New Approaches for Maintaining the Peace at Political Demonstrations — Communication and Dialogue as Important Strategic and Tactical Tools of Public Assembly Management

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The unsustainability of the traditional, force – and coercion–based strategies and tactics used in public assembly management has been recognized in many European countries. This paradigm shift has been confirmed by the events that occurred in Kiev, in the period of November 2013 and January 2014. The improperly chosen public assembly management strategies and procedures applied during the Maidan square events have not only shook public order fundamentally, but also led to consequences which may hurt the state sovereignty and territorial integrity itself. The democratic rule of law, the pressure of the mass media — complete with the modern theories of social psychology developed in relation to the behaviour of the crowd — force giving up the practice previously used by the law enforcement organizations implementing public assembly management. As the first–line defender of the freedom of assembly and freedom of speech, European law enforcement organizations recently had to look for new methods, and had to organize their practice used in public assembly management along entirely new concepts. Backed up by the results of social science, the police strategies and tactics based on communication, dialogue, and facilitation gather ground in Europe more and more. In my study I would like to introduce these new principles used in public assembly management.

Keywords: *Dialogue Police, communication based public assembly management, dynamic–risk assessment*

Introduction

In 2010, in North Africa (Tunisia, Alger, Egypt, Libya) and in some other states of the Middle East (Jordan, Yemen, Syria, Bahrein) the world witnessed a chain reaction–like series of events — referred to in history as the Arab Spring – which had severe consequences, and have not come to a conclusion for the citizens of the countries concerned. [1: 1–2] The initial goals were the same in all countries concerned: to defeat the authoritarian, dictatorial and corrupt leadership of the state. Participant parties began the so–called democratic revolutions based on different motives with one thing in common: the originally peacefully mass protests, which were reactions to some provocative developments, turned into armed clashes and revolutions with violence everywhere, which led to the collapse of the reigning authority

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almost every time. The mass movements primarily aimed at changing the structure of society, the masses demanded a democratic state where previously they had no example for it. Regarding goals and ambitions however, the Arab Spring has not brought a definite success, because either the old despots were replaced by new repressive authorities collapsing then in a similar manner (for instance Egypt), or civil wars developed taking many human lives, as is the case at the present in some countries (Syria, Libya).

The consolidation of the Arab Spring's events were not able to bring peace to the world, nor are the masses going to the streets today to protest all over the world. The global media regularly broadcasts disturbing videos from the streets of the cities of Turkey, Brazil, Thailand, [2] Venezuela [3] and Bangladesh. The people marching in the streets are demanding their political and civil rights and for transparent and/or free elections, and even confront law enforcement forces tasked to maintain public order. However, these police operations — though occurring in countries located geographically at substantial distance from each other — have in common the fact, that the law enforcement agencies primarily attempt to restore the lost order by using coercive force and equipment, by dispersing the crowd, and are not bothered by using more oppressive tools, such as water cannons, tear gas and rubber bullets.

Similar occurrences could not be avoided in Europe either, violent and destructive street demonstrations have appeared in our region of Central Eastern Europe as well. In February 2014, in Bosnia, political demonstrations took place attracting big masses, and leading to clashes between the crowd and the law enforcement forces, resulting in many injured on both sides. [4]

In November 2013 in the immediate vicinity of our country, in the streets of Ukraine and of its capital city, Kiev, a series of demonstrations — leading to riots — took place resulting in serious consequences and many fatalities. The bloody and shocking videos broadcasted by television and social media serve as a warning to political and police leadership of all countries, namely where does the strategy of public assembly management lead, if it is solely based on the use of pure coercive force, on handling the masses as an enemy to defeat, and on the lack of communication between the opposing parties.

The past decade, however, has brought significant changes in many countries in the field of securing political demonstrations by law enforcement agencies. Previously, almost all European law enforcement agencies focused their public assembly management strategy/tactics on dominance and on the intensive use of coercive force. Constrained by their tasks, the heads of law enforcement agencies and the leaders of public assembly management operations primarily aim to preserve the public order and disrupt illegal acts. Previously, for this purpose, they were ready to deploy any applicable tool and regulation, but this strategy has proven to be wrong, causing, in many cases, serious street fights with an escalation of violence, and sometimes several day–long riots (for example the riots in the autumn of 2006 in Budapest, Hungary, and in Paris, France in 2005) leading to — beyond significant financial loss — the injury of the police officers in service and of the demonstrators, and to death in some tragic cases. [5: 43] Several law enforcement organizations had to learn the lesson from their own mistakes, namely that it is not possible to apply whatever measure — even in the name of the majestic goal of maintaining or restoring public order — without being accountable later for their acts on a political and on a judicial level. Modern democratic societies have become more and more critical towards law enforcement agencies (police and gendarmerie), emphasizing that they should aim at — as the defenders of human rights and

fundamental freedoms — ensuring and enforcing these rights, restricting them only to the extent strictly necessary. For this purpose, the respective state power should provide guarantees for the protection of the rights concerned. [6: 15]

Due to the severe consequences, more and more researchers began to study the behaviour of the crowd, the interaction of the demonstrators and the police in the crowd, the process of escalation of the violence, seeking to find solutions on how to avoid demonstrations turning into street battles and fights with the police, and into destruction.

Study results on the behaviour of the crowd

During the nineteenth century many nations of Europe were shaken by social events that — almost without exception — began with movements of the masses awakened to existence, which turned into combat and revolutions on the streets of the big cities, or even into a takeover of power (for example the Paris Commune in 1871). The democratic state has fewer options for protection, when social movements produce phenomena similar to natural threats. [7: 65] Those in power observed terrified that their social systems, in which they strongly believed, collapse under the onslaught of the aggregated masses. [8: 17–18] They tried to find an explanation hectically to the behaviour of the masses considered dangerous by them, studying especially the criminal–forensic side of it and striving to suppress these types of movements at any cost. [9: 1]

Of the early researchers it was the work of the XIX. Century's French researcher Gustave Le Bon, which provoked the biggest reaction. It is still dominant today regarding our ideas about the crowd. Le Bon gives primarily negative characteristics to the crowd, considering its behaviour fundamentally irrational and violent, and looking on it as the potential destroyer of the existing civilization. In his opinion the individual loses his individuality in the crowd, while his conscience melts into the so–called "unified consciousness" and is able to commit things, which he would never do alone, or even would condemn. [10: 18–26]

Using the negative judgement of Le Bon, law enforcement agencies considered the crowd a potential danger, as an "enemy", and this approach determined the sort of tools applied against it. [11: 9]

Subsequent studies have started to examine the crowd from other aspects, and came to a different conclusion, than Le Bon. According to Floyd Allport, there is no type of collective psyche, or consciousness of the group besides individual consciousness. [9: 2] With their experiment Festinger, Newcomb and Pepitone attempted to demonstrate that in certain situations, individuals prefer to join a group where there is the possibility for deindividuation, namely the loss individuality, responsibility and self–control. [8: 145–146] According to Zimbardo, the person who identifies himself with his evolved role in the crowd, becomes a psychopath. [8: 147] The theory of the so called "pop up norm of the group" elaborated by Turner and Killian states, that the behaviour of the crowd has to be examined not only from the aspect of the individual, but from the aspects of his social relations, and his social background. [9: 1–4]

Searching for the reasons of the riots that evolved in 1980, in the district St. Pauls in Bristol, a British researcher S. D. Reicher finds, that the individual is present in the crowd as a communal human being, meaning that the community category becomes significant and important in the given time and place (belonging to a certain nationality, social group, geo-

graphical area, political thinking, etc.), and will determine how he/she will behave during the event, and not his/her personal characteristics. [9: 15–16] He also notes that in many cases it is the nature of the police action itself, which generates the transformation of the initially peaceful situation into a violent act. [12: 128–129]

Sociological studies have altered the picture of the crowd, as the "hordes" seeking only to destroy civilization were replaced in the public consciousness by the image of the demonstrating political community wishing to freely express its opinion. This community demands space for itself on the streets, and the citizens of the state expect the authorities to support them at least in giving the possibility to express their opinion.

Principles of democratic public assembly management

In their studies E. Bleich, C. S. Caeilo and Luehrman categorize the law enforcement policy on public assembly management in two ways. According to their statement we can talk about a repressive/oppressive kind of public assembly management, if the applied political, legal or law enforcement regulation, or the relating statement, motion, policy and procedure punishes/disciplines the demonstrators, or puts the participants of the mass events at a disadvantage in other ways. In this case we are talking about a high–profile public assembly management.

The practise of public assembly management is a facilitating one, if using the same tools the concerned state authorities express their understanding towards participants, or provide tangible political, economic and social benefits to the demonstrators and to their communities. [13: 272–273]

In modern democracies, the right to peaceful assembly goes together with the freedom of speech. [14: 9439] The police are responsible for giving support, so demonstrations can achieve their lawful goals. To this aim, law enforcement agencies — instead of applying force and coercive means — have to increasingly use solutions based on negotiation and communication in order to manage demonstrations peacefully. [15: 27–29] However, in itself it is not enough to succeed. Researchers, based on their studies, have made various recommendations and suggestions to achieve this goal.

1. Notification, forming of knowledge

Researchers devote a significant role to intelligence, which has the aim of acquiring information in connection with groups expected to be present at demonstrations, and related to important persons. This information has to be shared with all the police officers assigned to carry out securing tasks, so as they can be aware of the values, objectives, tactics of the concerned people, as well as of the locations considered significant, iconic by them. Knowledge on groups enables being able to distinguish between the symbolic acts of protest and the behaviour accomplishing categories of crime or pure violence. [16: 36–37]

Moreover, information has to be collected on the interests of people, of communities, of owners of enterprises (restaurants, shops), and of transport companies living and working in the area of demonstrations as well. [17: 47] Aspects of these groups are usually not taken into account by the planners of police operations, however demonstrations and police activity may seriously harm their interests as well. The owners of restaurants and shops of busy downtown streets can lose significant income, when the police close the roads and streets hosting trade

units for long hours, in order to carry out the securing tasks of a "march", or — using the expression of Hajas Barnabás — of a dynamic demonstration. [18: 163] In this case, the person responsible for the securing tasks can argue, that the protection of the fundamental right overrides economic interests, however it also has to be examined, whether there is a possible solution to minimize these losses. When choosing the direction of crowd–dissipation it cannot be a negligible aspect, that the dissipation by the police should not intersect such area where on the terraces in front of restaurants and bars law-abiding customers are having fun. In such cases inevitably damage is caused to property, which may even lead to the violation of civil rights.

2. Facilitation

As we have previously stated, one of the primary responsibilities of law enforcement agencies is to ensure human rights and fundamental freedoms, consequently they have to ensure, in every manner, that participating persons in the demonstration can hold their program calmly and in peaceful circumstances, which enables them to deliver "their message" to the recipients, who can be either participants in demonstrations, state authorities, private or public companies. This directive must be followed by the police as long as the public order does not break up, or as long as the demonstration itself does not injure substantially the rights of other people. According to the opinion of S. D. Reicher, C. Stott, J. Drury, and O. Adang if the police have a supporting approach while carrying out securing tasks, and do not look on the crowd as enemy, it will be able to gain the sympathy and the cooperation of the crowd. [19: 409–410] Facilitation has to be applied from the time of being notified about the event and must be kept during the negotiations between the parties, and the demonstration as well. Hajas Barnabás says, that, "if the organizers' request cannot be satisfied, it is not enough simply to reject it, but instead of a negative response the police have to give support to the accomplishment of the goals with a positive and creative attitude." [18: 316]

3. Differentiation

Even in the most peaceful crowd can be present persons who — intentionally, or unintentionally — conduct an unlawful act by their behaviour. If the quality or the weight of the violations exceed a certain limit, the police must intervene. In the past law enforcement agencies did not deliberate too much, and applied the tactical elements of crowd dissipation without any other consideration. In the framework of the current Hungarian legal regulation it cannot be handled in any other way, because if a demonstration loses its peaceful nature, it must be disbanded by the police, as according to paragraph 14 (1). of the Act 1989. III. on the right to assembly "the event is disbanded by the police, in case the practice of the right to assembly is contrary with the provision of paragraph 2 (3) [20] of this law, if participants appear at the event armed or equipped with dangerous tools, and if the event subject to notification is held despite a prohibiting decision of the police." Referring to this legislation various demonstrations have been disbanded recently. However, examining similar cases it can be stated, that in case a minority group conducts behaviour considered unlawful by law, the assembly itself will not lose its peaceful nature, and the law–abiding majority of the demonstration has the right to proceed with their event until they are not involved in or apparently do not support the breach of the peace. [18: 151] If the crowd is handled by the police as one unit, and all

its participants are considered rule–breakers without differentiation, it may practically lead to a development, that others, too — who had no intention to commit unlawful acts, or who would condemn these acts in a normal situation — turn against the police.

Physical confrontation with the crowd has to be avoided by the police, and for this aim those tactics have to be developed, which can serve as a solution to isolate the illegal minority from the law–abiding majority, and which can ensure, that the police officers assigned to carry out the securing tasks can act appropriately against them. [16: 42–43] From the point of view of the police this is not that simple.

4. Communication

A key factor of preventing violent cases and clashes with the police is communication between the parties. The continuous coordination of positions, interests and goals will allow both parties (namely the police and the demonstrators) to be fully aware of what they can expect from the other party, and what to prepare for. Information on each other's ideas can reduce the initial tension between them. [21] An important element is that the crowd should not consider the activities of the police illegitimate, and should not presume that the police are unlawfully preventing them from achieving their legitimate goals. For this purpose the two parties need to stay connected before, under, and after the demonstration, and have to ensure avoiding misunderstandings by continuous communication, as well as to satisfy/deliberate legitimate needs. The responsibility to cooperate belongs to both parties. Pursuant to this, if during the demonstration organizers would like to alter the previously announced route, the police have to consider the possibility of allowing the request, if there is no justifiable obstacle to do so. Naturally, the other party has to understand the reasons of the police as well, for instance when the police intend to modify the march–route of a mass demonstration on the basis of respectable reasons.

Successful communication is based on trust, in the absence of which parties cannot count on the cooperation of the other side. The trust has to be established, but on the other hand it has to be maintained also. This is not as easy as one would think. To develop a good relationship takes time, and there have to be lots of dialogue started well before the event.

Conciliatory talks are good to establish personal acquaintance, to share the idea and to present intentions and goals of the parties. The readiness to compromise is required from both sides.

Communication has to be maintained during the event even in the most difficult situations, and cannot be interrupted even when the police decide to introduce more severe measures. Through dialogue can and has to be mitigated the disagreements between the parties, and both parties are expected to return to a legal status as soon as possible. [16: 38–39]

In order to continuously maintain dialogue, a special police tactical unit has been established in many countries (Sweden, UK, Denmark, Germany, etc.), which is at the disposal of the participants of the demonstration on the spot. Their job is to keep connected with the participants, the organizers and leaders of the police operation. They share information about the on-going event with the demonstrators, and inform them about the plans and intentions of the police to a necessary extent which does not jeopardize the operation. In return for the dialogue the police are delivered information by the commanders of the operation about the activity, the mood and the ideas of the participants. [15: 31–35] The aim is to create a situation, where the parties cannot be surprised by each other's activities. [17: 86]

5. Utilization of the capacity of the crowd to maintain order by themselves

An important aspect of cooperation is that the organizing group of the demonstration shall be deeply involved in the maintenance of the order. To recruit stewards from the demonstrators creates the opportunity to avoid only the police — as the embodiment of the reigning power — ensuring the maintenance of all the rules (to prevent the entry of glass vessels, alcoholic beverages, and other items that can be dangerous, to check the clothing), and thus decrease the natural tension between the parties in this way. Organizers are able to undertake this task, and to handle it with less risk due to their personal relations. The other aspect of self–maintenance of the order means, that the peaceful part of the crowd tries to prevent the activities of the minority committing illegal actions. This can be done by a good word, or by asking assistance from the organizers or — as a last resort — from the police. If the crowd is cooperating, it will try to prevent — for its own sake — all activities that may undermine the exercise of its rights. [11: 17]

6. Dynamic risk analysis

In the course of police operations, the leaders must continually assess the actual situation, and — on the basis of the available information — the level of risk. The number of deployed police forces and the ordered measures have to be always adjusted to the actual level of the risk.

Even recently we have met the practice considered wrong by me, that is to say that in the surroundings of the concerned event the commander of the operation sets up and deploys the entire available police force and toolkit already from the very beginning of the standby period. This has several disadvantages. In the surroundings of the event the visibility of a nearby stationed, high numbered police force, possibly wearing equipment for the disbanding of the crowd, can be a provocation in itself with its mere presence for those present or moving in the area, who can be either demonstrators, football fans, or outsiders with a negative opinion. This antipathy can transform into violence.

Another negative effect is that the level of stimulus–threshold of police officers exposed to fatigue, and to possible verbal confrontation can be reduced both physically and mentally, meaning that they temporarily "burn out". As a result, by the time they are actually deployed, they become exhausted, and will not be able to completely fulfil their tasks, or tend to conduct behaviour which provokes the opposite parties, or they can even commit unlawful acts (unjustified verbal or physical violence). The police will be less tolerant, and have less of a positive attitude and empathy towards the other party. [22: 23] The solution could be, if police officers were sent to the territory depending on the mood of the crowd. If the crowd has a peaceful atmosphere, then a small number of police without protective equipment has to be located in the vicinity of the crowd, but when the crowd's mood changes negatively, then depending on the problem more police officers with more severe equipment have to be directed to the place. Naturally in the background, not visible to the crowd, police subunits in total gear and with coercive means (water cannon, service horses, service dogs, etc.) can be placed. [23]

The low–profile public assembly management is not equivalent with the deployment of police officers who do not wear protective equipment! Especially not, when the analysis shows a high risk, because in such cases the commander of the operation exposes himself to

the accusation, that he was not careful enough in ensuring the physical integrity of the staff. According to article XII. (3) of the Fundamental Law of Hungary "every worker has the right to healthy and safe working conditions, which respect dignity." [24] Article 2 (3) of the law 1993. XCIII. on Labour Protection also puts the responsibility on the employer for fulfilling the requirements of safe working conditions, which do not endanger health. [25] The order 70/2011. (XII. 30.) of the Minister of Internal Affairs on labour protection rules and labour health care activities of the law enforcement agencies under the supervision of the minister of internal affairs also states that "the command of the superior cannot endanger disproportionately the life and the physical integrity of the subordinates." [26] Taking into consideration the rules above, the superior, who sets his colleagues without protective equipment against protesters places them into a situation classified as being in a high risk category, another example might be opposite football fans that have a negative attitude towards the police. To find the solution the fact has to be considered, that the level of applied equipment in public assembly management and in protection has to be always in proportion to the actual risk level.

Low–profile public assembly management means — versus the previous point of view — that taking account the actual risk, only the least amount of police officers is placed close to the crowd. According to researchers' views, people in the crowd observe with suspicion the activity of the police embodying state power, even in case of the best relation–and partnership. Any of their gestures and manoeuvres can provoke — unintentionally — an effect in people, which can lead to the letting off of anger. The more the number of the police officers surrounding the protesters, the more they will feel, that the police want to put them under pressure, suggesting that "we are here, and if you do not behave, we are ready to deploy every means in order to keep control of you". And here we return again to high–profile public assembly management. People feel, that they are restricted in their freedom, which may generate fear or aggression, and these feelings can lead to confrontation again. It is almost the same if they wear protective equipment during the oversized presence of the police, or not. The focus is on how the demonstrator feels, and how his subjective feeling of security is.

It can be concluded that taking account all above aspects, and integrating them into the public assembly management strategies/tactics can significantly contribute to the peaceful conduct of political demonstrations and to the prevention of the escalating violence.

Of course, social scientists can demonstrate only the scientific background of the crowd's behaviour, and the effective management of it for law enforcement agencies, while the method of its practical implementation and its tactics has to be elaborated by law enforcement professionals.

Findings

As it can be seen from my statements the modern–age image of the crowd is very different from those elaborated by Le Bon and his supporters. As a result of the studies it can be stated that behaviour of people gathered in one group is not irrational, on the contrary, it is predictable and follows certain regularities. If we can recognize these regularities, and integrate them into the public assembly management procedures of law enforcement agencies, as well as into their training, we can prevent events that we experienced in the autumn of 2006 on the streets of our capital city. [7: 74] Of course, this requires a long experiment, which takes time, and may even lead to a dead end. However, you should keep in mind that any of the above

views guide the professionals applying public assembly management strategies and tactics along a "citizen–friendly", democratic approach.

High–profile public assembly management, which is based on the repression/over–restriction, on the deployment of the highest number of coercive means, on a robust police attitude, and on enforcing the interest of the police by a prevaricate of the legal acts, can only be the tool to break off violent riots. During peaceful demonstrations the "rough deal" methods are replaced by a low–profile approach to public assembly management based on the above principles, and keeping in mind human rights and fundamental freedoms and their realization.

To achieve these aims, the Hungarian police also began to develop and apply procedures based on communication. A good example is the management of the student protests, which took place at the end of the year 2012, where one could witness a high level of tolerance on behalf of the police. In relation to this, positive feedback arrived to the police not only from the demonstrators, but from the Ombudsman of Fundamental Rights [27] from human rights organizations [28] and from the "civilian" media as well. [29]

In January of the year 2013 the National Headquarter of the Police started to develop the tactical concept of the Hungarian dialogue–police [30] which can provide an additional guarantee that during political demonstrations police will be able to apply solutions that will help to avoid the escalation of violence, as well as to ensure the right to assembly.

I believe that the police of our country are on the right track in meeting all the requirements of modern democratic public assembly management, and the expectations of the citizens.

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