Stability Policing: Why is it taking root so slowly?

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In the February 2020 issue of the *Military Spectator*, Michael Dziedzic builds on my article on stability policing published in 2017 and raises the question why the concept of stability policing has not yet been ratified within NATO.[1] While the editorial of the February issue suggests that interest in the concept may have given way to renewed attention for the (traditional) defence of allied territory, Dziedzic points at the unclear relationship with other conceptual or doctrinal NATO documents and the position of stability policing units (and their commanders) within NATO structures. In this contribution the question is put in a broader context in the hope that this will lead to a better acceptance of the concept and its embedding within international missions.

Changing conflict dynamics affect the entire peace and security spectrum from conflict prevention and management to peacekeeping, peacebuilding and peace sustainment and have altered both the mandates of international missions and the 'police toolbox'. The UN Secretary General's report to the Security Council on UN police not only emphasises the importance of UN police for international peace and security, but also points to critical challenges, such as the mismatch between mandated police tasks and the permitted size and resources allocated.[2] In his report, the Secretary General also points out the necessary revision of the strategic guidelines for international police peacekeeping and concepts such as the Formed Police Unit (FPU). Although this may be a cold comfort, it appears that both the UN and NATO are slightly struggling with a policing concept for less benign environments and the associated resources.

Before going into more detail about the content of Dziedzic's article and related questions, I will address the phenomenon of 'criminalised power structures' (CPS). After all, a good understanding of the phenomenon, recognising the presence of CPS and the international response to it are determined by the perspective from which we want to approach related challenges.

Uniqueness of the concept of Criminalised Power Structures

In his very readable article, Dziedzic underlines the importance of the stability policing concept and the capabilities required for this on the basis of the cases of Bosnia, Kosovo, Iraq and Afghanistan. He also points to the importance of timely intervention in CPS that can adversely affect a sustainable peace.

Looking at the preferred moment of intervention (the 'golden hour') and the phenomenon of CPS, (at least) two questions present themselves: to what extent is CPS a relatively unique phenomenon?; and to what extent does a high-risk security environment prevent a thorough analysis of these CPS and an assessment of the indigenous police?

While Dziedzic links the CPS to 'sustainable peace', it may be wondered if these CPS are not part of the larger phenomenon of undermining authority, where the underworld using threat, bribery and infiltration influences the upperworld and creates a twilight zone that is difficult to tackle.[3] Only concerted efforts by, amongst

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1   Michael Dziedzic, 'NATO Should Promptly Implement Stability Policing. Why and How', in: *Militaire Spectator* 189 (2020) (2) 56-71.

2   UN Secretary General, *Report of the Secretary-General on United Nations policing to the UN Security Council*, S/2016/952 (New York, 10 November 2016).

3   See a.o. Pieter Tops and Ronald van der Wal (2018), Exploration of organised crime and 'undermining' in Sweden; Pieter Tops and Jan Tromp (2019), De achterkant van Amsterdam. Een verkenning van drugsgerelateerde criminaliteit (The reverse side of Amsterdam. An exploration of drug-related crime).

others, the administration, the office of the public prosecutor, the police, the tax authorities, social organisations and businesses can stop undermining activities.

The second question refers to volatile and insecure environments that restrict the ability of the international community to observe and assess the situation (and to identify the possible presence of CPS), and that often lead to a focus of ensuring basic levels of security and stability, such as establishing or re-establishing basic policing functions.[4] Undermining and corruption, by their covert and furtive nature, are not easily detectable in unstable and insecure environments. Perhaps that (and not the timely presence of stability police units) is precisely why it took a relatively long time to lay down a sound basis (without undermining activities) for sustainable peace in the cases described by Dziedzic.

Dziedzic argues that, although NATO has designated projecting stability as one of its spearheads, it has not yet responded sufficiently to this in practice. Furthermore, he argues that it is crucial for a successful stabilisation operation that timely action is taken to quickly close the security gap that often arises after the fighting has stopped and before the local civil authorities can restore law and order. Dziedzic then points to the importance of stability policing capabilities in preventing criminal spoilers from strengthening their position. Although Dziedzic seems to prefer the deployment of Gendarmerie Type Forces (GTFs) to close the security gap, capabilities of the Military Police (MP) and alternative services are not excluded. Pani and Finkenbinder go even further in their search for capabilities to close the security gap and argue for a deployable NATO Police Command consisting (mainly) of GTFs.[5] Looking at developments within the UN, one can only conclude that many UN missions take place in on-going war and conflict scenarios. The need to deploy more robust UN police, shaped as Formed Police Units, became clear, and today FPUs constitute 66 percent of UNPOL. Whereas FPUs do not respond to military threats as such, they are supposed to be able to operate in high-risk environments and to perform stability

police tasks. In this context, it is noteworthy that the great flight of FPUs apparently also raises questions about their suitability: they are sometimes regarded as being too military and therefore less suitable for carrying out police tasks in an environment that requires community-oriented and intelligence-led policing.[6]

The largely comparable development within NATO and UN prompts three questions: How can the struggle and the relatively slow development and adoption of deployment concepts for international police during operations in the context of stabilisation, peace building and peace sustaining be explained?; Is there a difference of opinion within the international community about the use of GTFs as police in stabilisation operations, peace building and peace sustainment?; In which direction can an explanation be found for the ambitions for possible deployment under the umbrella of UN or NATO of the by nature scarce and hybrid GTFs within the peace and security spectrum for international policing?

A somewhat intractable development of relevant policing concepts
Dziedzic rightly points the finger at the absence of authoritative guidance on how to deal with indigenous police and criminal justice systems during the transformation from stabilisation, through peace building, to peace sustainment. It should be noted that a relatively stable and safe environment is conditional for achieving reconstruction and a sustainable peace. The more military centric approach in (NATO) stability operations seems difficult to be followed up by the more civil centric approach, in which the rule of law, human rights and the (re)establishment of trust between citizens and

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4   See a.o. Mark Waine, 'Affecting Police Capacity Building. Issues of Integrity and Corruption Affecting Police Capacity Building in Post-Conflict Regions', in: J.L. Hovens (ed.), *Building Police Integrity. A Post-Conflict Perspective* (Royal Marechaussee, the Netherlands, 2014) 365-404.

5   Massimo Pani and Karen J. Finkenbinder, 'Projecting Stability. A Deployable NATO Police Command' in: *Parameters* 49 (1-2) Spring-Summer 2019, 51-58.

6   Kari M. Osland, 'UN Policing. The Security Trust Challenge', in:Cedric De Coning and Mateja Pete (eds.), *United Nations Peace Operations in a Changing Global Order* (London, Palgrave Macmillan, 2019) 199.

the police and the government in general is essential.[7] Multiple explanations are possible, which, first of all, may have to do with different mindsets with respect to policing. Together with the increasing complexity of policing this aspect irrefutably influences the approach within international policing work and assistance towards police reform.[8] The difference in knowledge and experience with policing within NATO and UN, for example, will further strengthen this. Another explanation can be found in what can be defined as the gap between long-term political expectations (sustainable peace) and concrete results to be achieved during the mission. Too much focus on 'quick wins' and a related 'exit strategy' can draw attention away from the long-term goals. A partly related and third explanation can be found in the sometimes high and/or unrealistic expectations for the short and longer term. A fourth explanation can be found in what van Reenen and I have described as a 'constructionist approach to change'.[9] This mainly rational Western approach consists of a set of beliefs and techniques, related to the assumption that

societies, or parts of them, can be constructed. Techniques include those of social construction and planning of change. A final explanation is linked to the question whether there actually is local ownership, when changes are not initiated by local actors, but rather by external actors who go further than just offering support to transformation and/or give options for change. In this respect, Osland mentions the presence of the local ownership paradox.[10] Involvement with police reform is therefore more like exporting one's own ideas about policing than considering the local context of the indigenous police.

International organisations and the deployment of Gendarmerie Type Forces

The second question that comes to mind when reading Dziedzic's article concerns the deployment of GTFs by international organisations: Do organisations like NATO and UN have different opinions and practices? In his article, which seems to focus on NATO, Dziedzic argues for investing in the development of stability policing capacities. He states that GTFs are ideally suited for this, since they combine civilian police capabilities with a military background and can therefore act adequately under difficult circumstances, even during expeditionary deployment. On the other hand, it can be noted that, although the UN wants to ensure holistic approaches with civilian and military efforts,[11] it cannot be ignored that GTFs have less support within the UN when it comes to peace building, peace sustainment and police reform because they are more associated with state-centric coercion rather than with community service.[12] Up to now, GTFs seem to have proved to be unsuccessful, or insufficiently successful, to adequately refute objections concerning the military status of the forces.

The Gendarmerie Type Forces themselves

The third question refers to the characteristics of GTFs and related ambitions. The hybrid character of GTFs makes them fit to operate both in the military and in the civil world. At the same time, it appears that their hybrid character seems to prevent GTFs from showing where their added value lies. As a possible

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7   Even within the more military centric approach Dziedzic points out and argues that the concept of stability policing should not be subsumed under NATO's Security Force Assistance concept. So also: Isabelle Ioannides and Gemma Collantes-Celador, 'The internal-external security nexus and EU police/rule of law missions in the Western Balkans', in: *Conflict, Security & Development* 11 (4) (2011) 415-445.

8   Without doubt the implications of the increased complexity of policing during the past 30 years have had an effect on the mindset of those engaged with international policing in peace building and peace sustainment. David Bayley suggests in this respect three courses of action for dealing with the increased complexity of: the division between politics and policing has vanished, the public wants more and more direct influence on police work, and the traditional notion that police professionalism could only be gained within the police organisation has come under pressure. See David H. Bayley, 'The Complexities of 21st Century Policing', in: *Policing*, Vol 10, Issue 3 (2016) 163-170.

9   See a.o. J.L. Hovens and P. van Reenen, 'Between Abstention and Sturdiness', in: J.L. Hovens (ed.), *Building Police Integrity* (The Hague, Royal Netherlands Marechaussee, 2014) 405-434.

10 Osland argues that national ownership is locally initiated and externally supported. External actors are supposed to assist and complement local actors, to provide options and not answers. She states that national ownership is a utopia when external actors are part of the equation as such (Osland, 2019) 203.

11 UN Secretary General (2016) 1.

12 Police are supposed to serve the citizens and to protect the interests of the state and operate in the service-coercion continuum. Rob Mawby argues that police systems at the control-dominated end of the spectrum tend to be centralized nationally and have a military-like approach, hardly providing public services that address communities. See: Rob I. Mawby, 'Models of Policing', in: Tim Newburn (ed.), *Handbook of Policing,* 2nd ed., (Cullompton, Willan Publishing, 2014) 17-46.

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consequence, they are regarded as 'outsiders' within the military as well as the civil domain. The scarcity of GTFs further amplifies this view: often it leads to multiple deployment options, which in turn could raise questions about what GTFs really are and what their added value could be. Consequently, GTFs are not always valued correctly and deployed accordingly. So, the hybrid character could also turn out to be a weakness.

The unfamiliarity with the gendarmerie concept as such and the justified pride in who they are may have led to a 'closed stronghold' that leaves little room for an opinion in which it is fully accepted that certain skills and experiences for stability can also be gained outside GTFs. A related remark is that although GTFs are often praised for their efforts, little evidence can be found in the scientific literature of the results they have achieved.[13]

GTFs and the concept of stability policing could gain from the further development of an over-arching policing concept for stabilisation, peacebuilding and peace sustainment. In addition, GTFs could benefit if they increase awareness and knowledge of the added value of the hybrid forces. It could help if they make clear that their core task is policing civilians and that they are not military centric. Their military characteristics (only) enable them to police civilians in less benign and unstable environments. By doing so, they keep their hybrid character, but make clearer how and when to be deployed. If deployed under NATO command, they could be treated as if they were a more or less stand-alone component, temporarily put under functional command (*onder functioneel bevel - JLH*) of the most senior NATO commander in the field. ∎

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Hans Hovens has identified a host of salient issues stemming from my recent article 'NATO Should Promptly Implement Stability Policing: Why and How' that require both prompt policy action and additional research. I'm grateful to both Hovens for raising these concerns and to the *Militaire Spectator* for fostering this opportunity for productive dialogue - and hopefully spurring follow up action by both policy makers and the scholarly community.

Issues requiring prompt policy action
Should NATO insert a Provost Marshal in the chain of command between the Stability Police (SP) commander and the Force Commander?
In my article I identified two stumbling blocks that have obstructed approval of the Stability Policing concept by NATO. One of these 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 [Author's Note: Multinational Specialized Units is the term previously used by NATO for Stability Police units]. Given that the Provost Marshal will come from the largest contingent, in most cases this will be an MP as opposed to a Gendarme Type Force (GTF) like the French Gendarmerie, Italian Carabinieri, or Dutch Marechaussee that perform civilian policing functions in their own countries.' In his response, Hovens raises this question: 'The third question refers to the characteristics of GTFs and related ambitions. The hybrid character of GTFs [Author's Note: That is to say

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13   Cornelius Friesendorf, 'Gendarmeries in Multinational Operations', in: *Journal of International Peacekeeping*, 21 (2017) 125-151.

Gendarme Type Forces are both military and police in capability and function] makes them fit to operate in the military and civil world. At the same time, it appears that their hybrid character seems to hinder GTFs to show where their added value lies. As a possible consequence, they are regarded as 'outsiders' within the military domain as well as in the civil domain… Consequently, GTFs are not always valued correctly and deployed accordingly.'

Hovens thus provides a compelling argument for NOT inserting a Provost Marshall in the chain of command since Military Police lack expertise in policing civilian communities and community policing. He confirms this at the conclusion of his article: 'GTFs could benefit if they increase awareness and knowledge of the added value of the hybrid forces. It could help if they make clear that their core task is policing civilians and that they are not military centric… If deployed under NATO command, they could be treated as were they a more or less stand-alone component, brought under temporarily functional command (*onder functioneel bevel - JLH*) of the highest NATO commander in the field. [Underlining added]'

To what extent does a high-risk security environment prevent a thorough analysis of Criminalized Power Structures (CPS) and an assessment of the indigenous police?

This is another penetrating question raised by Hovens in his article. It stems from the assertion I make in my article that 'The spoilers that have confounded all of NATO's peace and stability operations and 70 percent of the UN's peace operations have come in the form of criminalized power structures (CPS).' The 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. The data to support this claim are provided in this footnote.[14] I am asserting that CPS are the predominant spoiler threat to both NATO and UN missions. (A point that will be addressed below in the subsequent section on the need for subsequent action by the scholarly community).

Hovens raises this critical question: 'The second question refers to volatile and insecure environments that restrict the ability of the international community to observe and assess the situation (and to identify possible presence of CPS)… The already covert and furtive nature of undermining and corruption makes it easily concealed in unstable and insecure environments. Perhaps that is precisely why (and not the timely presence of stability police units) it took a relatively long time to lay down a sound basis (without undermining activities) for sustainable peace in the cases described by Dziedzic.'

As I argue in my article, the reason for the delay in identifying and mounting a strategic response to CPS spoilers is not the covert nature of CPS but rather the failure even to ask the question whether the mission is likely to confront a spoiler threat. As I note '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.'[15] 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.[16] To set future NATO missions up for success, developing a methodology to

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14   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 percent of the post-Cold War conflicts in which the UN has intervened have confronted spoilers in the form of criminalized power structures/violent kleptocracies.

15   UN Department of Peacekeeping Operations, *Integrated Assessment and Planning Handbook* (January, 2014) 32. Available at http://repository.un.org/handle/11176/387407?show=full.

16   Michael Dziedzic (ed.), *Criminalized Power Structures. The Overlooked Enemies of Peace* (Lanham, Rowman and Littlefield, 2016) 393-4.

assess prospective spoiler threats in concert with its likely international partners like the UN should be a top priority.

This was the purpose of a conference and workshop organized by the NATO Stability Police Center of Excellence on Oct 8-10 2019. This conference included a presentation by Oscar Vera, the Special Advisor to the Supreme Allied Commander for Europe, General Wes Clark, and the U.S. Special Envoy for Bosnia, Richard Gelbard. In 1999, Vera used his methodology, which is based on open source information, to identify that the Third Entity Movement was an existential threat to the Dayton Peace Accords. This was not a spoiler threat that was recognized at that time. His spoiler assessment methodology is inherently linked to the development of a strategy which was successfully implemented with the support of SFOR's Multinational Specialized Units (MSUs), eliminating the threat from the Third Entity Movement to the peace process in Bosnia. Integral to his assessment methodology is the identification of exchanges of power between political, economic, military and institutional (including rule of law institutions and the police) actors.

Thus, there is a proven methodology available to NATO that is based on open source information that is capable of identifying spoilers in future NATO missions. Since spoilers only come into play when there is an 'emerging' peace agreement,[17] it behoves NATO to rapidly develop a spoiler assessment methodology for use in Afghanistan to posture itself to properly support the implementation of any peace agreement that might emerge.

Issues requiring further scholarly research
Are criminalized power structures a unique or a common spoiler threat?
Hovens asks 'to what extent is CPS a relatively unique phenomenon?' In *Criminalized Power Structures. The Overlooked Enemies of Peace* I provide 10 case studies that describe the spoiler threat posed by CPS, and in footnote 5 above I suggest that 17 of the UN's 24 post-Cold War peacekeeping interventions have been obstructed by spoilers in the form of CPS; however, Hovens is absolutely correct to ask if this is a common

spoiler threat. Indeed, the purpose of Stedman's 1997 article 'Spoiler Problems in Peace Processes' was to launch a scholarly inquiry aimed at developing a typological theory of spoiler management.[18] To my knowledge, no one has sought to advance this quest until my work on criminalized power structures. Thus Hovens' call for additional research on this topic is very welcomed and much needed. I would humbly submit these additional topics to be added to the agenda for research:

- In addition to CPS, what other types of 'inside' spoilers are there and how should they be managed?
- What is the most useful typology for spoiler research?
- Do the three lines of action involved in conflict transformation that I propose provide an appropriate strategic response for the full range of spoiler types?
- How can international capacity for dealing with spoilers be effectively bolstered?

What is the empirical record of the use of Gendarme Type Forces in stabilization?
Hovens raises another vital subject: 'Up to now, GTFs seem to have proved to be unsuccessful, or insufficiently successful, to adequately refute objections associated with the military status of the forces.' I would note that the same comment could be made of the entire peacekeeping and peacebuilding enterprise. Kofi Annan himself has observed 'Currently, half the countries emerging from violent conflict revert to conflict within five years.'[19] Indeed, there are precious few unambiguous successes, and SFOR's Multinational Specialized Units in Bosnia were an essential component of the neutralization of the threat from the Third Entity Movement.[20] In Iraq, the Carabinieri provided essential capacity building for a multi-ethnic police force of nearly

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17 S.J. Stedman, 'Spoiler Problems in Peace Processes', in: *International Security*, 22:2, 1997, vol. I, p. 5.

18 Ibid.

19 UN Secretary General Kofi Annan, *In Larger Freedom. Towards Development, Security and Human Rights for All* (New York, March 2005) 3.

20 O. Vera and K. Fields, 'Bosnia. The Third Entity Movement', in: M. Dziedzic, (ed.), *Criminalized Power Structures*, 27-52.

8,000 to fill the public security gap in Mosul after ISIS was routed. While I would dispute Hovens pessimism about the contribution that GTFs have made, I would wholeheartedly endorse scholarly assessment of their empirical record. Indeed, this would be a splendid issue for the *Militaire Spectator* to address in future editions.

How to deal with indigenous police and criminal justice systems during the transformation from stabilisation? Finally Hovens highlights a central lacuna for effective stabilization: 'Dziedzic rightly points the finger at the absence of authoritative guidance on how to deal with indigenous police and criminal justice systems during the transformation from stabilization.' As I note in the article: 'This omission is inadvertently revealed in the 2015 Department of Peace-keeping 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 demo-cratic governance, including the establishment of a responsive, representative and accountable police service...'[21] 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).' A closely related issue is raised by Hovens: local

ownership. If the mission is devoid of spoilers, then the prevailing government and police force would be suitable partners for local ownership. Owing to the high percentage of cases where the police are an integral component of the crimi-nalized power structure that constitutes a spoiler threat, the default of turning ownership to them may have something to do with the 50 percent rate of return to conflict after five years noted by Annan. Who, indeed, should be the rightful local owners?

This is another critical issue that cries out for attention not only by scholars but also by NATO's doctrine developers. Among the salient issues that need 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?
- If the government and indigenous police are part of the problem rather than the solution, what lessons can be extracted from prior experience to guide future missions?
- How can civil society and the media be mobilized for the purpose of establishing accountability for the police, security sector and legal system?

I look forward to future editions of the *Militaire Spectator* in hopes of enlightenment and insights on the above issues. ■

Michael Dziedzic

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21   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.