

ORIGINS, PROGRESS, AND UNFINISHED BUSINESS:

NATO's Protection of Civilians Policy

By Kathleen H. Dock
Edited by Victoria K. Holt and Marla B. Keenan

MARCH 2021

Strengthening NATO's
Ability to Protect

The Stimson Center

© 2021 The Henry L. Stimson Center

The Stimson Center

1211 Connecticut Ave, NW, 8th Floor
Washington, DC 20036
<https://www.stimson.org/>
communications@stimson.org
202.223.5956

COVER Afghan children walk past a US Marine of the 2nd Battalion, 1st Marines Weapons Company during a joint patrol with Afghanistan National Army (ANA) soldiers in Laki south Garmser, Helmand Province, Afghanistan on March 2, 2011.
ADEK BERRY/AFP via Getty Images

Report designed by Dena Verdesca

TABLE OF CONTENTS

About the Project	1
About the Team	2
Acknowledgements	2
Foreword	3
Introduction	4
Methods	4
Impetus & History	5
Drivers for PoC Internal to NATO	5
External Drivers	7
Developing the Policy	7
Implementing the Policy	9
Findings	10
Formal Lessons Learned Process	10
Training and Education	10
Allies' and Partners' National Understandings of PoC	11
Personality-based and Experience-driven PoC	12
Prioritizing PoC	14
Summary of Findings & Recommendations	16
Afterword	18
Annex: National Materials & Guidance Relevant to PoC	19
Endnotes	24

ABOUT THE PROJECT

Strengthening NATO's Ability to Protect

Strengthening NATO's Ability to Protect is a research initiative of the Transforming Conflict and Governance Program at the Stimson Center. This project seeks to build bridges between NATO stakeholders and the expert community to act on the Alliance's ambition to protect civilians in its operations around the world.

In 2016, the NATO Policy on the Protection of Civilians (PoC) made protection an explicit goal of future operations, kicking off the development of an action plan and a military concept on PoC. Whether in active security operations, train and assist missions, or support to disaster relief, NATO policy is to mitigate harm from its actions and, when applicable, protect civilians from the harm of others. To help NATO succeed, Stimson launched this project, in partnership with PAX and supported by the Dutch Ministry of Foreign Affairs, to cultivate and offer external expertise to NATO as well as assess the current levels of doctrine and guidance on PoC within NATO nations and partners. Emphasis is on solutions-focused research and building bridges across governments, academia, international organizations, and NGOs.

Stimson is a research and policy institute in Washington, D.C. that has worked on advancing the protection of civilians in conflict zones for more than 20 years. Today, as new challenges emerge, Stimson continues to be at the forefront by engaging new voices, generating innovative ideas and analysis, and building solutions that promote international security, prosperity, and justice.

ABOUT THE TEAM



Kathleen H. Dock is a research assistant at the Stimson Center, where she focuses on NATO, the protection of civilians, and atrocity prevention. Previously, Kathleen was a Herbert Scoville Jr. Peace Fellow with the Stimson Center.



Victoria K. Holt is a vice president at the Stimson Center. Her areas of expertise include international security and multilateral tools, including peace operations and conflict prevention. Holt served as U.S. Deputy Assistant Secretary of State (International Organizations) during the Obama Administration. She previously worked at the State Department (Legislative Affairs), led research and programs at Stimson and other non-governmental organizations, and served U.S. Members of Congress.



Marla B. Keenan is a nonresident fellow at the Stimson Center. Her areas of expertise focus on international security issues, including human rights in armed conflict, protection of civilians, civilian harm tracking and analysis, and civil-military relations in armed conflict. Marla served as senior director of policy and advocacy and previously senior director of programs at Center for Civilians in Conflict (CIVIC).



Alexander R. Hopkins is a research associate at the Stimson Center. He focuses on UN peace operations, protection of civilians, legislative affairs, and the nexus of conflict and climate change.

ACKNOWLEDGEMENTS

We would like to thank all those who kindly contributed their time and expertise to make this report possible. We are deeply appreciative of the many interviewees who candidly shared their experiences and thoughts with us — their insights serve as the foundation of this report. This study benefited from expert commentary offered by many, but we would especially like to thank those who read and provided feedback on earlier drafts. We would like to thank our partners at PAX and the Dutch Ministry of Foreign Affairs for their insights and generous support of this work.

FOREWORD

On a cold, rainy Brussels day in January 2016, I was honored to address the NATO allies and partners at the Operations Policy Committee as they considered drafting NATO's Protection of Civilians Policy. Having worked with NATO on civilian harm mitigation since 2007, I was struck by what a critical moment this was for the Alliance. Later that summer, at the Brussels Summit, a comprehensive PoC policy was adopted. Even as my fellow advocates celebrated the landmark occasion, we understood there was far more work to be done.

This report details, through personal accounts from stakeholders both inside and outside the formal NATO structure, the road to the policy, the impressive progress made in the first five years, and the work that still remains. This report does not aim to be an official history but rather an essential contribution to reinvigorating and revitalizing political support for and further work to ensure that NATO can deliver all that is promised in the policy.

The Stimson Center has a long history of working with international organizations to strengthen the protection of civilians. As we undertook this research, we asked those we interviewed to think deeply about NATO's history and values, lessons learned over the past three decades, and the Alliance's ability to protect civilians in future operations. This report is meant to inform meaningful ongoing discussions, including future PoC implementation, a new Action Plan, and the #NATO2030 process.

I hope you will find this report as inspiring as I do. I'm proud of the progress NATO has made and look forward to a renewed and revitalized focus on PoC.



—Marla B. Keenan

INTRODUCTION

At the Warsaw Summit in July 2016, NATO Heads of State and Government demonstrated the Alliance's commitment to protecting civilians by endorsing the NATO Policy on Protection of Civilians (PoC).¹ Emerging in part from NATO's experiences in out-of-area operations, such as Afghanistan, this overarching policy aims to set out a coherent, consistent, and integrated approach to PoC in NATO's ongoing and future operations. As NATO looks forward and refocuses on collective defense and counterterrorism,² there is a need to review how the PoC policy has been implemented thus far and explore how it applies to future conflicts. Assessing the considerable progress that NATO has made — and understanding that much work remains — is essential to maintain momentum and ensure that PoC remains a visible consideration in all operations.

For that reason, this research aims to:

- Capture the history of the creation of the policy through the eyes of those that lived it;
- Understand its origins and impetus;
- Identify progress, gaps, and challenges in implementation; and
- Highlight areas for further consideration for effective protection of civilians in NATO's operations across the aims of collective security, crisis management, and cooperative security.

The NATO Policy on PoC acknowledges that civilians face many different threats during conflicts, and assessing these threats should inform political strategy, military planning, and the conduct of operations. The NATO policy defines PoC as such:

Protection of Civilians (persons, objects, and services) includes all efforts taken to avoid, minimize, and mitigate the negative effects on civilians arising from NATO and NATO-led military operations on the civilian population and, when applicable, to protect civilians from conflict-related physical violence or threats of violence by other actors, including through the establishment of a safe and secure environment.³

NATO created an Action Plan to guide the policy's operationalization and has since developed a Military Concept for PoC and a PoC Handbook to support the integration of PoC into NATO operations.

This report begins with a historical review of the policy, including the impetus and development, followed by a series of findings and recommendations focused on gaps in implementation. While NATO's progress on the protection of civilians is laudable and deserves greater recognition, significant work remains to better integrate the PoC policy's objectives into NATO's operations and activities.

Methods

To understand the policy's origins and how its goals are being met, the team interviewed 28 experts and conducted extensive open-source research between June 2020 and November 2020. Interviews were conducted via telephone or video conference call on a non-attribution basis. Interviewees included past and previous military and civilian personnel involved in PoC work within NATO Headquarters (HQ), Allied Command Operations (ACO), and Allied Command Transformation (ACT), experts from allied and partner governments, and NGO representatives. Interviewees had experience with NATO or PoC at the political, strategic, operational, and tactical level and in conflicts from Bosnia to Afghanistan and Libya. This report is primarily a human narrative based on the experiences and thoughts of our interviewees.

IMPETUS & HISTORY

Several factors contributed to the Alliance's increased engagement with PoC, leading to the adoption of the 2016 policy. According to one interviewee, there was no "organic constituency" for PoC "welling up from the majority of NATO members."⁴ Instead, the policy resulted from a unique confluence of circumstances that demonstrated a need to address the Alliance's approach to civilian protection. While interviewees identified multiple factors that served as the impetus for the policy, the following four were most commonly mentioned:

1. Momentum from lessons learned from NATO's mission in Afghanistan;
2. Advocacy from civil society organizations and human rights groups to minimize civilian casualties;
3. A spillover effect from the UN and its member states' increasing focus on its Security Council mandate to protect civilians; and
4. A push from a few allies, partners, and individuals who personally prioritized PoC.

Drivers for PoC Internal to NATO

The protection of civilians has been a key factor in NATO operations, both implicitly and explicitly, for decades. In Bosnia, Kosovo, Afghanistan, and Libya, the Alliance has had to confront civilian harm from its actions and tried to protect civilians from harm by others. Lessons from these missions fueled the belief that NATO needed to adopt a more coherent approach to PoC for current and future operations. Almost every expert interviewed singled out NATO's experience with the International Security Assistance Force (ISAF) in Afghanistan as directly contributing to the development of the 2016 policy.

In the wake of 9/11, NATO invoked Article 5 of the Washington Treaty for the first — and to date only — time.⁵ Beginning in 2003, NATO led ISAF, a coalition of more than 51 NATO and partner nations at its highest point. Mandated by the UN Security Council, ISAF's main objective was to enable the Afghan government to provide effective security across the country while building the capacity of new Afghan security forces. As operations extended beyond Kabul to the entire country by late 2006, there was a significant increase in coalition-caused civilian casualties.⁶ Not only was NATO receiving significant international backlash over highly publicized incidents of civilian harm, but commanders on the ground also began to identify civilian harm as fueling the growing insurgency. Civilian harm mitigation (CHM) — reducing and appropriately addressing civilian harm — became central to the success of the mission. One ISAF commander said, "Civilian casualties create support for your adversary and mobilize people to then fight back against you or at minimum to simply withhold support."⁷ Protecting civilians was not just a moral aspiration; it was a political and strategic imperative.

It became clear to several ISAF commanders that to decrease coalition-caused harm, the mission needed to go beyond mere compliance with international humanitarian law (IHL). "You can do a whole lot of wreckage to civilians, both short- and long-term, and still be technically compliant with the Geneva conventions," one interviewee said.⁸

The ISAF mission consulted with relevant international organizations and civil society and reduced civilian casualties with remarkable success. From 2007–2009, new tactical directives on CHM were issued⁹ and ISAF set up NATO's first civilian casualty tracking cell, which later developed into a full-fledged civilian harm mitigation team.¹⁰ In 2006, ISAF caused approximately 40 percent of civilian casualties in Afghanistan. By 2013, that number had dropped to below one percent.¹¹ In line with this effort, NATO established the Brussels-based Section on Protection of Civilians in the Operations Division of the International Staff in 2010, signaling that PoC was a key operational issue.



Polish troops chat with local Afghans during a patrol in Ghazni province. *Photo courtesy of ISAF*

The Alliance's approach to CHM in Afghanistan was not only innovative for NATO. ISAF pioneered an approach that was not yet existent across most NATO nations and Western security and defense forces. In 2014, when NATO transitioned from ISAF to the non-combat Resolute Support Mission — which trains, advises, and assists Afghan forces — there was a desire within NATO HQ to capture ISAF's hard-learned lessons on CHM and adapt them to future missions. NATO's Joint Analysis Lessons Learned Center (JALLC) was tasked with analyzing how ISAF had reduced civilian casualties and published a report in 2015, which included recommendations for changes in NATO policy.

One interviewee said the military component of NATO was likely satisfied with having a lessons-learned repository and did not push for any broader changes to NATO policy. However, the Operations Division within NATO HQ, along with some allied and partner nations, saw value in drawing on ISAF's experience for future mission planning.¹²

We asked interviewees if lessons learned from other missions in addition to ISAF contributed to the development of NATO's policy on PoC. While several indicated that lessons from previous missions, such as NATO's experience in the Balkans, likely fed into the belief that such a policy was necessary, formal processes were less clear. For example, in 2011, NATO began Operation Unified Protector (OUP) in Libya, taking over leadership of the coalition operation, which the Security Council authorized to protect civilians with all necessary measures.¹³ Despite this explicit mandate to protect civilians, respondents did not indicate that lessons learned from OUP fed directly into the policy's development.

External Drivers

In addition to lessons from ISAF, several governments were influenced by a more global trend toward viewing protection as increasingly important. UN peacekeeping missions were consistently mandated to protect civilians from physical harm and authorized to use force to uphold that mandate, for example. In May 2015, many governments, including significant NATO allies and partners, signed the Kigali Principles on the protection of civilians.¹⁴ One interviewee said that some countries believed NATO was “lagging behind” the United Nations in its focus on PoC and needed to catch up.¹⁵

“You can do a whole lot of wreckage to civilians, both short- and long-term, and still be technically compliant with the Geneva conventions.”

A “Tiger Team on the Protection of Civilians” took up the cause. This group consisted of 15 allied and partner nations. However, one interviewee described the partners as playing an “outsized role,” so much so that PoC began to be seen as an informal part of NATO’s agenda with its partners.¹⁶ In October 2015, after inviting the NATO Operations Division to make a pitch for creating a PoC policy, these nations sent a letter to the NATO Secretary General underlining the importance of PoC and requesting the development of a policy. Spearheaded by Austria and Norway, this effort triggered the North Atlantic Council to task the Operations Policy Committee (OPC) and NATO military authorities to develop a draft policy in time for the July 2016 Warsaw Summit.

Developing the Policy

The section on PoC under the Operations Division began the initial work to assess NATO PoC-related activity. A late 2015 PoC mapping exercise included a request for NATO Allied Command Transformation (ACT) Strategic Plans and Policy Directorate to support the effort and the drafting of a PoC policy. This work, supported by the ACT Concept Development and Experimentation (CD&E) Branch, was launched in October 2015, setting the agenda for a rapid program leading to a Bi-Strategic Command input to the policy. Accelerated by the Warsaw Summit date, the policy was developed in less than a year (October 2015–May/June 2016).

Informed by ACT’s initial work, in late 2015 and early 2016, NATO held a series of workshops to cultivate a community of interest on PoC, build expertise, and determine the key drivers and factors that would need to be included within the PoC policy. Experts on PoC briefed the OPC and provided inputs to the drafting process, maintaining a pragmatic focus on incorporating PoC in the planning and conduct of NATO operations. The Center for Civilians in Conflict (CIVIC), the Norwegian Research Defense Institute, the U.S. Army War College, and the International Committee of the Red Cross, among others, gave presentations. Several experts pushed the OPC to consider the protection of civilians as more than just IHL adherence and civilian harm mitigation and to include physical protection from the harm of other actors as a critical part of the policy. One interviewee described these presentations as a “real ‘aha’ moment” for many civilian and military personnel within NATO to realize the importance of PoC and the magnitude of what needed to be done.¹⁷

Some interviewees indicated that individuals within ACT developed a broader and more elaborate policy than initially intended, with one interviewee saying they heard ACT was “overenthusiastic” and “went further than the original assignment.”¹⁸ Interviewees from ACT responded that experts in the PoC community of interest with whom they consulted saw protection as broader than adherence to IHL and civilian harm mitigation measures, and they sought to incorporate this perspective in the policy.



U.S. Air Force Capt. Jason Blodzinski, 77th Fighter Squadron F-16 Fighting Falcon pilot, lands at Aviano Air Base, Italy, following an Operation Unified Protector sortie. *Photo courtesy of U.S. Air Force*

Allied and partner governments also fed into the process, though some countries pushed back on the specific language of the policy. As a result, the final policy was less far-reaching than the original version produced by ACT and ACO, and the language was less precise. Nevertheless, there was agreement about the policy's main points. In the end, the policy considers threats to civilians through three lenses, all of which contribute to a better understanding of the human environment: (1) mitigating harm; (2) facilitating access to basic needs; and (3) contributing to a safe and secure environment. The authors note that while NATO named the section of the policy focused on physical protection "Mitigating Harm," it indeed goes further than the CHM measures implemented in Afghanistan (discussed above). It includes compliance with IHL, traditional CHM measures, and, importantly, physical protection from other actors. An interviewee noted that those involved in the development process were "very happy with the way the policy turned out," and viewed the final language as leaving room to maneuver.¹⁹



Meeting of the North Atlantic Council at the level of Heads of State of Government, NATO Summit Warsaw.
Photo Courtesy of NATO

Implementing the Policy

The two Strategic Commands (ACT and ACO), in collaboration with NATO HQ, manage the implementation of the PoC policy. After the International Staff was reorganized in 2016, however, PoC was moved from the Operations Division to a new unit in the NATO Secretary General's Office, where it was combined with Women, Peace, and Security (WPS) and other cross-cutting topics. These cross-cutting topics now fall under the umbrella concept of "Human Security."

In 2016, the International Staff requested further support for the policy's implementation through the International Military Staff, leading to ACT and ACO informing the development of an Action Plan. The Action Plan, agreed to by NATO Defence Ministers in February 2017, aimed to implement the policy through clearly defined tasks, including developing the NATO PoC Military Concept. The concept identifies a framework to integrate PoC into training, doctrine, education and exercises, and the military planning and operations process. Several interviewees noted that the inclusion of PoC in the Comprehensive Operations Planning Directive (COPD), led by ACO, was a particularly welcome step. For those outside NATO, it is unclear precisely what PoC inputs have been integrated into the COPD, referred to by several interviewees as "NATO's planning bible." Despite progress, the Action Plan was envisioned to encompass activities only from 2017–2019. As of this report's writing, no new or revised Action Plan to continue implementing PoC has been adopted.

FINDINGS

Formal Lessons Learned Process

The 2016 policy states that “NATO shall identify and implement lessons learned on protection of civilians ... in all relevant areas of operations and missions.”²⁰ Interview respondents, however, said NATO lacks a systematic, consistent process to collect and implement lessons learned on PoC.

The Joint Analysis Lessons Learned Centre (JALLC) in Lisbon serves as NATO’s official focal point for capturing and analyzing lessons learned. While the JALLC has collected PoC lessons learned in the past, interviewees described the JALLC process as “too heavy” and “cumbersome.” Currently, HQ Supreme Allied Commander Transformation (SACT) must task JALLC to collect and disseminate lessons learned, so the process is inconsistent and only works when explicitly directed to a topic. For example, lessons learned from Afghanistan, which JALLC developed with extensive input from civil society, were pivotal in shaping the 2016 Protection of Civilians Policy. Yet, as previously noted, no interviewee was aware of a similar process feeding into the policy from Operation Unified Protector in Libya, which had a specific mandate to protect civilians. While it is likely that an operational review of OUP was conducted, we were unable to clearly identify if or how lessons on PoC during this operation were formally assessed and captured for future missions.

Additionally, OUP ran concurrently with the ISAF mission in Afghanistan, but lessons learned from the latter did not make their way over to the former in any significant way. This illustrates that current institutional knowledge and informal lessons learned in one theatre was not enough to ensure an organizational approach to PoC.

One interviewee acknowledged that NATO is often limited in its ability to conduct thorough data collection because it is unable to obtain necessary information and intelligence from allies and partners. However, even when data for lessons learned is collected, several interviewees mentioned the disconnect between “lessons identified” and “lessons learned.” While the JALLC can issue a report on lessons learned if tasked, it is unclear how these lessons become ingrained in training or planning for operations.

Training and Education

“Personnel training is the best protection we can offer civilian populations, hands down, bar none, full stop.”²¹

The NATO Policy on Protection of Civilians calls for a PoC perspective to be included in training and education.²² Several interviewees identified training and education as an area where there has been significant progress since adopting the policy. Still, it was also the most cited area that interviewees said needs further prioritization and implementation.

Interviewees mentioned several recent developments as positive signs that NATO is incorporating a PoC perspective into training, such as the NATO-UN PoC course at the Finnish Defence Forces International Centre (FINCENT) and the inclusion of PoC in exercise objectives. Steadfast Jupiter-Jackal 2020, a strategic, operational, and tactical-level joint command post exercise sponsored by Supreme Headquarters Allied Powers Europe, was conducted in December 2020 and marked the first major exercise where PoC was recognized as an exercise objective.²³

Despite this progress, several challenges emerge from the interviews. PoC is still viewed primarily as a J9 (civil-military cooperation) issue. It is not widely accepted as relevant to J2 (intelligence), J3 (operations), or J5

(planning), though multiple interviewees argued it is best situated within those branches. For example, if PoC is not considered in the intelligence threat assessment, it will not be a factor in operations. To address this gap, some interviewees felt that more comprehensive education on the protection of civilians is necessary for all NATO military staff. While the NATO-UN PoC course is a welcome step in such education, if this is the only means through which NATO staff encounter PoC, then they will continue to see PoC only as a UN or stabilization issue and not relevant to the conduct of operations as a whole, even though this was the stated intent of the PoC policy. The goal is not to have more specialist courses on PoC that officers can opt into but rather, to integrate PoC into core training that all officers and soldiers must complete.

If PoC is not considered in the intelligence threat assessment, it will not be a factor in operations.

One interviewee noted that training on PoC should be more frequent and continuous due to the high level of rotation within NATO. “We need to continuously train and educate the military side of NATO. ... A lot has been done in the last three years, but a lot of the people that we have trained have already left.”²⁴ This high level of turnover is an obstacle to developing a consistent understanding of the protection of civilians within the Alliance.

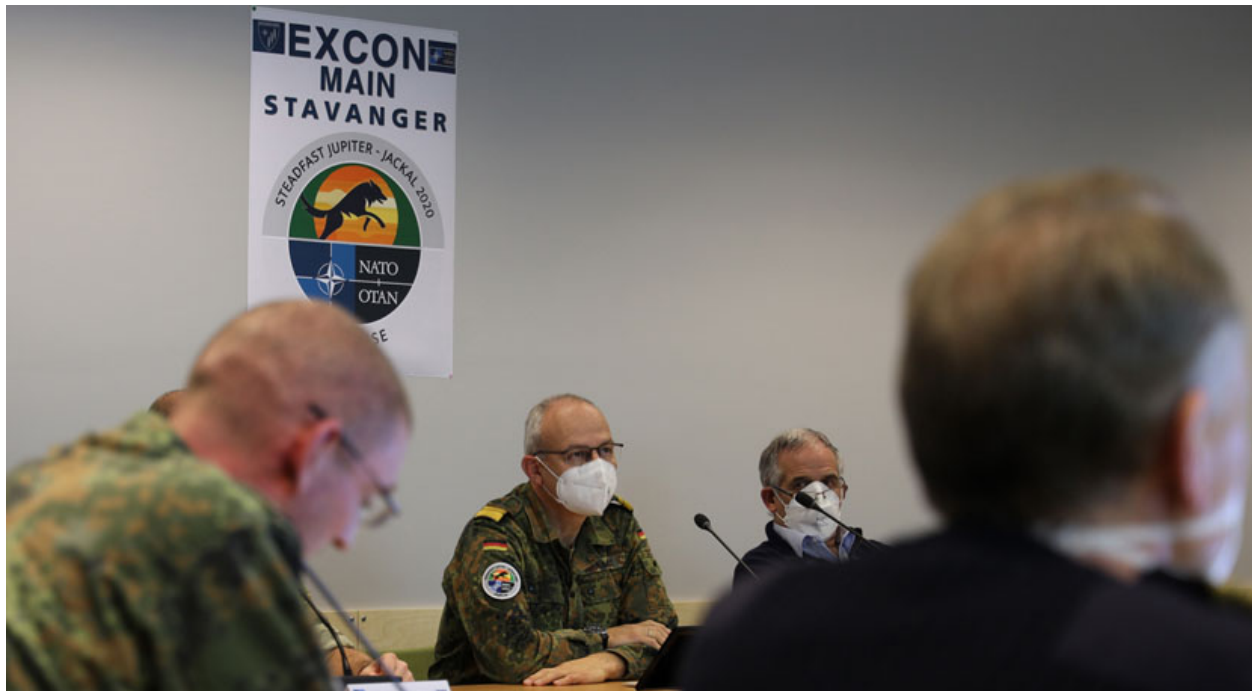
Another expert argued that integrating PoC into baseline education for all officers and planners is essential and should precede integrating PoC into training exercises. If officers and operational planners have not been taught on a subject, they have not received the tools to properly exercise it.²⁵ However, most education is done at the national level within NATO allied and partner nations. Therefore, as the following section will address, it is important to know how nations understand and train on PoC. Changes to NATO training and education will be limited in their success if governments and their militaries do not also have PoC policies, doctrine, and operational guidance to implement effective PoC education.

Allies’ and Partners’ National Understandings of PoC

Interviewees expressed concern over the lack of clarity on how NATO’s PoC policy and concept connect with national understandings of and approaches to PoC. There is a need to understand what the PoC policy and concept mean for allies and partners, what guidance NATO provides to allies and partners about PoC, and what direction and support allies and partners are looking to get from NATO.

Individual nations have their own approaches to the protection of civilians. An initial review of materials available publicly for 18 NATO allies and partners found that most did not have explicit policies, guidance, and doctrine on PoC.²⁶ Additionally, when PoC language was present, it was not defined nor discussed in the same way across the allies. To create coherence across the Alliance, it is crucial to know how national understandings and definitions of PoC align with or differ from the one adopted by NATO.

This process can be mutually beneficial. Nations without current PoC guidance could use the NATO PoC concept as a common starting point from which to build upon and improve. In contrast, nations with more developed PoC policies could push initiatives forward at NATO. It is worth noting that the context within which PoC is applied will always influence national approaches. National perspectives on PoC — often driven by foreign policy instead of by defense concerns — create a dual perspective that must be addressed.



Steadfast Jupiter-Jackal 2020 Command Post Exercise Begins. *Photo courtesy of NATO Joint Warfare Center*

When asked about national understandings of PoC, multiple interviewees felt that many allies and partners, especially at a military level, view PoC as limited to IHL compliance. Others suggested it is seen as a “soft” issue tied to the United Nations with little relevance to NATO’s role as a military and security organization. One participant called this viewpoint “ironic,” as the logic of integrating PoC into NATO was based on counterinsurgency strategy in Afghanistan, so “by definition it comes from hard requirements.”²⁷ Some military staff question PoC’s modern relevance, particularly with the changing context of global conflicts away from counterinsurgency and toward counterterrorism, urban conflict, hybrid and proxy warfare, near-peer competition, and large-scale combat operations. All interviewees maintained PoC’s importance in these scenarios. Still, many expressed concerns that NATO may be unprepared for how to understand and implement the critical role that the protection of civilians plays in all these contexts. For example, protecting an ally or partner’s civilians in an in-area Article 5 situation would require knowledge, skills, and capabilities not yet developed.

Many allies and partners adopt NATO doctrine as their own. For some, this means they have foregone their own doctrine development processes entirely. While NATO is incorporating some PoC inputs into existing doctrine, there is a gap in understanding if or how these countries have familiarized themselves with the NATO PoC policy, concept, and handbook. There is a need for NATO to suggest more guidance to individual member states on how they can educate and train on PoC outside of NATO-run training and exercises. Integrating protection of civilians — as defined in the policy and concept — into existing guidance and doctrines at the national level could help develop a consistent and coherent approach to PoC across NATO.



U.S. Army Master Sgt. Robin Harris visits with Afghan children. *Photo courtesy of U.S. Army*

Personality-based and Experience-driven PoC

“The plan always looks like the personality of the lead planner.”²⁸

Multiple interviews revealed that the integration of PoC in operations is highly personality-based and experience-driven. Those with previous experience in situations where PoC was relevant may be more likely to elevate PoC in training, operational planning, and tactical guidance.

The PoC concept and later handbook aim to give planners the tools to implement PoC — but these tools do not work unless planners choose to and know how to use them. As one interviewee noted, the goal of the PoC concept was not to limit planners but to give them another strategic factor to consider: “Do you have enough ammunition and fuel? What is your strategic communication policy? ... Have you looked at your operations through the lens of protection of civilians?”²⁹ However, there is no enforcing mechanism that requires an operational planner to look at mission sets through the lens of PoC and little guidance on how to do so effectively.

Indeed, even when an operation is explicitly mandated to protect civilians, as with Operation Unified Protector in Libya, it is unclear how political direction to protect civilians translates into operational guidance. One interviewee familiar with the planning of that mission stressed the importance of individuals who made decisions, in the face of significant pushback from other senior military officials, to put PoC at the center of operational design. “If there had been another person in charge ... we would have seen a very different outcome, which was not one based on the protection of civilians.”³⁰

Interviewees cited experiences from Rwanda, the Balkans, Afghanistan, and UN peacekeeping missions as their own reasons for emphasizing the importance of PoC. Many noted that their colleagues who had not had similar experiences were unlikely to understand and prioritize PoC. This dependence on personal experience shows that existing guidance, doctrine, and training are not sufficient to support robust PoC implementation because PoC has not yet been mainstreamed into operational branches. Some interviewees suggested that PoC will only be institutionalized when it becomes a part of everyday lexicon and is taught and referred to by political and military actors alike. While the policy, concept, and handbook are significant steps in its implementation, the broader understanding of PoC, at both the political and military levels, deserves more attention.

Prioritizing PoC

Our research showed that NATO’s priorities have shifted in recent years. The subject of protection of civilians is not as widely discussed as it was when the policy was adopted in 2016, even amongst those allies and partners that championed the issue. As NATO looks to the future, and especially as the Alliance refocuses on collective defense and near-peer competition, there is a need to address what PoC means at the political, strategic, and operational levels.

All interviewees responded that they see PoC as relevant to all three of NATO’s core tasks: collective defense, crisis management, and cooperative security. Yet many expressed concerns that this view was not widely shared or understood among allies and partners or internally at NATO. “We have a policy, we have a concept, we have a handbook, but in my mind, very few people in NATO know they exist,” said one interviewee.³¹ Other interviewees echoed this opinion, noting that they have met people within NATO who have never heard of the PoC policy. We interviewed several people who said many military personnel believe that they already do PoC, conflating protection of civilians with adherence to IHL, even though the NATO policy is much broader.

Interviewees especially stressed the need to clarify that PoC should and does apply in collective defense operations. “In Article 5 operations there is a role for protection of civilians. Not only for ethical or legal reasons but also for military strategic reasons ... but I don’t think [NATO] is there yet,” said one interviewee.³² Unless PoC is considered relevant across elements of NATO’s Strategic Concept, its integration into the Alliance will continue not to be prioritized.

The migration of PoC out of the International Staff Operations Division multiplied this challenge and further disconnected PoC from its original operationally-focused intent. Even after this rearrangement, PoC was initially thought of as an umbrella concept, under which topics such as Building Integrity (BI), Cultural Property Protection (CPP), Children and Armed Conflict (CAAC), Conflict-related Sexual and Gender Based Violence (CR-SGBV), Human Trafficking (HT), and Women, Peace, and Security (WPS) could fit. Since 2019, however, NATO has moved toward another new framework, with PoC under the “Human Security” umbrella. As of this report’s writing, NATO does not have a definition of human security nor clear guidance as to how these various topics fit together.³³

Human security is a 25-year-old concept created by the United Nations and is notably broader than PoC.³⁴ Several interviewees were apprehensive of NATO’s use of the term, believing that it could heighten expectations about what NATO can realistically provide as a military organization. This new framing could blur the lines around PoC or lead to competition for resources with other cross-cutting topics such as WPS or CAAC. The NATO Human Security Unit, headed by the NATO Secretary General’s Special Representative for Women, Peace, and Security, is small. Interviewees shared concerns that PoC may be deprioritized due to the broad mandate and under-resourcing of the office. For example, one interviewee noted that while several International Staff experts focused on other topics, there is currently only one Voluntary National Contribution staff member who works on PoC.³⁵

As NATO shifts to the “Human Security” framework with many cross-cutting topics, it is necessary to define what the term means from a military organization’s perspective and ensure that its meaning applies to all situations. Further, the relationship between PoC and human security needs to be clarified to build strategic focus and political momentum to better protect civilians in future conflicts.³⁶

Changes to NATO training and education will be limited in their success if governments and their militaries do not also have PoC policies, doctrine, and operational guidance to implement effective PoC education.

SUMMARY OF FINDINGS & RECOMMENDATIONS

As seen in this report, it is clear that NATO has made impressive strides in advancing the protection of civilians. At the same time, more attention and work is necessary to support the implementation of PoC across NATO and to realize the aspirations outlined in the policy. This report found that many of those interviewed when asked whether NATO could implement protection of civilians as envisioned in the policy and military concept, answered with caution. Answers ranged from “I sure hope so” to “No,” with the latter being the more common response.

Emerging from this research are areas that need clear attention. The PoC policy and concept are not yet inculcated in NATO practices, and political and military representatives have not sufficiently prioritized implementation at the strategic and operational levels. Increased political will, staff support, and funding are needed to achieve this aim. Additionally, the lessons learned process on PoC should be strengthened to ensure that the last two decades’ lessons are effectively captured and applied to future missions. PoC must be thought of as relevant across NATO’s operational branches and included in future plans, and training and education should reflect that. Finally, to achieve a coherent approach to PoC across the alliance, there is a need to understand what national guidance allies and partners currently have on PoC and what NATO could provide. For the PoC policy to meet its aspirations, these gaps must be addressed.

To improve NATO’s ability to protect, the following recommendations reflect the report’s research and findings as areas to prioritize:

- **Emphasize PoC in NATO’s plans and missions by including PoC** in the next NATO Strategic Concept and creating a new PoC Action Plan to span the next 3-5 years.
- **Strengthen core military understanding of PoC within the future operating environment** across all of NATO’s core tasks in the context of evolving threats. These range from near-peer conflict, hybrid warfare, enhancing resilience, and supporting deterrence, as well as to the more traditional missions and tasks associated with PoC (e.g. Civilian Harm Tracking Cells).
- **Improve the assessment and use of lessons learned from past missions and current operations.** This could include setting up a collaborative effort with NATO allies and partners, as well as outside experts, such as increased data and information sharing between NATO, allies, and civil society.
- **Incorporate systematic training on PoC in mandatory training and education** for all branches of NATO. Rather than developing more specialist or optional courses on PoC, NATO should integrate PoC into core training that all officers and soldiers must complete. Training strategic and operational command leaders on PoC is essential to create space for PoC engagement during missions.
- **Task a mapping exercise to document NATO allies’ and partners’ current national policy, doctrine, training, approach, and capabilities on PoC** through the next Action Plan. This exercise could allow NATO to understand better what guidance allies and partners already have on PoC, whether it reflects the PoC policy, and identify opportunities where NATO can provide assistance. Further, understanding how PoC already exists in a military context in many partners’ and allies’ doctrine could contribute to a shift toward NATO’s goals and away from viewing PoC as only a UN or “soft” issue.

- **Define what human security means for NATO** as a military organization and clarify how PoC fits into that framework. Specifically, there is a need to address how other policy agendas, such as Women, Peace and Security and Children in Armed Conflict, fit together with PoC.
- **Provide adequate staffing and resources for PoC work at HQ.** For the policy to be implemented and effective, there is a need for more staff to work on this aim in various positions. There should be at least one International Staff person in charge of working with the Human Security Unit to support PoC. Other cross-cutting topics, for example Children in Armed Conflict, currently have dedicated International Staff support.

AFTERWORD

This report began as a simple effort to understand the origins of a policy that may affect millions of lives. Yet it is trying to capture a story that few know.

On a September day in London in 2016, I was honored to be in the U.S. Delegation to a Defense Ministerial hosted by the United Kingdom to pledge greater capacities for UN peace operations. Each nation in attendance was expected to announce a new contribution for future missions.

The Lancaster House room was crowded and ornate. Amongst the many impressive speeches, I remember NATO's representative. He grabbed my attention when he highlighted NATO's recently adopted Policy on Protection of Civilians. A few of us knew immediately how bold it was for NATO, and what a challenge it would be for any organization.

Years earlier I had been asked to brief NATO ACT's meeting on protection of civilians, part of an in-house discussion of whether it needed a mission concept. Given the trends in modern conflicts and the level of harm purposely inflicted on civilians, as well as the Security Council's increasing use of mandates with Chapter VII authority to include measures to protect civilians, it seemed very necessary.

Some of the origins are captured here, thanks to the excellent work of Katie Dock. I am pleased to be part of the team with Marla Keenan, Alex Hopkins and the dozens who contributed to this report, with hopes that the vision that drove the policy will continue to drive its implementation.

A handwritten signature in black ink, appearing to read "Victoria K. Holt".

—Victoria K. Holt

ANNEX

National Materials & Guidance Relevant to PoC

This annex captures publicly available information from eight NATO allies (Canada, Denmark, France, Germany, Netherlands, Norway, United Kingdom, and United States) and one NATO partner (Finland) to identify doctrine, guidance, policy, reports, or training that mentioned protection of civilians. We initially researched 18 NATO allies, but the majority had no publicly available materials on PoC. While this list is by no means comprehensive, we, as outside researchers, are seeking to highlight what allies and partners have done on the national level to address PoC.

Canada

Canada's National Action Plan For the Implementation of the UN Security Council Resolutions on Women, Peace and Security (2017-2022). Government of Canada. (2017).

<https://www.international.gc.ca/world-monde/assets/pdfs/cnap-eng.pdf>.

- This Action Plan lays out Canada's commitments to advance the Women, Peace and Security agenda and focuses on strengthening the capacity of peace operations to address the needs of the most vulnerable, particularly women and girls. The plan mentioned that members of the Canadian Armed Forces receive pre-deployment training for peace operations on protection of civilians, as well as human rights, WPS, conflict-related sexual violence, child protection, sexual exploitation and abuse, and human trafficking.

"Strong, Secure, Engaged. Canada's Defence Policy." Canadian Armed Forces. (2017).

<http://dgpaapp.forces.gc.ca/en/canada-defence-policy/docs/canada-defence-policy-report.pdf>.

- PoC is referenced in this policy only when affirming Canada's commitment to its engagement with the United Nations and UN peace operations: "The United Nations... makes important contributions to global stability, conflict prevention and the protection of civilians."

Denmark

"Civilians: Protection of individual civilians, the civilian population, and civilian objects" in *Military Manual on International Law Relevant to Danish Armed Forces in International Operations*. Danish Ministry of Defence. (2016). <https://forsvaret.dk/globalassets/fko---forsvaret/dokumenter/publikationer/-military-manual-updated-2020-2.pdf>.

- Chapter 6 of the larger Danish Military Manual focuses on different aspects of PoC, including the obligation of belligerent States to take necessary precautions to avoid civilian harm; the fundamental protection for individual civilians the civilian population, as well as the specific protection afforded to certain vulnerable groups by IHL; possibilities for parties to a conflict to establish special protection status areas; and civil defense.

France

“Protection of Civilians (PoC) in Overseas Theatres of Operations: Joint Doctrine Note (FRA) JDN-2015/001.” Ministry of the Armed Forces. (2015).

- This Joint Doctrine Note defines PoC in the context of International Humanitarian Law and as “efforts the force made or will make against any physical violence in order to preserve the rights, resources and basic necessities, and to the benefit of a safe, stable and fair environment for the civilian population in the long term.” Though not official doctrine, this document is to be used as a guide by the French military in the planning and conduct of military operations abroad.

Finland (NATO Partner)

Levomaa, Virpi, and Hanne Dumur-Laanila. **“From Operational Requirements to Training Solution: Protection of Civilians for NATO and UN led Operations Pilot Course.”** Finnish Defence Forces International Center. (2019). https://www.doria.fi/bitstream/handle/10024/167420/From%20Operational%20Requirements%20to%20Training%20Solution_web1.pdf?sequence=1&isAllowed=y.

- This is the report of the outcomes from the first pilot course on protection of civilians for NATO and UN led operations, hosted by the Finnish Defence Forces International Centre.

“Finnish Security and Defence Policy 2012.” Government Report 1/2013, Prime Minister’s Office. (2013). https://vnk.fi/documents/10616/1093242/JO113_FinnishSecurity_net.pdf/f7dob3db-f566-4d32-af19-68a7064e24ee/JO113_FinnishSecurity_net.pdf?version=1.0.

- This policy does not discuss PoC extensively but acknowledges that the changing nature of conflict will make it increasingly challenging to protect civilians. The policy mentions PoC in the context of UN-mandated crisis management operations and includes a section on the responsibility to protect.

Germany

“Law of Armed Conflict Manual: Joint Service Regulation (ZDv) 15/2.” Federal Ministry of Defense, Berlin. (1 May 2013). <https://www.bmvg.de/resource/blob/93610/ae27428ce99dfa6bbd8897c269e7d214/b-02-02-10-download-manual-law-of-armed-conflict-data.pdf>.

- Chapter Five of the manual addresses “protection of the civilian population.” PoC is discussed mostly in the context of International Humanitarian Law and civilian harm mitigation.

The Netherlands

“Netherlands Defence Doctrine.” Ministry of Defence. (2012). https://www.act.nato.int/images/stories/structure/nlr/nld/ndd_new.pdf.

- This doctrine contains no explicit references to PoC but mentions the need to follow International Humanitarian Law and Rules of Engagement when determining appropriate level of force and the need to distinguish military targets and civil objects and combatants and civilians. Dutch doctrine was developed largely from NATO doctrine.

Norway

“Human Security and the Military Role.” NODEFIC. <https://forsvaret.inkrement.no/>.

- These online video lessons aim to provide insights on the role and utility of military force in armed conflicts where PoC is the mission objective. The lessons are divided into four parts: (1) Understanding the Environment; (2) Understanding the Threats; (3) Establishing Physical Security; and (4) Assessment and Integration.

Beadle, Alexander and Stian Kjeksrud. **“Military Planning and Assessment Guide for the Protection of Civilians.”** Norwegian Defense Research Establishment (FFI). (16 May 2014). <https://www.ffi.no/en/publications-archive/military-planning-and-assessment-guide-for-the-protection-of-civilians>.

- A practical guide for military staff officers involved in the planning, execution and assessment of military operations where PoC is an objective. The guide aims to address the “implementation gap” on how PoC is operationalized.

United Kingdom

“UK Approach to Protection of Civilians in Armed Conflict.” Policy Paper, Ministry of Defence. (August 2020). <https://www.gov.uk/government/publications/uk-paper-on-the-approach-to-protection-of-civilians-in-armed-conflict/uk-approach-to-protection-of-civilians-in-armed-conflict>.

- This update on UK policy builds on the PoC strategy paper published in 2010 (listed below). This policy frames PoC largely in the context of international law, stating that “the UK is clear that existing IHL provides the appropriate framework to afford the right level of protection to civilians when rigorously implemented.” The policy defines protection in the context of armed conflict as “all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law... the goal of protection is to improve the safety of civilians by limiting their exposure to violence, abuse, coercion, exploitation and deprivation and the threat thereof.”

“JSP 1325: Human Security in Military Operations, Part 1: Directive.” Ministry of Defense. (January 2019). https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/770919/JSP_1325_Part_1_2019_O.pdf.

- This policy directs the UK Armed Forces “to implement UNSCR 1325 and the follow-on Security Council Resolutions relating to women, peace and security along with the wider protection of civilians’ concerns such as children in armed conflict and human trafficking.” The policy defines PoC as including physical protection from imminent violence, the provision of basic necessities, and protection from human rights violations. The policy calls PoC a moral, political, legal, and strategic priority for all military operations.

“JSP 1325: Human Security in Military Operations, Part 2: Guidance.” Ministry of Defense (January 2019). https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/770922/JSP1325_Part2.pdf.

- Provides guidance to the policy set out in Part 1.

Tabrizi, Anisef Bassiri, Amanda Brydon, and Ewan Lawson. **“The UK Strategy on Protection of Civilians: Insights for the Review Process.”** RUSI Whitehall Report 2-19. Royal United Services Institute and Save the Children. (September 2019). <https://rusi.org/publication/whitehall-reports/uk-strategy-protection-civilians-insights-review-process>.

- This report provided insight and recommendations to officials reviewing the UK’s 2010 ‘Strategy on the Protection of Civilians in Armed Conflict’. The report emphasizes the need for a new strategy to adopt a streamlined definition of PoC across government institutions, citing that it is unclear how the UK’s ‘human security’ agenda will link into the PoC strategy and the implementation of civilian protection by the UK more broadly. Those interviewed for the report with a military background noted that the 2010 PoC strategy failed to translate into a document with specific guidance for implementers and ministry of defence personnel on the ground. It was seen as a policy document that did not translate to influencing operational design.

United States

“Peace Operations – Joint Publication 3-07.3.” Joint Chiefs of Staff. (1 March 2018). <https://fas.org/irp/doddir/dod/jp3-07-3.pdf>.

- This joint doctrine to plan, execute, and assess peace operations acknowledges that PoC is often one of the key tasks in the mandates of modern peace operations. It defines PoC as efforts that reduce civilian risks from physical violence; secure their rights to access essential services and resources; and contribute to a secure, stable, and just environment for civilians over the long term.”
- *Appendix B: Protection of Civilians* states that PoC is “an important legal, military, diplomatic, political, and moral consideration” during military operations. Regardless of an operation’s primary objective, joint forces are likely to protect civilians in two general ways: (1) avoid civilian harm; (2) perform deliberate actions to protect civilians.

“Protection of Civilians Military Reference Guide.” U.S. Army Peacekeeping and Stability Operations Institute (PKSOI). Second Edition. (January 2018). <http://publications.armywarcollege.edu/pubs/3520.pdf>.

- This PKSOI publication is intended for military commanders and staff who need to consider PoC during operations. The guide can also be used as a PoC training textbook.
- PoC is defined as “efforts to reduce civilians risks from physical violence, secure their rights to access essential services and resources, and contribute to a secure, stable, and just environment for civilians over the long-term.”

“Department of Defense Law of War Manual.” Office of General Counsel, Department of Defense. (June 2015, Updated December 2016). <https://dod.defense.gov/Portals/1/Documents/pubs/DoD%20Law%20of%20War%20Manual%20-%20June%202015%20Updated%20Dec%202016.pdf?ver=2016-12-13-172036-190>.

- This Department of Defense-wide manual aims to provide information on the law of war to DoD personnel responsible for implementing the law of war and executing military operations. PoC is specifically referenced in several chapters and is generally invoked as the need to mitigate civilian harm and civilian casualties.

“Protection of Civilians: ATP 3-07.6.” Headquarters, Department of the Army. (October 2015). <https://armypubs.us.army.mil/doctrine/index.html>.

- This U.S. Army publication defines PoC as efforts to protect civilians from physical violence, secure their rights to access essential services and resources, and contribute to a secure, stable, and just environment for civilians over the long-term. PoC incorporates sub-categories of civilian casualty mitigation, mass atrocity response operations, and conflict-related sexual violence.

ENDNOTES

- 1 North Atlantic Treaty Organization, (Warsaw: June 2016).
- 2 “NATO 2030: United for a New Era,” North Atlantic Treaty Organization, November 25, 2020, https://www.nato.int/nato_static_fl2014/assets/pdf/2020/12/pdf/201201-Reflection-Group-Final-Report-Uni.pdf.
- 3 Ibid.
- 4 Interview by author, September 18, 2020.
- 5 Article 5 of the Washington Treaty states that an armed attack against one NATO ally will be considered an attack against all.
- 6 “‘Troops in Contact’: Airstrikes and Civilian Deaths in Afghanistan,” Human Rights Watch, September 8, 2008, <https://www.hrw.org/report/2008/09/08/troops-contact/airstrikes-and-civilian-deaths-afghanistan>.
- 7 Interview by author, September 22, 2020.
- 8 Interview by author, October 26, 2020.
- 9 “Unclassified Tactical Directive” (NATO/ISAF, July 6, 2009), https://www.nato.int/isaf/docu/official_texts/Tactical_Directive_090706.pdf.
- 10 Jennifer Keene, “Civilian Harm Tracking: Analysis of ISAF Efforts in Afghanistan” (Center for Civilians in Conflict, 2014), https://civiliansinconflict.org/wp-content/uploads/2017/09/ISAF_Civilian_Harm_Tracking.pdf.
- 11 Steven Hill and Andreea Manea, “Protection of Civilians: A NATO Perspective,” *Utrecht Journal of International and European Law* 34, no. 2 (November 22, 2018): 146–60, <https://doi.org/10.5334/ujel.461>.
- 12 Interview by author, August 25, 2020.
- 13 “Resolution 1973, S/RES/1973” (United Nations Security Council, March 17, 2011), <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N11/268/39/PDF/N1126839.pdf?OpenElement>.
- 14 “The Kigali Principles on the Protection of Civilians,” Global Centre for the Responsibility to Protect, accessed February 19, 2021, <https://www.globalr2p.org/resources/the-kigali-principles-on-the-protection-of-civilians/>.
- 15 Interview by author, August 20, 2020.
- 16 Interview by author, September 18, 2020.
- 17 Interview by author, September 21, 2020.
- 18 Interview by author, August 6, 2020.
- 19 Interview by author, August 19, 2020.
- 20 North Atlantic Treaty Organization, *NATO Policy for the Protection of Civilians* (Warsaw: June 2016).
- 21 Interview by author, September 22, 2020.
- 22 North Atlantic Treaty Organization, *NATO Policy for the Protection of Civilians* (Warsaw: June 2016).
- 23 “Steadfast Jupiter-Jackal 2020, NATO’s Largest Command Post Exercise This Year, Begins,” December 1, 2020, <https://www.jwc.nato.int/articles/steadfast-jupiter-jackal-2020-begins>.
- 24 Interview by author, September 16, 2020.
- 25 Interview by author, September 2, 2020.
- 26 See Annex.
- 27 Interview by author, September 18, 2020.
- 28 Interview by author, October 26, 2020.
- 29 Ibid.
- 30 Interview by author, September 28, 2020.
- 31 Interview by author, August 19, 2020.
- 32 Interview by author, August 6, 2020.
- 33 Beatrice Godefroy, “NATO’s New ‘Human Security’ Umbrella: An Opportunity for Better Civilian Protection?,” *Center for Civilians in Conflict* (blog), December 4, 2019, <https://civiliansinconflict.org/blog/nato-human-security-umbrella/>.

34 Interview by Author, August 6, 2020.

35 The term “Human Security” was first used in the United Nations Development Programme’s (UNDP) 1994 *Human Development Report* and included seven categories: economic security, food security, health security, environmental security, personal security, community security, and political security.

36 Interview by author, September 18, 2020.