

NATO Should Promptly Implement Stability Policing: Why and How

The 2016 Warsaw Summit Declaration states ‘we seek to contribute more to the efforts of the international community in projecting stability and strengthening security outside our territory...’¹ To meet this mission, NATO Allied Command Transformation (ACT) decided ‘to develop an expeditionary approach and capability...for an effective NATO Stability Policing Concept.’² In the November 2017 edition of the *Militaire Spectator*, Hans Hovens described the origins of the stability policing concept and the capabilities required. He anticipated that ‘By the end of 2017 ACT would have delivered a broadly supported concept...’³ Although the stability policing concept was delivered to NATO in April 2018, it remains in limbo. This article describes how the persistent NATO missions in Bosnia, Kosovo, Afghanistan, and Iraq should inform this debate, discusses the issues delaying approval, and offers recommendations for the way ahead both doctrinally and in the policy realm.

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Stability policing is defined by NATO as ‘police-related activities intended to reinforce or temporarily replace the indigenous police in order to contribute to the restoration and/or upholding of the public order and security, rule of law, and the protection of human rights.’⁴ Stability police are robust, armed police units capable of performing specialized law enforcement and public order functions that require disciplined group action (e.g., crowd and riot

control, surveillance, high-risk arrest, and close protection). They are also capable of defending themselves and operating in hostile environments, which ‘civilian’ police cannot. This capability has normally been provided by NATO’s Gendarme-Type Forces (GTF);⁵ however, Military Police are also a potential source (see recommendations below).

Stability policing is essential for stabilization because all of NATO’s peace and stability operations (i.e., Bosnia, Kosovo, Afghanistan, and Iraq) have been obstructed by spoilers who are parties to peace agreements or power sharing pacts that NATO has been mandated to support. Obstruction has come in various forms: ‘rent-a-mobs’ in Bosnia (i.e., the rapid mobilization of civilian demonstrators to thwart peace implementation efforts such as the return of refugees), reverse ethnic cleansing and assassination of political rivals by the Kosovo Liberation Army in Kosovo, and rampant corruption in the security sectors in Afghanistan and Iraq that both delegitimized the NATO presence and hollowed out the capacity of the forces that NATO expended a prodigious amount of resources and countless lives to develop.⁶

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1 Warsaw Summit Communiqué, para 80, June 9, 2016. Available at https://www.nato.int/cps/en/natohq/official_texts_133169.htm.
 2 NATO Allied Command Transformation, ‘Stability Policing Concept Development,’ Feb 1, 2017. Available at <https://www.act.nato.int/spcd>.
 3 J.L. Hovens, ‘Stability Policing,’ in: *Militaire Spectator* 186 (2017) (11) 484.
 4 NATO Stability Policing Centre of Excellence, ‘About Stability Policing,’ available at <http://www.nspcoe.org/about-us/what's-sp>.
 5 Dutch Marechaussee, French Gendarmerie, Italian Carabinieri, Spanish Guardia Civil, Portuguese National Republic Guard, Romanian Gendarmerie, et cetera.
 6 See the Bosnia, Kosovo, Afghanistan, and Iraq chapters in Michael Dziedzic (ed.), *Criminalized Power Structures. The Overlooked Enemies of Peace* (Lanham, Rowman and Littlefield, 2016).

There is no effective purely military response to these insidious and debilitating spoiler threats to mission accomplishment.

This article begins by explaining the public security gaps that stability police provide the essential means to address and then proceeds to describe the essential nature of the spoiler threat that both NATO and the UN have recurrently confronted (i.e., criminalized power structures). Stability police provide the critical

antidote for this spoiler threat. These abstract concepts are subsequently illustrated with examples from the protracted NATO missions in Bosnia, Kosovo, Afghanistan, and Iraq, and lessons are drawn that should inform NATO's debate over the stability policing concept. The article concludes by discussing the issues delaying NATO's approval of the stability policing concept and offers recommendations for the way ahead both doctrinally and in the policy realm.

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Public Security Gaps that Require a Stability Policing Capability

Two critical public security gaps have confounded the ability of NATO and other international organizations to respond to spoiler threats: a deployment gap and an enforcement gap.⁷ The first is the time lag between deployment of military contingents and civilian police forces. If missions have only military firepower to call upon during the ‘golden hour’ at the inception of the mission, response options are effectively reduced to observing the mayhem or using lethal force against the very civilians the mission is mandated to protect. A major contributing factor to the 50 percent rate of return to conflict within five years after an international intervention⁸ is that by arriving unprepared to deal with spoiler threats, missions squander the golden hour. Hilde Johnson, a member of the UN High-Level Independent Panel on Peace Operations, has highlighted the need for ‘... understanding the drivers of conflict and the incentives and an analysis of what would it take to build peace among those different actors. I think that is also part of the weakness of the system that one doesn’t do that in depth and hence you get relapse in many situations.’⁹ To fill this gap, rapidly deployable SP units capable of operating in a hostile environment are required.

The enforcement gap relates to the law enforcement challenge of controlling spoilers, including less-than-lethal crowd and riot control (CRC) capabilities. Apprehending dangerous political-



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criminal spoilers requires surveillance and Special Weapon and Tactics (SWAT) teams capable of conducting high-risk arrests while avoiding use of deadly force unless violently resisted, in which case they are capable of completing the mission with minimum loss of life. Additionally, preventing the assassination of courageous local leaders who have taken the risk for peace involves close protection. Unless both gaps are addressed with stability police supported by the ways and means required to combat the type of spoiler(s) present

7 Michael Dziedzic, Robert Oakley, and Elliot Goldberg, *Policing the New World Disorder. Peace Operations and Public Security* (Washington, D.C., National Defense University Press, 1998) 8-13.

8 UN Secretary General Kofi Annan, ‘In Larger Freedom. Towards Development, Security and Human Rights for All,’ (March 2005) 8.

9 Remarks made at the US Institute of Peace, ‘The Future of U.N. Peace Operations. A Discussion with the Secretary General’s High-Level Panel,’ March 10, 2015. Available at www.usip.org/events/the-future-of-un-peace-operations, minute 34:30.

10 See Michael Dziedzic (ed.), *Criminalized Power Structures. The Overlooked Enemies of Peace* (Lanham, Rowman and Littlefield, 2016) for a discussion of the strategies that have been effective against the full array of spoiler types (i.e., irreconcilables, violent opponents with negotiable interests, and supporters that are so corrupt as to delegitimize the international intervention).



Among the rapidly deployable SP units capable of operating in a hostile environment can also be Special Weapon and Tactics (SWAT) teams

crafted into an appropriate strategy,¹⁰ missions will lack the ability to seize the initiative against obstructionists.

Spoilers Come in the Form of Criminalized Power Structures

The spoilers that have confounded all of NATO's peace and stability operations and 70% of the UN's peace operations have come in the form of criminalized power structures (CPS).¹¹ The

11 The 24 internal conflicts in which the UN has intervened since 1990 are listed below. The 17 underlined countries indicate cases that either Steve Stedman's research in 'Spoiler Problems in Peace Processes'; or the cases examined in Dziedzic, *Criminalized Power Structures*; or in Michelle Hughes and Michael Miklaucic (eds) *Impunity. Countering Illicit Power in War and Transition* (Washington, D.C., National Defense University, 2016); or the findings of the Enough Project have determined that criminalized power structures (or 'violent kleptocracies' in the terminology used by the Enough Project) were spoilers: Afghanistan, Angola, Bosnia/Former Yugoslavia, Burundi, Cambodia, Côte d'Ivoire, Central African Republic, Darfur, Democratic Republic of the Congo, East Timor, El Salvador, Guatemala, Haiti, Iraq, Kosovo, Liberia, Mali, Mozambique, Rwanda, Sierra Leone, Somalia, South Sudan, Sudan/Abyei, Western Sahara. Further research would probably add others to this list (e.g., Burundi and Mali), but at a minimum 70% of the post-Cold War conflicts in which the UN has intervened have confronted spoilers in the form of criminalized power structures/violent kleptocracies.

defining characteristic of a CPS is that ill-gotten wealth plays a decisive role in the ability of a CPS to capture and maintain political power. Violent repression of opposition groups is also typically used to maintain power, supplemented by dispensing patronage to a privileged clientele group. This leads to a zero-sum political economy conducive to conflict, but it may be masked by ethnic or other cleavages in society (as was the case in Rwanda, Bosnia, and Kosovo).¹² (See the recommendation below for 'An Assessment Methodology for Potential Spoilers').

Some of NATO's CPS obstructionists have even earned highly descriptive brands: 'parallel power structures' in Bosnia and 'criminal patronage networks' in Afghanistan. As noted, this spoiler phenomenon is not confined to NATO operations. Thus the empirical record clearly indicates that when NATO elects to intervene either to defeat a terrorist threat or to stabilize a conflict that imperils the security of NATO member states, these efforts will invariably be thwarted by spoilers, most likely in the form of CPS.

Lessons from Bosnia

After publishing *Policing the New World Disorder*, Ambassador Oakley and I were invited by NATO Secretary General Javier Solana to discuss our recommendation to deploy 'constabulary forces' to address the public security gap. This led to the deployment of Multinational Specialized Units (MSUs) to Bosnia in 1998, the precursor to NATO's current SP concept.

The Bosnia case is distinguished by the success of the strategy that was eventually implemented to prevent the Third Entity Movement (hereinafter the Movement) from scuttling the Dayton peace process.¹³ On the other hand, it is typical in that the international community arrived without the capability or authority to deal with spoilers. The conventional interpretation of the conflict as ethnic in nature obscured the role of the country's 'parallel power structures' in provoking the war and then perversely collaborating with their counterparts across ethnic lines to profit from it. Owing to this assessment failure, international police arrived unarmed and were empowered merely to mentor, monitor, and train Bosnian police. The other components of the legal system were ignored. Neither the UN nor the NATO-led Implementation Force (IFOR) had a capability to respond to 'rent-a-mobs' that were recurrently used to obstruct implementation of the Dayton accords.¹⁴

Although IFOR enjoyed a robust mandate, it was focused exclusively on Bosnia's formal military forces. Rent-a-mobs created a public security gap that was eventually addressed by deployment of the MSU with a CRC capability operating directly under the Stabilization Force (SFOR) commander (that replaced IFOR). Eventually SFOR recognized that the center of gravity for stabilizing the conflict was the parallel power structures in each ethnic community. The MSU was an essential means for combatting them.

In 1999, SFOR developed a campaign plan to defeat the Movement's initiative to create a Bosnian Croat entity (Herzeg-Bosna) co-equal with the Serbs and Bosniaks. This would have been a potentially irreversible step toward dissolving the Bosniak-Croat Federation and unification with Croatia, rendering the Bosniak rump state unviable. The result would undoubtedly have been a return to conflict. Illicit revenue for the Movement stemmed from Croatian President Tudjman's diversion of proceeds from the sale of state assets into the Hercegovacka Bank in Herzeg-Bosna. From 1998 to 2000, 180 million dollars a year was illegally channeled into the bank.¹⁵

12 See the Introduction and Bosnia and Kosovo chapters in Dziedzic (ed.), *Criminalized Power Structures*.

13 See Oscar Vera and Karmen Fields, 'Bosnia-Herzegovina: The Third Entity Movement,' in Dziedzic, *Criminalized Power Structures*, 27-51.

14 International oversight of the three intelligence services was completely overlooked, allowing them to continue directing criminal relationships used by political elites to protect their wartime gains and clandestinely subvert the peace process (See Operation WESTAR, below).

15 Vera and Fields, 'Bosnia-Herzegovina. The Third Entity Movement,' 36.



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Once the means and authorities had been put in place, including the MSU and the Bonn Powers,¹⁶ the military and civilian components of the international community carefully coordinated intelligence-led operations among themselves and trusted members of the Bosnian community. This led SFOR to launch Operation WESTAR to seize documents in a Bosnian Croat police station in west Mostar that served as the hub for intelligence activities against SFOR and other members of the international community.¹⁷

This operation could not have been conducted successfully without the surveillance and crowd and riot control capabilities provided by the MSU.

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- 16 These powers included the authority to 'enact interim measures to take effect when parties are unable to reach agreement...Such measures may include actions against persons holding public office or officials who are found by the High Representative to be in violation of legal commitments made under the Peace Agreement.' Ibid. 39.
 - 17 The High Representative, the International Criminal Tribunal for the former Yugoslavia, and International Police Task Force.

Operation WESTAR led to the discovery of the Achilles heel of this CPS: the Herzegovacka Bank and the flow of illicit revenues from Croatia. With support from SFOR's MSU and the Federation Ministry of Interior and Financial Police, the High Representative mounted an operation to take control of the bank, seizing sufficient evidence to mount twenty criminal investigations against key components of this CPS. In the assessment of Vera and Fields, 'The Movement was dealt a fatal blow and violent resistance to Dayton from Herzeg-Bosna was ended.'¹⁸

The lessons to be drawn from SFOR's experience in Bosnia are:

- Failure to assess the CPS threat properly can place the mission in grave jeopardy.
- An effective way to deal with an irreconcilable CPS like the Movement is use of less-than-lethal force in a proactive manner by stability policing contingents.

- Intelligence-led operations by stability police is an essential means.
- Depriving CPS of access to illicit revenue is an effective way to defeat them.

Lessons from Kosovo

The Kosovo Force (KFOR) did not anticipate that it would face a greater spoiler challenge from extremist elements of the Kosovo Liberation Army (KLA) than from armed resistance by Serb forces. Also unforeseen was the vicious struggle within Kosovo's Albanian community between the KLA and followers of pacifist Ibrahim Rugova to fill the power vacuum created by the withdrawal of Serb forces. The essence of the spoiler threat was the KLA's National Intelligence Service (SHIK) that carried out an assassination campaign against Rugova's supporters as well as an ethnic cleansing campaign against Serbs who remained in Kosovo. For these KLA extremists as well as for their Serb counterparts, the so-called Bridge-watchers, 'peace' was but the perpetuation of

18 Ibid. 44.



conflict through other means. The golden hour was lost.¹⁹

The UN Mission in Kosovo (UNMIK) was granted executive authority by UN Security Council Resolution 1244 'to provide an interim administration for Kosovo.'²⁰ The Kosovo Force (KFOR) was tasked with 'Ensuring public safety and order until the international civil presence could take responsibility for this task.'²¹ In NATO parlance this meant KFOR was a replacement mission. Both UNMIK and KFOR deployed stability police.²²

In spite of its exceptional mandate, UNMIK did not mount a concerted strategy to dismantle spoiler networks until 2002 after Special Representative of the Secretary General Michael Steiner announced 'now we have the instruments,... in 1999 we didn't have the means.'²³ In addition to the KFOR MSU and UNMIK's Special Police Units, the essential means that had to be put in place were a Criminal Intelligence Unit to pool KFOR and UNMIK intelligence, the UNMIK Kosovo Organized Crime Bureau to gather admissible evidence, an UNMIK-KFOR coordinating body to identify high-value targets and approve arrests, and authority for international judges to be a majority in judicial panels. Once these essential components of the 'intelligence-to-incarceration continuum' were in place, the impact was pivotal. During 2002 more than sixty former KLA members suspected of involvement in a range of violent crimes were arrested.²⁴

This impressive collaboration between KFOR and UNMIK did not endure, unfortunately. In March 2004, unfounded news accounts of Serb complicity in the drowning of three children from a Kosovo Albanian enclave in northern Mitrovica sparked province-wide riots. According to UNMIK Deputy Police Commissioner Robbie Pedlow: 'On the evening prior to the riots a secret meeting was convened in Pristina involving key members of the Kosovo Assembly

political parties (including PDK and AAK) [parties led by former KLA politicians] and some local subversives/extremists. The purpose of the meeting was to develop a strategy in response to the... drownings. A key element of the strategy was to create a climate of absolute fear within the Serb community using violent means and with the aim of generating mass evacuations and forcible expulsions of the Serbs.' [brackets added]²⁵

The ensuing riots caused all UNMIK regional headquarters to be evacuated. As a member of the team commissioned to assess UNMIK's response to the riots, I interviewed senior KFOR officials and was told that KFOR commander Lieutenant General Holger Kammerhof had decided it was not KFOR's responsibility to respond to the riots since UNMIK Police had assumed 'primacy' for policing in the recent past. His refusal to support UNMIK for a day brought the mission to the brink of collapse.

The lessons to be drawn from KFOR's experience in Kosovo are:

- Pre-mission assessments should be designed to expose prospective spoilers.
- Intelligence-led operations by stability police provides an essential means for spoiler management.²⁶

19 The litany of risks engendered by the failure to recognize violent extremist elements within the KLA as likely spoilers include attempted ethnic cleansing, use of clandestine intelligence apparatchiks to eliminate political competitors, a void in the rule of law, and the capture of a substantial segment of the economy that was accounted for by publically owned enterprises.

20 UN Security Council Resolution 1244, S/RES/1244 (1999), June 10, 1999 para. 10. Available at S/RES/1244 (1999) 10 June 1999.

21 Ibid. para 9.

22 KFOR's MSU arrived in late 1999, and UNMIK's Special Police Units (SPUs) were deployed in 2000.

23 Jolyon Naegele, 'Yugoslavia: UNMIK Must Accelerate Its Programs in Wake of 11 September,' Radio Free Europe/Radio Liberty, September 2, 2002.

24 Jock Covey, Michael Dziedzic and Leonard Hawley (eds), *The Quest for Viable Peace. International Intervention and Strategies for Conflict Transformation* (Washington, D.C., U.S. Institute of Peace, 2006) 279-80.

25 Comments provided by Robbie Pedlow in an e-mail to the author on April 16, 2013.

26 See Stephen Steadman, 'Spoiler Problems in Peace Processes,' in: *International Security*, Vol. 22, No. 2 (Fall 1997) 12 'Custodians of peace processes are defined here as international actors whose task is to oversee the implementation of peace agreements. Implicit in their role is the cultivation and protection of peace and the management of spoilers.'

In Kosovo, the impressive collaboration between KFOR and UNMIK did not endure

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In Afghanistan, NATO failed to effectively exploit its SP assets to develop the Afghan National Police

PHOTO MCD, EVA KLIJN

- To defeat spoilers, the entire legal spectrum must be functional, and this is liable to require internationals to play a decisive role.
- NATO Force Commanders may not understand when and how to use SPs and that progress is not unilinear and irreversible, so it is essential to have an SP advisor who is steeped in the political ramifications of actions by political criminals and when to act against them.

Lessons from Afghanistan

After the U.S. and NATO intervened to subdue the terrorist threat from Al Qaeda and its Taliban patrons, an unanticipated spoiler threat emerged from criminal patronage networks in

the very government we installed in power. The 2001 Bonn Conference perversely became a prescription for criminalization of the Afghan state which led to the delegitimization of the Alliance's efforts.²⁷ In 2010 Afghanistan's National Security Advisor Rangin Dadfar Spanta summarized the state of affairs: 'In this government, we have mafia networks. [These] begin with the financial banking system, with corruption networks, with reconstruction and security firms and also with drugs and the Taliban; they are in Parliament and they are in government'[brackets added].²⁸

What distinguishes these networks from the CPS discussed above is that they emerged *after* the international intervention. According to Forsberg and Sullivan, 'From 2002 onward, powerbrokers sought to use their political influence to control police and customs officers to collect bribes..., to protect illicit smuggling, and to siphon off customs revenue.'²⁹ According to an evaluation by the Special Inspector General for Afghan Reconstruction (SIGAR), '...training and development of the Afghan National Police was militarized and resulted in a police capa-

27 'Corruption in Afghanistan reached crippling levels as a result of the character of the country's post-2001 political settlement, which was built on the distribution of political power between factions formed during the country's civil war.' Carl Forsberg and Tim Sullivan, 'Afghanistan: Criminal Patronage Networks,' in: Dziedzic, *Criminalized Power Structures*, 275.

28 Matthew Rosenberg, 'Malign' Afghans Targeted,' in: *Wall Street Journal*, December 29, 2010.

29 Forsberg and Sullivan, 'Afghanistan: Criminal Patronage Networks,' 281.

bility focused more on force protection and offensive operations and less on Community Policing and criminal justice.³⁰ In 2018 the NATO Stability Policing Centre of Excellence (SP COE) issued a Joint Analysis Report on NATO's SP experience that concluded: '...most of the TNG [training] and mentoring have been performed by NATO assets not granted with Police, or better, civilian Police mindset. This fact created a massively military oriented ANP [Afghan National Police] which had a negative impact on the feeling of local population about the skills that each PolOff [police officer] should have for the benefit of the population...'³¹

[brackets added]

In others words, NATO failed to effectively exploit its SP assets to develop the Afghan National Police.³²

The lessons to be drawn from NATO's experience in Afghanistan are:

- Even a government that supports a NATO counter-terrorism mission can become a spoiler if it is permeated by predatory patronage networks that delegitimize NATO's efforts.
- Reinforcement or capacity building by SPs should emphasize development of civilian policing skills and make accountability to the civilian population and adherence to democratic policing principles generally of prime importance.³³

Lessons from Iraq

Iraq is another NATO intervention where the government that the alliance was supporting became so corrupt it devolved into a spoiler in disguise. Dan Bisbee describes the Nouri al-Maliki administration (2006–2014) as follows: '...the CPS constructed under Maliki started with legitimately conferred power through parliamentary elections and then... illicitly gained wealth in order to secure and augment control of institutions of the state.'³⁴ Maliki consolidated power over the security forces in an authoritarian manner and suborned the judiciary and other nominally independent institutions that were intended to serve as a check on abuse of power.³⁵ In addition to

governing in a sectarian manner that alienated the Sunni population, Maliki's pervasive patronage network hollowed out the combat capability of the Iraqi Army so much that it collapsed in the face of an offensive by the Islamic State in June 2014. Maliki's replacement as prime minister, Haider al-Abadi, revealed that the army's ranks had more than fifty thousand ghost soldiers.³⁶ This, along with Maliki's penchant for promoting loyalists over competent professionals to command positions, contributed directly to the collapse of four of the army's fourteen divisions in June 2014.

NATO SPs (i.e. the Carabinieri) played a crucial role in preventing a public security gap after the Islamic State was driven from Mosul in 2017 by training 6,000 police to restore a safe and secure environment after the Islamic Caliphate was defeated. In July 2017, just prior to the liberation of Mosul from the Islamic state, Gen. C.J. Anderson, the NATO Director of Partner

30 Special Inspector General for Afghan Reconstruction (SIGAR), Quarterly Report to the US Congress, 'Reconstructing the Afghan National Defense and Security Forces. Lessons from the U.S. Experience in Afghanistan 2017,' (September 2017) 57. See also

'In western Afghanistan, the Italian Carabinieri train the ANP to do community policing, while U.S. military personnel train the ANP elsewhere to conduct counterinsurgency operations.' Special Inspector General for Afghan Reconstruction (SIGAR), 'Divided Responsibility. Lessons from U.S. Security Sector Assistance Efforts in Afghanistan,' June 2019, 149.

31 NATO Stability Policing Centre of Excellence Joint Analysis Report, 'Lessons Learned. Stability Policing within NATO,' (March 28, 2018) 57.

32 See SIGAR *Divided Responsibility*, 24 and 26. 'According to one former SFAAT [Security Force Assistance Advisor Team] leader whose police advisor team fell under the command and control of the brigade combat team, the BCT 'did not care about the advisory effort' despite the fact that it was supposed to be the primary focus. His advisor team was not integrated in any broader efforts, and he often felt that his advisor team and the BCT were working at cross purposes.' 'SIGAR was told by the Security Force Assistance Command that SFABs [Security force Assistance Brigades] are designed to develop a partner nation's military and are not currently staffed to partner with other types of security forces, such as police or special forces.' [brackets added]

33 In addition to accountability to the community police serve and adherence to a professional code of conduct, democratic policing also entails conformity with democratic principles, making protection of life and property the highest priorities, respect for human dignity and human rights, and non-discrimination. See David H. Bayley, *Changing the Guard. Developing Democratic Police Abroad* (Oxford, Oxford University Press, 2005) 8.

34 Dan Bisbee, 'The Rise, Fall, and Persistence of the Maliki Regime,' in: Dziedzic, *Criminalized Power Structures*, 313-4.

35 For example, the High Electoral Commission and Integrity Commission.

36 Loveday Morris, 'Investigation Finds 50,000 'Ghost' Soldiers in Iraqi Army, Prime Minister Says,' in: *Washington Post*, November 30, 2014.



PHOTO US ARMY, JEFF ORBAN

An Iraqi federal police officer puts up a wanted poster of a known criminal during a cordon and search operation led by the federal police, in the Al Rissala neighborhood of western Mosul

Force Development (CJ-7), explained the significance of the Carabinieri’s police training in these terms: ‘An effective and credible police and civil defense structure is imperative in order to make the transition from the current green, or army, policing to true blue policing based on the model of intelligence-led community-based policing, which is the future.’³⁷

The lessons to be drawn from the Iraq experience are:

- Even regimes that support a NATO intervention can be a spoiler in disguise if they are permeated by predatory and power-hungry patronage networks.
- Allowing capacity building or reinforcement for security forces to have primacy over the development of a functioning system of accountability is fraught with risk that they will be captured by a CPS. Capacity building and accountability should proceed in tandem.

Priorities for Doctrinal Development

An Assessment Methodology for Potential Spoilers

The DPKO *Integrated Assessment and Planning Handbook* promulgated in 2014 acknowledged that ‘there is no agreed United Nations system-wide methodology for comprehensively assessing risks to the United Nations in post-conflict and conflict settings.’³⁸ As the ten cases examined in *Criminalized Power Structures. The Overlooked Enemies of Peace* demonstrate, the delay in obtaining essential authorities and capabilities to cope with the spoiler threat from CPS has averaged almost five years.³⁹ To set future NATO missions up for success, developing a methodology to assess prospective spoiler threats in concert with its likely international partners should be a top priority.

If one or more of the antagonists in a conflict is a CPS that should be a red flag. The critical issues to assess are the sources of illegal funding that have enabled the CPS to capture and maintain power;⁴⁰ who wields formal and informal power; whether core state institutions (e.g., the armed forces, intelligence service, legal system, police, customs) have been captured by a CPS network; the identity of critical enablers (e.g. shell companies and neighboring states); and the CPS’s vulnerabilities to criminal prosecution of vital nodes in its network. These analytical steps are crucial for developing the ‘ways’ that a strategy can be designed to subdue a spoiler threat.

37 See Department of Defense Press Briefing by Brigadier General Anderson via teleconference from Iraq, July 6, 2017. Available at <https://www.inherentresolve.mil/Media-Library/Article/1249035/departement-of-defense-press-briefing-by-brigadier-general-anderson-via-teleconf/>.

38 UN Department of Peacekeeping Operations, *Integrated Assessment and Planning Handbook* (January, 2014) 32. Available at www.un.org/en/peacekeeping/publications/2014-IAP-HandBook.pdf.

39 Dziedzic *Criminalized Power Structures*, 393-4.

40 A criminalized political economy may operate in two dimensions: the gray and/or the black economy. The gray economy involves commodities that would normally be considered legal; however, the transactions are conducted in illegal ways. This includes evasion of customs duties (i.e., smuggling), avoidance or selective enforcement of regulations, manipulation of exchange rates, violation of economic embargoes, and looting of raw material resources. Cash and material resources of the government may also be siphoned off through misappropriation, procurement kickbacks, stripping of assets from state-owned enterprises, diversion of foreign assistance, and privatization of state assets to cronies at below market prices. The black economy involves patently illegal commodities typically associated with organized crime. Common activities include trafficking in illicit drugs, people, and weapons (in contravention to an arms embargo), kidnapping, extortion, and money laundering.

By exploiting artificial intelligence and data science, a vast amount of this essential information can be gleaned from the Internet and social media.⁴¹ By using an open source methodology, the international organizations that are likely to be engaged in future interventions with NATO would be able to share their assessments prior to drafting a mandate, making it possible to secure the capabilities (e.g. stability police) and authorities (e.g., hybrid courts) that would make it possible to curtail spoiler activity during the golden hour when prospects for success are at their peak.

The NATO SP COE has taken the initiative to address this lacuna in international capacity for stabilization. In October 2019 they conducted a conference and workshop involving the UN, EU, AU, and NATO to discuss the requirement for assessment processes to identify potential spoiler threats prior to establishing mandates. The intended outcome is to launch a process for developing spoiler assessment methodologies that will enable the exchange of information among these international organizations prior to future hybrid missions.

How to Transform a Police Force and Criminal Justice System that are Part of the Spoiler Problem

One of the most detrimental doctrinal gaps impeding international efforts to stabilize states that have been ravaged by internal conflict is the absence of authoritative guidance on how to deal with indigenous police and criminal justice systems that provide impunity for political elites who obstruct stabilization. This omission is inadvertently revealed in the 2015 Department of Peacekeeping Operations (DPKO) ‘Guidelines: Police Capacity-building and Development’ which states, ‘These Guidelines are based on the assumption that the host State government is committed to the objective of good and democratic governance, including the establishment of a responsive, representative and accountable police service...’⁴² This best case assumption is most often fallacious and can doom a mission to frozen conflicts at best and collapse at worst (e.g. Rwanda, Bosnia, Kosovo, Haiti, Democratic Republic of the Congo, and South Sudan).⁴³

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Annika Hansen, former Policy Officer in the Office of the Police Adviser in DPKO, provides an incisive explanation for this common phenomenon: ‘...those that are the most dominant players are also the ones least likely to be cooperative in a reform effort because they have the most to lose.’⁴⁴ In spite of the potentially calamitous consequences when this assumption is erroneous, DPKO has not developed an assessment methodology to test whether it holds true or not (see above).

NATO doctrine is oriented toward building capacity so ownership can be expeditiously transferred to ‘legitimate’ authorities.⁴⁵

41 Additional open sources are the UN Office on Drugs and Crime, INTERPOL, any reports by a UN Panel of Experts, international watchdog organizations (e. g., Global Witness, Transparency International, and Global Financial Integrity) and scholars.
 42 United Nations Department of Peacekeeping Operations and Department of Field Support, Guidelines: Police Capacity-building and Development, April 1, 2015, 3. Available at https://police.un.org/sites/default/files/sgf-guidelines_police_cbd-2015.pdf.
 43 As the 2016 *Report of the Secretary-General on United Nations Policing* acknowledges ‘The United Nations is a target for direct attack, including asymmetric threats, by some parties and spoilers to peace processes. In certain contexts, this threat is further aggravated by the blurring of lines and collaboration between transnational criminal networks, extremist groups and political actors.’ United Nations Security Council, *Report of the Secretary-General on United Nations Policing*, S/2016/952, 5.
 44 Annika S. Hansen, ‘Local Ownership in Peace Operations,’ in: *Local Ownership and Security Sector Reform*, Timothy Donais (ed.), (New Brunswick and London, Transaction Publishers, 2008) 44.
 45 The *Alliance’s Strategic Concept* outlines the need for Allies to develop the capability to train and develop local forces in crisis zones, so that legitimate local authorities are able, as quickly as possible, to maintain security without international assistance. *NATO Allied Joint Doctrine for Security Force Assistance*, 1-1/2.

Missing, however, is any discussion of how to transform illegitimate police, criminal justice systems, and regimes that are spoilers into legitimate authorities. Future missions will require guidelines or doctrine for overcoming this most vexing of stabilization challenges.

Among the salient issues to be addressed are:

- Who should the mission regard as the rightful owners of the legal system: the prevailing authorities? All the parties to the conflict? Civil society? Are all equally legitimate or should the mission only support those who support the peace/stabilization process and oppose those who oppose it?
- How can coordination between the international community and indigenous stakeholders be accomplished when some are spoilers?
- How can civil society and the media be mobilized for the purpose of establishing accountability for the police, security sector and legal system that is essential for legitimacy?

All CPS are characterized by exploitation of illicit revenue, therefore, all missions should have the ability to track revenue streams, both internal and international, and shut them down. The most successful strategies examined in *Criminalized Power Structures. The Overlooked Enemies of Peace* aligned with the three mutually reinforcing lines of effort involved in conflict transformation.⁴⁶ While all three of the lines of effort

46 See Jock Covey, Michael Dziedzic and Leonard Hawley (eds), *The Quest for Viable Peace. International Intervention and Strategies for Conflict Transformation* (Washington, D.C., U.S. Institute of Peace, 2006).

Carabinieri training the Afghan National Police: missing is any discussion of how to transform illegitimate police, criminal justice systems, and regimes that are spoilers into legitimate authorities

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involved in conflict transformation 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.

This variation in emphasis is specified below:

Diminishing the Drivers of Violent Conflict

This line of action will be most decisive with *irreconcilable spoilers* (e.g., Bosnia's Third Entity Movement). Deterrent consequences must be established for use of violence and for exploitation of illicit revenue to capture power. The most sustainable way to accomplish this is through criminal intelligence-led operations that result in evidence that can be used in legal proceedings that are autonomous from the influence of CPS.

Institutionalizing More Attractive Peaceful Alternatives for Pursuit of Wealth and Power

This strategy is essential for transforming *violent opponents with negotiable interests* into supporters of the peace process. Legitimate institutions to mediate the competition for wealth and power need to be nurtured by the international community in order to sustain the peace process after the CPS threat has been eliminated. The most challenging aspect of the strategy is ending impunity when CPS have insinuated themselves into the legal system. To do this, a more sophisticated approach than merely building domestic capacity and then turning ownership over is required. To stabilize these situations, it is vital for the international community to play a more direct role in buttressing the prevailing legal system in order to render CPS vulnerable to criminal prosecution and incarceration before transitioning to indigenous ownership (i.e., use of hybrid international and indigenous courts/prosecutors to try spoilers).

Develop Safeguards on the Performance of the Institutional Capacity Being Developed in Order to Prevent State Capture and Future Abuse of Power

This is the most effective means of preventing ostensible *supporters of the peace process* from becoming spoilers. Safeguards provide transparency and accountability and serve as a

barrier against capture of the state by criminalized elites. They must be developed in both the structures of government and civil society to provide an effective check on abuse of power. This will likely require long-term engagement while civil society mechanisms are maturing.

The NATO SP COE is ideally situated to serve as the catalyst for extracting lessons from prior experience dealing with police forces, legal systems, and governments that are spoilers.

Recommendations for Issues Delaying Approval of the Stability Policing Concept

Two stumbling blocks have impeded approval of the stability policing concept. One is a recommendation from the NATO International Military Staff to consider subsuming stability policing within the Security Force Assistance (SFA) concept. Although there are areas of overlap, since both engage in 'reinforcement' or capacity building, stability policing is fundamentally distinct from SFA. Its most decisive functions are 'replacement' not reinforcement of the local police force, when mandated, and, as highlighted above, transforming a police force that is an intrinsic component of a spoiler network. The Allied Joint Doctrine for Security Force Assistance actually provides an elegant division of labor between the two: 'SP focuses its activities on the police forces whereas SFA activities will address the development of military forces.'⁴⁷ Accordingly, the SP COE should take the lead developing doctrine for replacement and reinforcement of police while the Security Force Assistance Center of Excellence should be the authority for reinforcement of military forces. A 2019 SIGAR assessment of security assistance in Afghanistan accentuated the urgency for NATO to resolve this issue: '...within NATO, there are multiple countries that have gendarmerie-like forces that can develop civilian police capabilities under the

47 NATO Standardization Office, 'Allied Joint Doctrine for Security Force Assistance (SFA),' AJP-3.16, Edition A, Version 1 May 2016, IX.

In Bosnia, there was a ‘frequent failure of SFOR commanders to understand the role of gendarmerie forces...’ and this problem persists within NATO today, making it a mission-critical necessity that they be advised directly by an experienced GTF commander

umbrella of a military command. Countries like Italy, Romania, and France are some of the nations that have this capability. Without a common framework for conducting these types of activities as part of a NATO mission, efforts to develop a partner nation’s capabilities are fractured between multiple actors... Without a common framework for conducting these types of activities, ... efforts to develop the ANP lacked a unified approach.’⁴⁸

The second issue is the operational chain of command for SP units: whether the Provost Marshal (i.e., the senior Military Police (MP) officer) should be the intermediary between the SP unit and the force commander or whether the SP commander should report directly to the force commander, as has always been the case

with MSUs. Given that the Provost Marshal will come from the largest contingent, in most cases this will be an MP as opposed to a Gendarmerie Type Force (GTF) like the French Gendarmerie, Italian Carabinieri, or Dutch Marechaussee that perform civilian policing functions in their own countries. This raises the issue of whether MPs are suitable for SP functions.⁴⁹ According to Karen Finkenbinder of the U.S. Army Peacekeeping and Stability Operations Institute, ‘Stability Police made up of GTF are the best approach. They have extensive expertise and experience policing civilian communities..., often in high-crime and insecure environments.’⁵⁰ The most valuable CRC skill, for example, is not the ability to use less-than-lethal force; it’s the ability to defuse a confrontation through negotiation and persuasion. MPs would rarely, if ever, get to exercise discretion with civilians who are not connected to the military. Additionally, MPs have training for many but not all essential SP functions (e.g., community policing, countering smuggling as happened with cultural artifacts in Iraq, and protection of civilians). GTFs alone, however, may not be able to provide adequate numbers of SPs to respond to major future contingencies. Accordingly, NATO should develop standards for SP functions (e.g., community policing, CRC, high-risk arrest) so it can determine if MP units or other alternatives such as civilian contractors, or in extremis (e.g. North Korea) Army personnel, are adequately trained to perform stability policing functions in a stabilization mission. NATO should also seriously consider compensating for the lack of experience by MPs in a civilian context by providing a GTF advisor. Conversely, if a Provost Marshal is inserted in the SP chain of command, NATO risks losing the contribution of three of its largest GTFs: Italy, Romania, and perhaps Turkey.⁵¹ This would render the entire SP concept unimplementable since NATO MPs do not have the manpower to perform both their traditional MP tasks and multiple additional SP functions that are critical for stabilization.

In Bosnia, there was a ‘frequent failure of SFOR commanders to understand the role of gendarmerie forces...’⁵² This problem persists within

48 SIGAR, *Divided Responsibility*, 138-9.

49 This issue arose at the NATO Stability Policing Concept Development Conference and Workshop in Bucharest, Romania in February/March 2017 during the question and answer session after the presentation by General GP Barbano, Director of the Center of Excellence for Stability Police Units, who spoke about ‘Preparing Future Police Leaders.’

50 Karen Finkenbinder, ‘Forward,’ in: Michael Burgoyne, ‘Building Better Gendarmeries in Mexico and the Northern Triangle,’ Wilson Institute (May 2019) 1.

51 Italy has made it clear that it will not accept placing Carabinieri in an SP role under a Provost Marshal. By national policy the Romanian Gendarmerie cannot be placed under the command of an MP/Provost Marshal. Turkey may adopt a system similar to Romania, with distinct MP and Gendarmerie, although currently the latter still performs MP tasks.

52 Cornelius Friesendorf, ‘Gendarmeries in Multinational Operations,’ in: *Journal of International Peacekeeping* Vol. 21, (2017) 137.



A 2019 SIGAR assessment accentuates the urgency for a common NATO framework for developing civilian police capabilities under the umbrella of a military command

PHOTO MCD, EVA KLIJN

NATO today.⁵³ As the response by the KFOR Commander to the 2004 riots in Kosovo dramatically demonstrated, NATO force commanders can lack an understanding of whether and how to use SPs, making it a mission-critical necessity that they be advised directly by an experienced GTF commander well versed in the nuances of policing civilian populations. Future NATO exercises, especially pre-deployment exercise for peace or stability operations, should exploit the expertise of the NATO SP COE to prepare each successive rotation for the spoiler challenges they are likely to face and how to respond to them most effectively.

Conclusion

Once NATO approves the stability policing concept, prospects for success of its future interventions will be greatly enhanced because the public security gap will be closed during the critical golden hour. Among the keys to future

success will be developing a shareable assessment methodology with NATO's likely future international partners for identifying the potential for spoilers prior to drafting a mandate and developing doctrine for how to deal with police forces, judicial systems and regimes that are spoilers. These are the most crucial steps that NATO needs to accomplish if it hopes to transition successfully to a follow-on mission. Perhaps the most critical outcome will be to recognize that a greater investment needs to be made in developing stability policing capabilities in the form of gendarme-type forces, military police trained to perform stability policing functions, and civilian police capable of operating in a hostile environment that can be made available for future NATO missions. This is the agenda NATO should pursue in order to accelerate the rate at which its missions succeed. ■

53 GTF are often perceived as paramilitary forces like militias, which indicates an abject ignorance of the civilian policing role they perform in their own countries.