



Negotiation in Public Order Policing

A Comparative Analysis of Dialogue-Based Approaches

Democratic Policing and Negotiation | Part 1 of 5
SRL Research Team

Security Studies and Rule of Law Association (SRL Swiss)

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Public assemblies are visible expressions of political participation and freedom of expression in democratic societies. The way law enforcement responds to them concerns more than public order: it also reflects the democratic character of the state and its commitment to human rights. Dialogue and negotiation-based policing offer an approach that can facilitate the safe exercise of the right to peaceful assembly. Their value lies in reducing conflict while protecting the space in which rights can be exercised.

Understanding negotiation-based policing

Negotiation-based policing seeks to reduce tensions at public assemblies through communication and dialogue. Specialist officers establish direct contact between police and participants to address misunderstandings and reduce the likelihood of violence. This approach is not specific to Türkiye. Different countries use arrangements described as dialogue police, liaison officers or negotiation teams.

The subject of negotiation is not whether the right to assemble exists or whether the views being expressed are acceptable. Discussions should concern safety, the use of routes, tensions between opposing groups and foreseeable practical problems. This distinction helps prevent dialogue from becoming a means of pressuring participants to abandon their demands.

This analysis examines selected European and international experiences alongside the ethical responsibilities of policing and the use of force. It argues that negotiation should be understood as an institutional approach to protecting rights as well as an operational technique. The country examples should not be treated as uniform models that produce identical results in every situation.

The development of a negotiated approach

Responding to mass protests primarily through suppression and force can damage trust between law enforcement and society. Negotiation-based policing addresses this problem by treating protest as an ordinary feature of democratic life rather than a threat in itself. The move towards dialogue, however, has neither occurred simultaneously nor proceeded without interruption across countries.

The OSCE Office for Democratic Institutions and Human Rights (ODIHR) places the facilitation of peaceful assembly at the centre of police planning and decision-making in its Human Rights Handbook on Policing Assemblies. Meaningful dialogue requires those directing an operation, as well as officers on the ground, to embrace this purpose. [1]

Peaceful assembly and the limits of negotiation

The UN Human Rights Committee's General Comment No. 37 supports establishing communication channels before and during assemblies. Participants must not face adverse consequences simply for declining an offer of dialogue. A failure to notify the authorities does not, by itself, justify dispersal or arrest. Some disruption to daily life or traffic does not automatically make an assembly violent. Restrictions must be assessed

against the requirements of legality, legitimate purpose, necessity and proportionality. [2, paras. 15–17, 36–40, 70–75]

Negotiation must therefore not become a prerequisite for exercising the right to assemble. Police retain their legal responsibilities even when no agreement is reached. Successful dialogue cannot be measured solely by organisers' acceptance of police requests.

European approaches

Sweden: dialogue policing

Sweden offers an institutional example of dialogue policing. According to the Swedish Police, the approach developed from lessons drawn from the events surrounding the 2001 summit in Gothenburg. Its central purposes include supporting participants' safety, communicating with organisers and maintaining information flows between the police and those attending an assembly. [3]

The aim is to prevent conflict as well as address it. Dialogue officers contact organisers before demonstrations and seek to reduce misunderstandings through transparent communication grounded in mutual respect and trust. Their official remit excludes covert surveillance, criminal investigation and the handling of human sources. They nevertheless remain part of the police organisation: dialogue policing forms part of special police tactics and provides information and assessments to commanders. [3]

The Swedish experience suggests that negotiation need not be understood as police weakness. Credible communication can help officers understand events and avoid unnecessary tensions. Realising this potential depends on continuing training, clear responsibilities and actual practice.

Germany: cooperation and constitutional protection

In Germany, cooperation between police and assembly organisers is connected to the protection of freedom of assembly. The Federal Constitutional Court's Brokdorf decision of 14 May 1985 provides an important basis for authorities to cooperate with organisers and adopt an approach supportive of that freedom. Cooperation is therefore more than an operational preference without a legal foundation. [4]

Germany's federal structure allows differences between the Länder. Communication about routes, timing and safety measures can help identify problems in advance. Such discussions should not, however, become a means of imposing conditions that undermine an assembly's purpose or public impact.

For this analysis, the importance of the German example lies in treating assembly as the exercise of a constitutional right. Another central safeguard in Brokdorf is that violent acts by individuals must not automatically be attributed to peaceful participants. [4]

England and Wales: Police Liaison Teams

Within the United Kingdom, the Police Liaison Team approach developed particularly for England and Wales is relevant. Guidance published by the College of Policing and the National Police Chiefs' Council in 2023 envisages face-to-face engagement with protesters and communities, communication of police messages and clarification of questions. It also states that these teams should not be deployed to gather intelligence. [5, p. 41]

Dialogue can thus be understood as a way to sustain communication and reduce tensions, rather than a guarantee of an entirely trouble-free event. The existence of liaison teams does not establish that every intervention respects rights or that protest legislation contains no restrictive provisions. Institutional mandates and the effects of actual practice require separate assessment.

The Netherlands and Scandinavian experiences

Public explanations issued by the Dutch Police emphasise the safety of protesters and bystanders and the reduction of tensions through communication. This points towards facilitating safe protest. It does not establish that all demonstrations are handled in the same way or that prohibition and dispersal never arise. [6]

Scandinavian experiences must likewise be understood in their institutional contexts. Alongside Sweden's dialogue police, Danish police descriptions identify dialogue officers who communicate with participants at major events. These examples show that negotiation can be organised as a defined responsibility rather than left solely to individual officers' communication skills. They do not imply that every Scandinavian country uses the same model. [3, 7]

Three lessons from European experience

Tolerance and proportionate intervention

Measuring success only by the absence of disruption overlooks the public character of protest. Peaceful assemblies seek attention and an audience for their views. The joint OSCE/ODIHR and Venice Commission guidelines recognise freedom of assembly as a fundamental element of a pluralistic society. [8]

The threshold for intervention should therefore not rest on the assumption that every minor irregularity requires force. Equally, this does not create an absolute rule that police may act only after violence has begun. Specific dangers and proposed measures must each be assessed, with less restrictive alternatives taken into account. [2, paras. 36–40, 78–86]

Participants' contribution to peaceful assemblies

Trust-based communication can help participants maintain an assembly's peaceful character. The Swedish Police describe "self-policing" as people within a crowd

contributing together to a reduction in disorder and violence. This also requires listening to organisers' safety concerns. [3]

The objective should not be to exclude people because their views are unconventional or radical. Dissenting ideas and violent conduct must be distinguished. Participants' voluntary contribution does not transfer the public authorities' responsibility for safety to them.

Boundaries between dialogue and intelligence

A significant ethical question concerns the separation of dialogue duties from expectations of covert information gathering. Trust suffers if participants believe they have been misled about the purpose of an interaction. Sweden's emphasis on open dialogue and the distinction drawn in the England and Wales guidance are important in this respect. [3, 5]

This separation does not mean that teams share no information with commanders. Clear rules should explain what information is recorded, why it is collected, how it may be used and with whom it may be shared. Such clarity supports both officers' accountability and participants' ability to understand the relationship.

Experiences beyond Europe

United States

The United States offers a range of local approaches and cannot adequately be described through a single negotiated or force-centred policing model.

In a 2018 account published by the National Institute of Justice, former Seattle Police Chief Kathleen O'Toole emphasises careful communication with organisers, a graduated approach that seeks to minimise confrontation during events, and subsequent review and learning. This is a practitioner's account, not a nationwide measurement of success. [9]

A central question is how dialogue can be sustained through training, planning and oversight rather than depend on the preferences of particular leaders. Its institutional value is tested especially in events involving high tensions.

Canada

Canada also provides institutional examples of dialogue and liaison. The Ontario Provincial Police's Provincial Liaison Team works to maintain open communication, trust and mutual understanding with parties affected by major events or critical incidents. The force's 2024 annual report describes the team and its work in relation to demonstrations. [10]

This illustrates how negotiation can be established as a distinct function. It does not justify generalising from Ontario to every Canadian jurisdiction or every Indigenous protest. Institutional reports document the existence and stated purposes of a

mechanism; assessing its effects on rights also requires participant experiences and independent scrutiny.

Japan and the Republic of Korea

Japan and the Republic of Korea illustrate the limits of explaining public-order practices solely through narratives of cultural consensus or democratisation. In its 2022 concluding observations on Japan, the UN Human Rights Committee expressed concern about information concerning disproportionate restrictions on protests, excessive force and the recording of demonstrators. [11]

In its 2023 observations on the Republic of Korea, the Committee called for an environment conducive to the exercise of peaceful assembly and for restrictions to comply with necessity and proportionality. Communication mechanisms should consequently be assessed alongside oversight of interventions and the effective protection of rights. Their institutional quality cannot be judged only by practice during calm periods. [12]

Russia and China: the political conditions for dialogue

Negotiation-based policing cannot be assessed independently of the state's approach to dissent and public participation. UN special procedures communicated allegations of excessive force and mass detention concerning anti-war demonstrations in Russia in 2022. A joint communication concerning China in 2024 raised allegations of detention of participants in the 2022 White Paper protests and pressure on their supporters. [13, 14]

These are human rights monitoring documents transmitting allegations to the states concerned, not court judgments. They nevertheless help explain why trust-based dialogue becomes difficult where participation in protest may carry severe consequences.

The relevant question is not whether a country has absolutely no channels of communication, but whether participants can express their views without fear of coercion or reprisals. Meaningful dialogue depends on recognising dissent as a legitimate form of social expression.

Police ethics and institutional responsibility

The ethical basis of negotiation-based policing is the willingness to facilitate peaceful expression of views with which officers may disagree. Communication should not be restricted to groups that are easy to engage or have established representatives. Assemblies without a formal organising structure also require ways to reach different participants.

Dialogue officers must explain the limits of their authority as carefully as they listen. Giving assurances that cannot be fulfilled weakens trust. Efforts to reduce tensions do not replace legal scrutiny of decisions to use force. ODIHR's approach to planning, command responsibility and accountability supports this integrated understanding. [1]

The SRL Research Team recommends assessing dialogue-based practices through more than arrest figures or the time taken to bring an event to an end. Evaluation should also consider whether participants could communicate their message, whether injuries were prevented, whether measures were justified and whether complaints were investigated effectively. Training should draw on the experience of assembly organisers and independent observers as well as practitioners.

Conclusion

International experience indicates that negotiation can strengthen institutional trust and reduce unnecessary force at public assemblies. Creating a dialogue unit alone does not demonstrate effective protection of rights. Mandates, practice, training and oversight must be assessed together.

Negotiation should not be regarded as weakening police authority. Democratic public order also derives its strength from allowing different views to be expressed safely. The central measure of dialogue-based policing should therefore be how effectively it facilitates the right to peaceful assembly.

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