquarter

**HJPC** High Judicial and Prosecutorial Council
JAO Judicial Affairs Officers
JFC Joint Force Command
JRTC Joint Readiness Training Centre
LI Lessons Identified
LOTFA Law and Order Trust Fund for Afghanistan
LL Lessons Learned
LLB Bachelor of Laws (Legum Baccalaureus)
MAPE Multinational Advisory Police Element
MC Military Committee
MCM Military Committee Memorandum
METT Mobile Education Training Teams
MOD Ministry of Defence
MODA Ministry of Defence Advisory Programme
MOE Measures Of Effectiveness
MOF Ministry of Finance
MOFA Ministry of Foreign Affairs
MOI Ministry of Interior
MOP Measures Of Performance
MP Military Police
MST Ministry of Interior Support Team
NAC North Atlantic Council
NDPP NATO Defence Planning Process
NDU National defence University (United States)
NGO Non Governmental Organisation
NPA National Procurement Authority
NPC National Procurement Commission
NRDC NATO Rapid Deployable Corp
NSE National Support Element
NTC National Training Centre
NTM-A NATO Training Mission-Afghanistan
OHCHR Office of the High Commissioner for Human Rights
ONUC Organisation des Nations Unies au Congo, United Nations peacekeeping force in Congo
ONUSAL UN Mission in El Salvador
OSCE Organisation for Security and Cooperation in Europe
PCB Police Capability Building
PCC Police Contributing Country
PKSOI Peacekeeping and Stability Operations Institute (US)
PM Provost Marshall
PMESII Political, Military, Economic, Social, Infrastructure, Information
PMO Provost Marshall Office
POC Protection of Civilians
POLAD Political Advisor
PSC Political and Security Committee
PSYOPS Psychological Operations
RCMP Royal Canadian Mounted Police
ROE Rule of Engagement
ROL Rule of Law
RS Resolute Support
RSM Resolute Support Mission
RUF Revolutionary United Front
SA Situational Awareness
S&R Stabilisation and Reconstruction
S/RES United Nations Security Resolution
SACEUR Supreme Allied Commander, Europe
SACT Supreme Allied Command Transformation
SALW Small Arms and Light Weapons
SASE Safe and Secure Environment
SC Strategic Concept
SC Steering Committee
SFA Security Force Assistance
SFA Strategic Foresight Analysis
SFOR Stabilisation Force
SHAPE Supreme Headquarters Allied Powers Europe
SIGAR Special Inspector General for Afghanistan Reconstruction
SITF Special Investigative Task Force
SME Subject Matter Expert
SO Stability Operations
SOFA Status of Forces Agreement
SOP Standard Operating Procedures
SOUTHCOM United States Southern Command
SP Stability Policing
SPC Standing Police Capacity
SPT Specialized Police Teams

SPU Stability Policing Unit

SRSG Special Representative of the Secretary General

STRATCOM Strategic Communication (or US Strategic Command)

SWAT Special Weapons And Tactics

TF Task force

TOA Transfer of Authority

TPS Transitional Public Security

TRADOC Army Training and Doctrine Command (US)

TTP Tactics, techniques and procedures

UAV Unmanned Aerial Vehicle

UN United Nations

UNAMA United Nations Assistance Mission in Afghanistan

UNAMSIL United Nations Mission in Sierra Leone

UNDP United Nations Development Programme

UNFICYP United Nations Peacekeeping Force in Cyprus

UNOSOM United Nations Operation in Somalia

UNITAF Unified Task Force

UNMIBIH United Nations Mission in Bosnia and Herzegovina

UNMIK United Nations Mission in Kosovo

UNMIL United Nations Mission in Liberia

UNMISS United Nations Mission in South Sudan

UNODOC United Nations Office on Drugs and Crime

US United States
USIP United States Institute of Peace
USMC United States Marine Corp
VUCA Volatile, Uncertain, Complex and Ambiguous
WEUPOL Western EU Police Mission