

PREPARING TO PROTECT: ADVICE ON IMPLEMENTING NATO'S PROTECTION OF CIVILIAN POLICY

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Preparing to Protect: Advice on Implementing NATO's Protection of Civilians Policy

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Table of Contents

Introduction 5

Central Elements of the Protection of Civilians Concept 7

 Existing Gaps 10

 Protection Assessments and Planning 11

 Recommendations 12

 Institutionalization of Civilian Harm Mitigation Best Practices 12

 Civilian Casualty Response and Investigations..... 12

 Making Amends 13

 Recommendation..... 13

 Doctrine, Guidance, and Scenario-based Training on Protection from Other Actors 14

 Recommendations 14

 Integrating Civilian Experts in Planning and Execution..... 15

 Recommendation..... 15

Understanding the Human Environment 16

 Human Environment Team 16

 Civilian Casualty Mitigation Team..... 17

 Recommendation..... 18

Conclusion..... 18

Introduction

In 2007 and 2008, widely-reported mass civilian casualty incidents in Afghanistan began to affect the perceived legitimacy of NATO operations, especially in the eyes of civilians.¹ Commanders also recognized the intrinsic tactical and strategic value in further reducing and addressing the civilian harm caused by their actions.² Minimizing civilian harm required understanding its cause, issuing new tactical guidance, and strengthening post-harm practices, including investigations, tracking and analysis of harm, and monetary payments to civilians harmed by International Security Assistance Force (ISAF) operations.³

In 2010, NATO created a Brussels-based office focused on the protection of civilians within the operations division. However, protection of civilians from harm *by others* – such as government forces, militias, or extremists – was not its remit. This reflected its mandate in Afghanistan, as NATO was not directed to protect civilians from physical harm, even as attacks on civilians had serious consequences for the country. In 2011 this approach changed as NATO’s mission in Libya was explicitly mandated to protect civilians under threat of attack.⁴ Over the preceding decade, the United Nations Security Council had increasingly authorized Chapter VII coalition and peace operations to protect civilians under threat.⁵ This meant that NATO was required to mitigate harm from its operations and to protect civilians from harm by other actors.

The Libya mission marked the first time both protection goals were explicit for NATO, with authorization to use force. Protection experts recognized a significant gap in NATO military force’s understanding of how to implement the mandate, however.⁶ Planners for Libya under *Operation Unified Protector* were unsure of what the mandate meant, and how to measure progress, define the desired end state or identify the enemy.⁷ This confusion over what protection of civilians meant became pronounced on the

¹ Gaston, *Losing the People*.

² Rogers, Reid, and Kolenda, *The Strategic Costs of Civilian Harm*.

³ NATO, “Nations Approve Civilian Casualty Guidelines.”

⁴ United Nations Security Council, “Security Council Approves ‘No-Fly Zone’ over Libya, Authorizing ‘All Necessary Measures’ to Protect Civilians, by Vote of 10 in Favour with 5 Abstentions”.

There were fears of a potential genocide; UNSC resolution 1973 on Libya authorized a multinational force’s action “to take all necessary measures to protect civilians under threat of attack in the country.”

⁵ As of mid-2018, the United Nations reported that 95 percent of UN peacekeepers served in missions with mandates to protect civilians from threat, many as a major objective of the mission. (See <https://peacekeeping.un.org/en/protecting-civilians>). The UNSC has also authorized protection of civilians by coalitions, such as operations led by the African Union (e.g., AMIS), ECOWAS (e.g., AFISMA, 2012), and French forces (e.g., *Licorne*, operating alongside the UN Mission in Cote d’Ivoire (resolution 1528, 2004)).

⁶ Author interviews with NATO planners and operators during and after *Operation Unified Protector* 2011-2013.

⁷ Gaub, *The North Atlantic Treaty Organization and Libya: Reviewing Operations Unified Protector*, p. 19-22. Also, author interviews, NATO; The mission’s actions are also the source of divisive debate, including how to execute mandates and authorities to protect civilians.

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issue of regime change: leaders from the Contact Group on Libya⁸ issued a statement saying Qaddafi and his regime had lost legitimacy and needed to leave power, and NATO's military rules of engagement explicitly excluded regime change as a military objective.^{9 10}

In July 2016, Heads of State and Government adopted the "NATO Policy for the Protection of Civilians" at the North Atlantic Council meeting in Warsaw. This marked a strong political commitment and support for future work to operationalize the policy for future missions.

In 2017, NATO began development of the military concept. During the process, NATO cited several challenges it will face in future operations, including modern conflict dynamics that demand attention to civilian harm, as the reason for this new policy.¹¹ NATO also recognized that proliferation of counterterrorism operations and conflicts where armed actors specifically target the population posed more significant threats to civilians in and around conflict, imposed higher strategic costs to missions that fail to protect and had an impact beyond a specific conflict.¹² These trends are amplified by changes in how conflict is waged (i.e., advances in technology) and a wider disregard for international humanitarian and human rights, and refugee law by perpetrators of violence.¹³ The "Military Concept for the Protection of Civilians" was approved in 2018.

The concept lays out an approach to protection of civilians that is broad and practical, both a change in mindset and integration into guidance, doctrine, training, education, exercises, and lessons learned for planning and conduct of operations.¹⁴ This is a tall order, but a key opportunity to ensure future operations succeed in meeting strategic and operational objectives. Most importantly, it recognizes that

⁸ Libya Contact Group, "Chairman's Statement."

The Contact Group was set up to "support and be a focal point of contact with the Libyan people, coordinate international policy and be a forum for discussion of humanitarian and post-conflict support."

⁹ Military options to protect civilians can include the legitimate use of force against perpetrators who threaten extreme violence, for example; the question is what limits are set by the political strategy or operational capacity.

¹⁰ Gaub, "The North Atlantic Treaty Organization and Libya: Reviewing Operations Unified Protector," p. 19-20.

¹¹ NATO, *Development of a Military Concept for the Protection of Civilians*.

¹² NATO, *Development of a Military Concept for the Protection of Civilians*.

In January 2018, NATO International Military Staff provided NATO military staff the 20 December 2017 directive from NATO Shape and ACT, which discussed the motivation for the new concept. The concept emphasizes these changes: "Contemporary conflicts are characterized by a dynamic environment with numerous actors, both state and non-state, and multiple sources of threats to civilians. This requires a complementary population-centric perspective to be integrated with current approaches whether it be collective defense or Non-Article 5 crisis response operation (NASCRO) as PoC factors are typically agnostic to the type of operation, while actions under PoC will vary dependent on the political dynamics and mandate."

¹³ ICRC, "Contemporary Challenges for IHL."

¹⁴ NATO, *Development of a Military Concept for the Protection of Civilians*.

Concurrent with the new policy and concept is an action plan; activities include training exercises such as Viking 18, held in April 2018, and protection of civilians course in October 2018 hosted by the U.S. Army War College Peacekeeping and Stability Operations Institute and the Finnish Defence Forces International Centre (FINCENT). http://www.act.nato.int/images/stories/events/2018/viking_poc_fs-2.pdf.

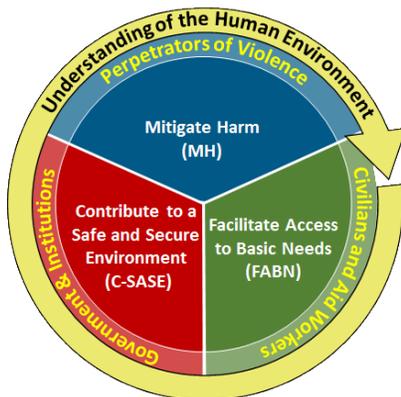
“history and lessons learned” have “demonstrated that the strategic costs of not taking the protection of civilians into sufficient consideration are too high” and “[Protection of Civilians] is paramount to projecting long-term peace and stability, and has a strong connection between tactical application and strategic messaging.”¹⁵

This article provides a brief overview of the central elements of the new concept with a specific focus on two sections—mitigating harm and understanding the human environment. We believe a focus on developing capabilities in these areas is where NATO military forces can have the most effect. We then discuss what can be done to build NATO’s capacity and ensure implementation of the concept for future missions. Where appropriate we note current gaps and make recommendations on ways to seize this opportunity for NATO and its member states.

Central Elements of the Protection of Civilians Concept

"The first, the supreme, the most far-reaching act of judgment that the statesman and commander have to make is to establish . . . the kind of war on which they are embarking."

-Carl von Clausewitz



NATO’s concept lays out a broad framework to synchronize understanding across the organization and allies and forms the foundation from which to build capacity for NATO and partner forces to protect civilians. The concept has three central elements: Mitigate Harm (MH), Contribute to a Safe and Secure Environment (C-SASE),¹⁶ and Facilitate Access to Basic Needs (FABN).¹⁷ A fourth element, Understanding the Human Environment (UHE), is important to all three aspects. Additionally, there are five ‘cross-

¹⁵ Ibid.

¹⁶ United States Institute for Peace, "Guiding Principles for Stabilization and Reconstruction."

USIP defines a safe and secure environment as “one in which the population has the freedom to pursue daily activities without fear of politically motivated, persistent, or large-scale violence. An end to large-scale fighting characterizes such an environment; an adequate level of public order; the subordination of accountable security forces to legitimate state authority; the protection of key individuals, communities, sites, and infrastructure; and the freedom for people and goods to move about the country and across borders without fear of undue harm to life and limb.”

¹⁷ Ibid.

Concerning FABN, USIP states: "The Universal Declaration of Human Rights states that everyone has the right to adequate food, housing, and medical care. Access to and delivery of basic needs services is, therefore, a condition in which the population can obtain water, food, shelter

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cutting' protection topics with existing NATO policy and guidance, including Children and Armed Conflict (CAAC), Conflict-Related Sexual and Gender Based Violence (CR-SGBV), Women, Peace, and Security (WPS), Building Integrity (BI), and Cultural Property Protection (CPP). NATO aims to ensure that existing guidance on these topics is mainstreamed into the overall protection of civilians planning and operations.¹⁸

This approach is ambitious, with concepts both familiar and new to NATO. While the NATO approach emphasizes physical protection, it differs slightly from concepts developed by the United Nations (UN) and the African Union. The UN protection of civilians concept is designed for peacekeeping missions with mandates to protect civilians deployed with Chapter VII authority but with the consent of the host nation. The UN has a three-tiered approach to protection of civilians: 1) protection through the political process, 2) protection from physical violence and 3) establishing a protective environment.¹⁹ The African Union defines protection of civilians similarly, as "activities undertaken to improve the security of the population and people at risk and to ensure the full respect for the rights of groups and the individual recognised under regional instruments," but adds "rights-based protection" citing African and African Union conventions and international law, for a four-tiered approach.²⁰

As clearly noted in its policy and concept, NATO's approach to protection is multifaceted, with many tasks and strategic considerations in each area. For NATO to effectively plan and carry out tasks that will protect civilians, a coordinated approach led by a strong political and humanitarian core will be needed. NATO political and military leaders should understand their capabilities and those of other partners in the space (UN, Host Nation government, civilians, NGOs, etc.) to identify and prioritize tasks to protect civilians. It is a role for security forces, but not alone.

In a future crisis, NATO's success in protecting civilians will hinge on active backing by political leaders, a keen understanding of the crisis environment including threats to civilians, clear and achievable objectives, and the necessary mission resources—both civilian and military. Politically, NATO's mandate is likely to include protection of civilians, which will drive both strategic and tactical decision-making about how to mitigate harm and protect civilians from imminent threat, as well as how to uphold

and health services in adequate quantity and quality to ensure survival and satisfy their right to "life with dignity." Normal systems for accessing these necessities will likely have been destroyed or incapacitated due to the conflict or may have failed to meet the needs from the start. Building or rebuilding physical infrastructure is necessary for the provision of services over the long term. Restoring access to these services is necessary to ensure the survival of conflict-affected populations, sustain livelihoods over the long-term, and to boost the legitimacy of the state."

¹⁸ NATO, *Military Concept for the Protection of Civilians*.

¹⁹ United Nations, *DPKO/DFS Policy: The Protection of Civilians in United Nations Peacekeeping*.

²⁰ African Union, *Draft Guidelines for the Protection of Civilians in African Union Peace Support Operations*.

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humanitarian and human rights protections, and protect vulnerable groups.²¹ NATO will need to align the political aims of the operation and the military courses of action. However, this alignment is not easy, and the UN Security Council (UNSC) will not define *how* to achieve the mandate²²; it will be left to NATO to plan.²³ Thus, NATO's new military concept should support preparedness to address mitigating harm from its actions, as well as future planning for missions to protect civilians.²⁴ Even with the best doctrine and training for troops, NATO countries must develop an executable plan with clear aims and measurable expectations so that missions can deliver on the mandate. Protection will need to be prioritized; failure to do so will almost certainly result in sub-par outcomes and may cause more harm than good.

Politically, NATO nations have demonstrated their commitment to the protection of civilians.²⁵ The concept creates a needed framework for developing a strategic, operational, and tactical understanding of how to protect civilians in various scenarios, and for training future leaders and soldiers.

International humanitarian law (IHL) is the legal basis for civilian protection in armed conflict. In essence, it is the minimum level of protection that must be afforded to civilians in all conflicts. In Afghanistan, the situation required additional policies and capabilities, some of which were above and beyond what was required for IHL compliance. The coalition instituted the tracking of civilian harm and the making of amends to address the harm done by ISAF forces to individuals and communities.²⁶ Taken together, these measures aimed at addressing the harm done by one's operations are referred to as Civilian Harm Mitigation (CHM).²⁷ As noted above, CHM is only one part of the NATO protection of civilians policy mitigating harm lens and is not thoroughly institutionalized yet.

²¹ The Security Council holds thematic meetings on protection of civilians as an element of preventing violations of international humanitarian and human rights law; as an element of peace operations; as a component of addressing children in armed conflict, sexual violence, and women, peace and security; and as a responsibility of sovereign states to protect their own people. Humanitarian situations and the challenges facing displaced civilians and refugees are also on the Council's agenda, as are situations from Syria to South Sudan where civilians face atrocities and violence from extremists, governments, and militias.

²² The level of threat to civilians will affect the approach, and whether the protection of civilians is a major mission objective (e.g., Libya), or a task alongside other goals (e.g., Afghanistan). Future missions will vary, and protection of civilians lessons will need to be adapted for NATO in-area, Article V operations in European scenarios, not just for out of area missions.

²³ One obvious distinction is NATO's war-fighting mandate and capability; UN-led peace operations are authorized to use force and protect civilians, but those threats to civilians are usually not at the strategic level, and peacekeeping operates with the consent of the state.

²⁴ US Army Peacekeeping and Stability Operations Institute, *Preparing to Prevent: Conflict-related Sexual Violence Mitigation Scenario-based Training*.

²⁵ Politically, NATO member countries have decried atrocities, especially after the genocide in Rwanda and Srebrenica, voted for resolutions in the UN General Assembly and Security Council, reaffirmed international humanitarian and human rights law, and embraced initiatives from the Kigali Principles to the Responsibility to Protect and countering violent extremism.

²⁶ Keenan and Beadle, "Operationalizing Protection of Civilians in NATO Operations."

²⁷ Muhammedally, "Minimizing Civilian Harm in Populated Areas: Lessons from Examining ISAF and AMISOM Policies."

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IHL and CHM do not address *how* NATO can protect civilians who are threatened by others. UN mandates are the legal and political basis for NATO action to protect civilians from an imminent threat from others. CHM and protection from other actors should also be a consideration in any Article V operations approved by the North Atlantic Council (NAC). Given the expectation that NATO will deploy these types of operations in the future, NATO planners should naturally seek member states' national guidance on the protection of civilians. Few militaries are trained for preventing and deterring threats against civilians or coercing perpetrators into halting attacks on civilians. As a result, states do not share a common framework for protecting civilians. Such a framework will be necessary to support the alignment of campaign objectives and tools for future missions.

Existing Gaps

NATO can play a unique and substantive role by establishing a more coherent, consistent understanding across its member states, building on its existing doctrine and guidance.

NATO Allies and Partners have national-level guidance on IHL as part of their existing international law obligations, as well as guidance on stabilization operations, peace support operations, non-combatant evacuation, counter-insurgency, humanitarian assistance, and civil-military relations. These approaches support the protection of civilians as the outcome or alongside other goals of a mission, and with other actors, but alone are insufficient for fulfilling the new concept. A few countries have national-level guidance or military doctrine on the protection of civilians as a task or objective; most rely on guidance for specific missions or UN standards.²⁸

Notable gaps in capabilities to protect civilians include: 1) Development of protection assessment and planning capabilities; 2) Institutionalization of best practices in civilian harm mitigation (protection from one's operations); 3) Adoption of clear guidance and scenario-based training on how to protect civilians from other actors including strategic, operational and tactical options for taking action, alone or in partnership with other security forces or civilians;²⁹ and, 4) Systematizing an approach to integrating civilian experts and expertise into NATO planning and implementation of protection of civilians.

²⁸ The full set of NATO member documents and references are not well-cataloged. Some documents include the U.S. Army Techniques Publication (ATP) 3-07.6 *Protection of Civilians* (October 2015) and Joint Publication (JP) 3-07.3 *Peace Operations* (1 March 2018).

²⁹ The range of possible action is wide, as recognized in the concept: "When within the mission mandate, this line of effort uses influence, kinetic and non-kinetic military force or threat of force to affect belligerents in order to prevent, deter, pre-empt, and respond to situations where civilians are subject to unlawful violence or are under threat of such violence. These actions also demonstrate that NATO forces are willing and able to engage those actors harming civilians. The main MH efforts will likely first focus on 'guidance and influence' to stop or modify harmful behavior. If guidance and influence prove to be insufficient, NATO forces may have to engage using the full range of actions, to stop, coerce or dissuade them from harming civilians. In this case, the use of force would be directed by the mandate and mission, and guided by NAC approved Rules of Engagement in concert with relevant legal frameworks, without prejudice to force protection and collective defence obligations."

NATO will need to develop joint doctrine and guidance and integrate protection of civilians' considerations across all planning activities, including the thematic issues mentioned previously, to fully implement the concept. Protection of civilians cannot simply be an 'add-on' it must be at the core of all operations planning.

Protection Assessments and Planning

To anticipate future missions mandated to protect civilians, including in potential inter-state, hybrid, out-of-area or Article V operations, NATO needs to adapt its existing assessment and planning tools to integrate protection of civilians' considerations fully. NATO can tap experience in missions directed to protect civilians from imminent threat and authorized to use force, including operations by the United Nations and African Union, but will need to go further to address its range of future scenarios and its ability to employ force.

Of important factors to consider, a few stand out including a threat-based approach to analyzing potential civilian harm. A threat-based approach starts with assessing the type of violence against civilians (e.g., purposeful or opportunistic), looks at the means and motivations of the perpetrators (e.g., localized or state-supported actors, seeking land or extermination) and considers the level of effort and coercion necessary to address the protection threat. Pioneering work by the Norwegian Defence Research Establishment (FFI) casts a clear-eyed look at past cases and categorizes types of violence against civilians that multinational operations face, ranging from genocide, ethnic cleansing and government repression, to more localized, opportunistic violence such as mob and inter-communal.³⁰ Just as the level of civilian harm varies, so should NATO's planning. This approach can assist both planners and policy-makers in looking at threats to civilians in a practical way, and whether can be addressed by mediation, peace operations or counter-force can address the threats.³¹ The threat-based approach will enable NATO to clarify choices about the level and use of force and coercion necessary in an operation, and whether the threat is from an "enemy" of the mission or others in the area of operations. These distinctions are important to anticipate (as seen in Libya and Bosnia).

Leaders and planners can also assess and evaluate other aspects of civilian harm, such as the potential for atrocities, attacks on groups, and likely flashpoints. This must be cataloged (see below discussion on Civilian Casualty Mitigation Team)³² and communicated through the chain of command to inform planning on how to deter threats and prevent harm.³³ Current trends show greater levels of purposeful

³⁰ Kjeksrud, Beadle, and Lindqvist, *Protecting Civilians from Violence: A Threat-based Approach to Protection of Civilians in UN Peace Operations*.

³¹ Ibid.

³² Keenan and Beadle, "Operationalizing Protection for Civilians in NATO Operations."

³³ Wills, "International Responsibility for Ensuring the Protection of Civilians," in *Protection of Civilians*, eds. Willmot, Mamiya, Sheeran, and Weller, 225.

attacks on civilians, as well as the chance that NATO may face atrocities alongside the conflicts in which it is engaged. NATO should ensure it is prepared for operations in scenarios that hold the worst outcomes for civilians and where failure to protect has profound consequences.

Recommendations

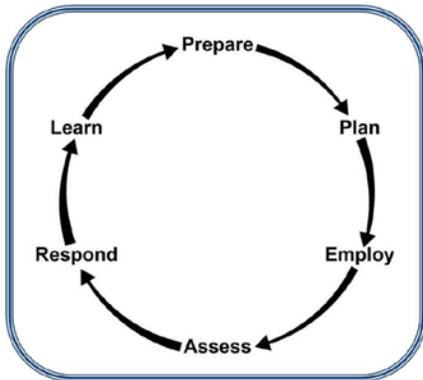
- **Develop a robust capability to conduct threats-based assessments** as the basis for mission design and planning, and to assess the likely mission approach and preparedness required for defensive or offensive means to protect civilians from harm by another party.
- **Fully Integrate protection of civilians in NATO Crisis Planning Management Process** and ensure the military has well-defined objectives and benchmarks and specific requirements are in place to conduct threats-based assessments and report on the protection of civilians—both from NATO operations and the actions of others—in the Periodic Mission Reviews.
- **Direct an independent, annual review of each new mission’s protection measures to ascertain what is working and what is not.** This review should take a critical eye to NATO's ability to mitigate harm both from their operations and the actions of others, with the goal of learning and better understanding real-world scenarios, as well as measure progress against well-defined objectives. Trusted research institutions can do this kind of assessment (e.g., Norwegian Defense Research Establishment, the Center for Naval Analyses).

Institutionalization of Civilian Harm Mitigation Best Practices

Civilian Casualty Response and Investigations

A vital tool for response to allegations of civilian harm was developed in Afghanistan in the late 2000s. Civilians were being harmed, and there was no standard practice for how to respond, investigate, and make amends in a transparent way that allowed the victims and communities to understand what had happened. Commanders would often issue reactionary statements saying there was no evidence of civilian harm, then days or weeks later backtrack on those statements to acknowledge the harm. The ramifications for the mission were negative and led to tactical directives and standard operating procedures for how the mission could manage alleged civilian harm—together this process was referred to as ‘consequence management.’

In 2012, the US Army released the tactics, techniques, and procedures manual, ATP 3-37.31 *Civilian Casualty Mitigation* detailing its approach to mitigating civilian harm as a result of its operations including consequence management. In October 2015, the US Army superseded this document with ATP 3-07.3 *Protection of Civilians* that folded harm mitigation into the broader concept of protection of civilians, including protection from other actors and mass atrocity response operations. In the manuals,



Civilian Casualty Response Process

the US Army defined a process³⁴By which it could respond to harm caused by its actions. The process is represented in the image to the left. While the process itself begins the moment there is alleged or suspected civilian harm, the planning for it begins before a bomb is dropped or bullet fired. It is designed to ensure that officers and soldiers know what to do in the case of a possible civilian casualty—conduct a proper investigation, make amends to the survivor or the family, and update the community and broader public on the situation. Transparent investigations including information from sources external to NATO is incredibly important to show the importance of civilian protection as well as accountability.

All information gathered in the investigation should be cataloged internally (ideally within the Civilian Casualty Mitigation Team discussed in the UHE section) and thoroughly analyzed to identify ways that commanders can better prevent harm in future operations. For NATO, having a well-defined process for civilian casualty response is critical to ensure that all officers and soldiers know their role. Once defined, this process should be a key part of training for all soldiers deploying to NATO missions.

Making Amends

Noticeably missing from the protection of civilians policy and concept is a NATO commitment to recognize and dignify civilians suffering harm as a result of their operations through the making of amends or other post-harm assistance. NATO and partner countries recognized the ethical and strategic imperative to make these *ex gratia* payments in Afghanistan stating “NATO/ISAF considers that easing civilian suffering is of tremendous importance” when they issued Afghanistan-specific guidelines in 2010.³⁵ However, no current standing guidance ensures these payments are planned for, funded, and made as part of a new crisis, leaving a gap in future mission planning. This capability should be included in the planning for any operation where military force is to be used, regardless of mandate.

Recommendation

Draft and adopt guidelines for key civilian harm mitigation capabilities including but not limited to Civilian Casualty Response Process, information gathering and analysis guidelines, investigations

³⁴ The Civilian Casualty Response Process provides step by step guidance on how to prepare for, appropriately respond to, and learn from civilian casualty incidents. The goal of this process is to understand how and why harm happens and allow commanders to make adjustments to tactics to better protect civilians in future operations.

³⁵ NATO, “NATO Nations Approve Civilian Casualty Guidelines.”

guidelines (including development and deployment of Joint Incident Assessment Teams, etc.), strategic communications, amends, and post-harm assistance.

Doctrine, Guidance, and Scenario-based Training on Protection from Other Actors

While the current military concept focuses on mitigating harm from NATO's operations, it importantly states that 'when applicable' NATO must go further to prevent harm from other actors and to help to create a safe and secure environment. These objectives are closely tied but require additional concept development, doctrine, guidance, and tools to support future missions. In effect, NATO must identify "how" it intends to protect civilians, and fully integrate its approach into all NATO training exercises; this will not work if it merely remains as an 'add-on' to training. Forces must be able to recognize threats as they arise in real-time and adjust planning and tactics accordingly.

Most Western militaries are not trained to assess threats to civilians or intervene on behalf of civilians.³⁶ That does not mean they cannot do the job – they can and have—but they have done so without the support of national-level preparedness (e.g., doctrine and training) on how to protect civilians from harm, including from mass atrocities and purposeful attacks. Where there is national guidance, it is not consistent across NATO members and reflects a range of approaches. If member states support NATO's Protection of Civilians Action Plan,³⁷ it will assist in developing needed capabilities – such as training, guidance, exercises (e.g., Viking 18), and planning elements for future missions. Further, integration of protection of civilians in all training and use of scenario-based training and exercises will help leaders, planners, and soldiers work through dilemmas and speed practical consideration of the operational and tactical challenges and benefits of protecting civilians. Tapping into NATO member expertise as well as within the larger expert community would be beneficial.

Recommendations

- **Assess and map NATO protection of civilians capabilities.** Nations should identify their existing military doctrine, guidance, lessons identified, and training at the strategic, operational, and tactical level that address protection of civilians in military or peace operations. This identification will assist with interoperability and future capacity development and identification of gaps and should include relevant areas of national civilian and military planning.

³⁶ Authors interviews; *Impossible Mandate* (2006).

Most NATO members have strategic goals of a secure and stable environment, which can result in protection, or guidance on how to work with other actors who can offer either legal or physical protections (e.g., ICRC, host nation security forces, police). Western governments strongly support the protection of civilians for UN peacekeeping missions, but then rely on UN training standards, which are rudimentary and not field-based. The United States has Army and Joint doctrine (cite); other governments have elements.

³⁷ NATO Operations Policy Committee, *Action Plan for the Implementation for the NATO Policy for the Protection of Civilians*.

This document was developed to "facilitate the implementation of this policy and ensure, inter alia, oversight, and reporting of progress."

- **Develop key guidance and training tools**, such as a handbook for NATO on Protection of Civilians that lays out the 'how' of NATO's protection efforts and make use of scenario-based training to emphasize dilemmas that reflect real-life situations faced at the tactical and operational level.

Integrating Civilian Experts in Planning and Execution

NATO's holistic approach to protection places it as a partner in a much larger picture with other actors, including international and regional organizations, NGOs and civil society groups, state and local governments, and civilians themselves; this is especially true in C-SASE and FABN tasks, but also in harm mitigation. Even when missions deploy with robust civilian capabilities—such as UN peacekeeping missions—it is difficult to address and coordinate all facets of protection. As NATO has rightly noted through its focus on Civilian-Military Cooperation (CIMIC), civilian participation is critical from the planning to post-conflict phases, and as security forces work to develop courses of action to protect civilians. Decades of discussion on the importance of civil-military relations have yielded much guidance on this topic; NATO should draw from it to operationalize protection of civilians efforts.

Defining a consistent approach to understanding the actors present in a crisis situation, and integrating a process for how to engage them, is key to the development of protection of civilians capabilities. NATO and Allied forces in past operations have sometimes failed to recognize the knowledge and abilities of civilians who had been operating in the country for many years or that knowledge has been kept within the CIMIC function. Mission leadership should prioritize that all staff understand the importance of other actors and have necessary lines of communication. Effective liaising is particularly important when NATO deploys missions with few or no troops on the ground. NATO need not build the capability to execute all protection tasks themselves if they proactively establish the networks, lines of communication, and collaborative approach that allows them to understand better all players working to protect civilians.

Recommendation

- **Define procedures for effective liaison capabilities with civilian actors** in a crisis. NATO has adopted a comprehensive approach to crisis response and generally understands the importance of the inclusion of civilian actors in the NATO Crisis Management Process. Guidelines and procedures for whom and how to engage would be helpful to ensure planners have open lines of communications with other stakeholders in a given conflict.

Understanding the Human Environment

“If you know the enemy and know yourself, you need not fear the result of a hundred battles. If you know yourself but not the enemy, for every victory gained you will also suffer a defeat. If you know neither the enemy nor yourself, you will succumb in every battle. - Sun Tzu, The Art of War

UHE is a crucial capability across all stages of planning for civilian and military stakeholders, from pre-mandate strategy to post-conflict stabilization. Any protection of civilians planning process should begin with a deliberate understanding of the situation on the ground—to include the nature, risk, and likelihood of threats to civilians. It is important that UHE is supported by intelligence gathering and Knowledge Development (KD), but to be effective, it must go beyond a focus on informing military operations to create a clear picture of the situation.

There was a well-documented lack of UHE capabilities in OUP in Libya, which did not deploy troops there or have expertise on the country and its people.³⁸ NATO improvised with an *ad hoc* approach to garnering advice about the population, which came from “liaison officers from Jordan, Qatar, and UAE, or NATO officers who had worked in Tripoli as defense attaches for less than a year. This could not make up for the fact that there, indeed, was no understanding of Libya—either its regime or its population.”³⁹ Future operations need a team of experts working across the mission—a “Human Environment team,” or HET—that can integrate with existing KD and CIMIC capabilities to address this deficiency. For NATO, this capability does not currently exist and could be an effective way to inform the planning and assessment aspects of future operations.

Human Environment Team

From the outset, a mission benefits from full-time analysts—civilian and military—with specialized experience and understanding of the intricacies of each conflict. Analysts should function as a team advising political and military leaders across the mission. The HET may include expertise on the political situation, threat assessment, cultural trends, protection, gender, humanitarian, and human rights. It is focused on all three lenses of the concept, however, within the mitigating harm lens, it should be tasked with developing a clear picture of the situation on the ground for civilians including establishing and continuously updating threat assessments.

³⁸ Gaub, “The North Atlantic Treaty Organization and Libya: Reviewing Operations Unified Protector.”

³⁹ Ibid.

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Once a conflict begins, the situation can change rapidly; it is critical to understand when threats change too. Security forces must be able to develop localized knowledge in theater and evolve their understanding of the battlespace. Analysts can usefully inform on the big picture via their networks but developing a capability within the security forces to recruit and train local staff is also essential. In Afghanistan, for example, troops worked closely with their local translators to understand community dynamics. The UHE team could tap into this information to help ensure leadership has an understanding of the situation on the ground, can identify threats and vulnerabilities to civilians, and uses evidence-based advice on which to make decisions. NATO could learn from the experience of other organizations, like the UN, as well as its own prior experience, to improve its effectiveness at UHE going forward.

For a decade, the UN has worked to implement its protection of civilians concept, as well as to increase situational awareness, develop better threat assessments, and implement integrated mission-wide strategies on the protection of civilians for peace operations.⁴⁰ Field-based strategies engaged Joint Mission Analysis Centres, and training for uniformed personnel on the protection of civilians have improved anticipation and response to threats to civilians. The UN peacekeeping mission in the Democratic Republic of the Congo (DRC), which has one of the most robust mandates to protect civilians, has pioneered new protection mechanisms. These include deploying community liaison assistants (CLAs) to improve local engagement and joint civilian-military teams to understand the operating environment and integrate the civilian and military components of the mission for a better-informed view of the area of operations. NATO could study these mechanisms as it seeks to build tools for its missions.⁴¹

Civilian Casualty Mitigation Team

NATO could also adapt and improve ISAF's Civilian Casualty Mitigation Team mechanism to increase its UHE capacity. Before a conflict begins, a robust Civilian Casualty Mitigation Team could be established in theatre. In Afghanistan, the Civilian Casualty Mitigation Team focused solely on the harm done by ISAF and therefore did not provide the full picture or analysis necessary to prevent harm from other actors.⁴² A future Civilian Casualty Mitigation Team focused more broadly on the protection of civilians should seek more diverse information to understand better how all civilians are being harmed, as well as to catalog threats as they inevitably change. Within the Civilian Casualty Mitigation Team, a team of analysts should be tasked with 'tracking' civilian harm through the systematic gathering and analysis of data—both from NATO's actions and the actions of others—and timely feedback to commanders that

⁴⁰ Gourer and Sharland, *Prioritizing Protection of Civilians in Peace Operations, Analyzing the Recommendations of the HIPPO Report*.

⁴¹ Spink, *From Mandate to Mission: Mitigating Civilian Harm in UN Peacekeeping Operations in the DRC*.

⁴² Keene, *Civilian Harm Tracking: Analysis of ISAF Efforts in Afghanistan*.

allows for the shift of tactics to protect civilians better.⁴³ A Civilian Casualty Mitigation Team can also play an essential coordination and collaboration role, involving both civilian and military components, and formally involve external actors, such as those from the Host Nation government, UN mission/office, regional organizations, and nongovernmental organizations. The Civilian Casualty Mitigation Team should organize regular meetings and provide one place where those concerned with civilian harm can gather to evaluate information and propose solutions. It must be fully integrated with the military command and is a crucial part of the UHE Team.

Recommendation

- **Develop procedures for standing up and staffing of Civilian Casualty Mitigation and Human Environment Teams** including designing robust liaising and information sharing capabilities. These teams are integral to understanding the situation for civilians before and after an operation. Together they provide a picture that allows commanders to make better-informed decisions on how to protect civilians.

Conclusion

NATO's new protection of civilians policy and concept are both ambitious and necessary. Implementation for future missions will not be smooth but can lead to more successful operations and missions. Reducing harm to civilians will have a strategic benefit, and NATO is right to recognize that it is a likely requirement—whether from its members, UNSC authorization, or Article V invocations—as a mission objective or task. The concept offers NATO both a framework and an opportunity to build protection capabilities now to benefit future missions. This requires a shift in mindset and leadership focus—both political and military—as well as practical work to implement its action plan. Success will require leaders to understand, prioritize, and support this effort.

In moving forward, NATO can also drive clearer thinking and coherence for its members on the protection of civilians, as few nations have consistent national-level doctrine, guidance, and training for their militaries on civilian harm mitigation or physical protection from others. Early attention should go to recognizing the shift in mission objectives toward civilian security and strengthening the tools to address that goal vis-a-vis other objectives since it will involve strategic, operational, and tactical challenges in the field. This article argues NATO should identify and codify past good practice; address gaps in structural capabilities to understand and address civilian insecurity; and strengthen assessments,

⁴³ Ibid.

While there are many lessons learned from Afghanistan concerning the CCMT, there is not yet a standard operating procedure in place for how to recreate this capability in a new conflict. It is also important to note that the team in Afghanistan only tracked information from ISAF's operations and therefore did not have a full and clear picture of all harm to civilians.

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scenario-based training, doctrine, guidance, and planning to establish consistent approaches to harm mitigation.

NATO stands in a position to be a key innovator in new protection thinking and strategies. Below are four structural recommendations we believe are essential to innovation and integral to the effective implementation of the protection of civilians concept.

- **NATO and member states should build on the momentum of the 2016 adoption of the protection of civilians policy with sustained political support** for the implementation of the action plan, outreach to member states and partners, and financial resources for building institutional level knowledge, skills, and abilities on both the military and civilian side.
- **Establish a Protection of Civilians Center of Excellence (PoC-COE)** as a hub for knowledge and emerging trends focused on the protection of civilians. The PoC-COE could help the integration of protection of civilians across NATO and on the development of new protection capabilities, such as the Human Environment Team. Several NATO allies have led the development of UN protection of civilians capabilities and could serve as champions and hosts for the Center.
- **Establish a standing group of civilian protection experts** from outside NATO to function as a ‘tiger team’ to advise NATO during protection of civilians capabilities development including policy, doctrine, practice, and training. Likewise, use experts within government and military to maintain a standing roster who can be seconded to NATO crisis operations. While this requires resources, the investment impact would be worthwhile.
- **Convene an Annual Forum to review key protection issues** and case studies, consider strategic-level issues posed by actual mission scenarios and discuss areas of innovation with outside experts.

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