





# PROTECTION OF CIVILIANS

ACO HANDBOOK

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## BRICE HOUDET

Lieutenant General, FRA A  
Vice Chief of Staff

2019 was an important year for the Protection of Civilians for SHAPE as we celebrated key milestones that advanced the Protection of Civilians agenda. Seventy years ago, in the aftermath of World War II, the Geneva Conventions, the foundation of the international humanitarian law, were officially promulgated. Twenty years ago, in 1999, the United Nations (UN) Security Council endorsed Resolution 1265, the first Resolution focused on the issue of Protection of Civilians in armed conflict, and authorised UN peacekeepers to protect civilians under threat of physical violence. Since then, the Protection of Civilians has been at the centre of the UN Security Council's agenda.

While the Protection of Civilians agenda advances, we recognise that civilians are still the ones who pay the highest toll during armed conflict. This recognition lies at the basis of NATO's Policy for the Protection of Civilians, endorsed during the Warsaw Summit 2016. The subsequent Military Committee Concept for the

Protection of Civilians, adopted in 2018, represents an additional key document to advance the Protection of Civilians agenda within the Alliance.

This handbook has the overall aim of building a strong Protection of Civilians mind-set and will integrate the NATO Policy for the Protection of Civilians and the Military Committee Concept for the Protection of Civilians in the planning and conduct of Alliance operations.

The protection of the civilian population is a fundamental requirement to achieving long-lasting peace. It is at the core of NATO's values and it is being expressed in and through its operations. It is my hope and conviction that this handbook will support this effort.

Finally, I would like to thank all those who have contributed to the development of this handbook, from across ACO, ACT and from non-NATO entities. Their endeavour and collaboration is greatly appreciated. I would also like to thank Mrs. Clare Hutchinson, Special Representative of the Secretary General for Women Peace and Security and Head of the Human Security Unit, for the support given to Protection of Civilians-related matters writ large.

*"This handbook has the overall aim of building a strong Protection of Civilians mind-set"*

# DISCLAIMER

This document is compiled from a range of NATO and non-NATO sources; full credit is given to the authors. This document will be subject to periodic review to align it with upcoming reference documents and guidance. Feedback and inputs can be reported to SHAPE J9 CL ([SHAPEPDJ9CL@shape.nato.int](mailto:SHAPEPDJ9CL@shape.nato.int))

### 1-1. OVERVIEW

Gaining an understanding of the increasing threat and the effects of armed conflict on civilians, together with the necessity to attain a Protection of Civilians (PoC) mind-set<sup>1</sup> is essential, particularly in the current challenging operational environment. Under the North Atlantic Treaty Organization (NATO) Policy, **PoC (persons, objects and services) includes all efforts taken to avoid, minimize and mitigate the negative effects that might arise 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 physical violence by other actors, including through the establishment of a safe and secure environment**<sup>2</sup>. Thus, PoC includes not only persons, but also all civilian objects, with particular attention paid to those of importance to the population, such as items of religious and cultural heritage, the natural environment, as well as necessary public services linked to civilian critical infrastructure, such as potable water, sanitation, and electricity. Additionally, PoC includes both military and non-military activities, where the military leads certain activities while playing an enabling and/or supporting role on others, to prevent, deter, pre-empt, and respond to situations in which civilians suffer physical violence or are under the threat of physical violence.

### 1-2. Handbook Aim and Objectives

The aim of this Handbook is to support the integration of PoC into the planning and conduct of NATO and NATO-led operations and missions.

The objectives of the Handbook are to:

- a. Support the development of a PoC mind-set, as directed by SACEUR, and the understanding of its impact on mission planning and execution;
- b. Support the application and

implementation of the PoC Policy and of the Military Committee Concept for the PoC in the planning and execution of NATO and NATO-led operations and missions and other North Atlantic Council (NAC)-mandated activities;

- c. Provide information in order to develop the collective knowledge on how to use and incorporate existing PoC concept, doctrine, tools and processes into the planning and execution of NATO operations and missions.

The Handbook is not intended to be prescriptive, but a tool to offer information and advice and to highlight the experiences gained to date through lessons identified and best practices.

### 1-3. Intended Users

This Handbook is designed to be used by all staff elements directly engaged in the planning and execution of NATO operations, across different functional areas within strategic, operational and tactical level Headquarters in NATO. The Handbook should be read in conjunction with the references provided.

### 1-4. Handbook Structure

The Handbook is structured in accordance with the PoC Framework introduced by the Military Committee PoC Concept, focusing on relevant processes and tools to be addressed during the planning and execution in relation to each of the PoC Framework lenses, as well as operational examples and best practices in the application of PoC.

<sup>1</sup>See ANNEX A – PoC Mindset.

<sup>2</sup>While often complementary, the military and humanitarian definitions of protection differ. According to the Inter-Agency Standing Committee (IASC) Policy on Protection in Humanitarian Action (2016), protection encompasses “... 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 (i.e. International Human Rights Law (IHRL), International Humanitarian Law (IHL), and International Refugee Law (IRL))”.



## PoC IN MILITARY OPERATIONS

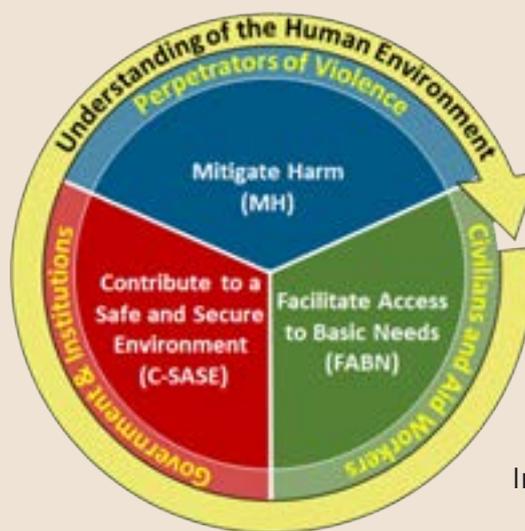
### 2-1. PoC Framework

The PoC Framework is comprised of four elements. They emphasise the need for a comprehensive and continuous assessment process aimed at generating sufficient awareness across all domains. This provides for the first element of the framework, Understanding the Human Environment (UHE)<sup>3</sup>, which is enabled by the other three elements. These are distinct, but interrelated thematic lenses focused on key PoC issues and actors:

**a.** Mitigate Harm (MH), focused on Perpetrators of Violence and their victims;

**b.** Facilitate Access to Basic Needs (FABN), focused on Civilians, Civil Society and Aid Providers;

**c.** Contribute to a Safe and Secure Environment (C-SASE), focused on the Local Government and Institutions.



**Figure 1. PoC Framework**

UHE enables the overall understanding of a crisis by emphasising a “**population-centric**” view, focusing on the **population’s perception in regards to the safety and security of their environment, including what they perceive as threats.** This could include, for example, a population threat assessment (threat against the population)

<sup>3</sup>“Human Environment” (HE) is used in the PoC Concept to complement the term “Civil Environment” (CE). While both share many things in common, CE is viewed as the civil component of the overall assessment of the Operational Environment or Engagement Space. As such, it only focuses on the civil dimension of the environment, to include civilian actors. In contrast, HE includes all aspects of the broader human domain focusing on how all humans interact with their environment, especially each other. Therefore, it includes non-civil aspects of the environment, such as the military and irregular armed groups. This distinction is necessary as Perpetrators of Violence can be both military and civilian. Additionally, HE emphasises a ‘population-centric’ perspective, while CE is often done from a “military-centric” perspective.

versus (or in addition to) the traditional threat assessment (threat against the Force), as well as assessments of the population's vulnerabilities, strengths and resiliencies. MH, FABN, and C-SASE can be used as thematic lenses to support the development of overall UHE in providing comprehensive situational awareness, in addition to traditional planning and assessment of operations.

The PoC Framework encourages proactivity in the identification and addressing of PoC issues. The three thematic lenses help inform the planning process by providing the focus on specific PoC issues and actors, thus helping organise and shape the collection, processing, and dissemination of information necessary to meet the requirements for UHE.

As lines of effort, MH, FABN and C-SASE are enabled by UHE and can be used to aid the conduct of operations and to effectively deal with the multifaceted nature of protection. The balance between the three lines of effort will change in the course of an operation based on assessments informed by the UHE process.

**The PoC Framework must be considered as a whole not as individual elements or as a linear or sequential framework.** Although each of the PoC lenses is unique, with each focusing on a particular group of actors having an impact on causing or mitigating harm against civilians, when combined the lenses provide a holistic picture of the operational area from a civilian protection perspective. Applied in isolation, each line of effort will likely have limited positive or potentially detrimental effects as it will fail to take into consideration all of the operational factors and relevant actors required to identify and address the sources of a crisis.

The timing and sequencing of PoC actions depends on the specific mission to which this framework is being applied. Understanding how the human environment is changing over the course of the operation is critical to the outcome of PoC objectives. If NATO focuses only on short-term activities, for example only on MH, then long-term aspects of the mission, such as C-SASE, might fail. In other words, any actions taken under MH should be considered against any associated C-SASE or FABN activities. To improve the chances for both short and long-term success, these lines of effort can be used to comprehensively address a crisis or conflict.

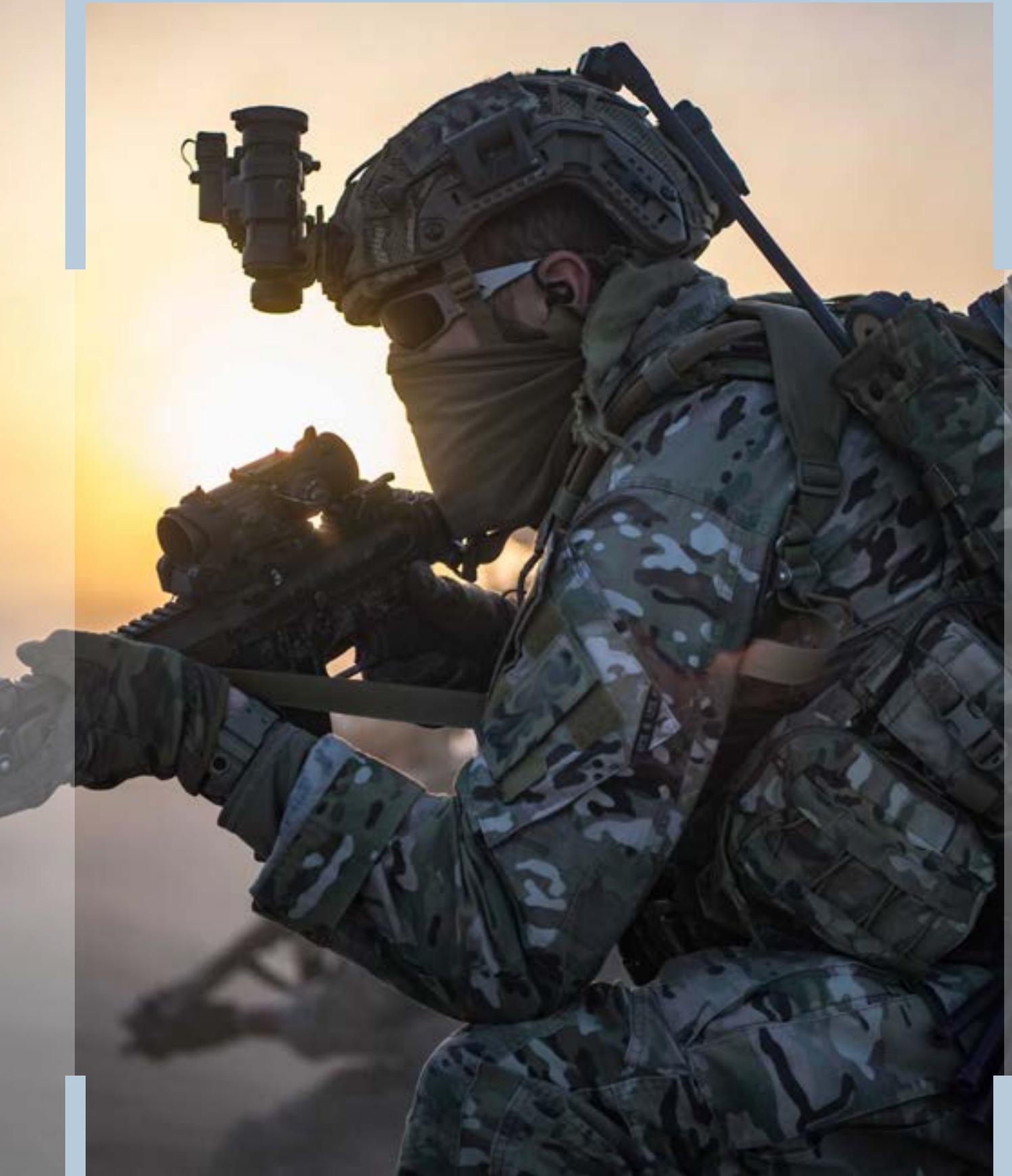
Finally, it must be understood and emphasised that, while these elements/lenses are clearly defined in the PoC Framework to facilitate understanding of these distinct functions, the boundaries between these elements are flexible as they are interrelated and, therefore, most issues will span across more than one of them. For example, the NATO anti-piracy mission off the coast of Somalia was a classic case of this. At the most basic level, piracy harms the population of the region by limiting the freedom of movement of humanitarian goods. It also had a negative economic impact that inhibited development, thus further harming the long-term prospects for people in the region. This threat called for a holistic approach to resolve this PoC issue. This was not something that could simply be addressed through MH, FABN or C-SASE lines of effort alone. In this case, NATO forces 1) engaged pirates at sea and on shore to stop their activities (MH) 2) patrolled and escorted cargo ships to deter further attacks and facilitate access to the flow of goods (FABN) and 3) contributed to the development of maritime security by providing regional capacity building to transfer counter piracy efforts from the International Community to Somalia and other regional states (C-SASE).

## 2-2. Importance and Relevance of PoC for the Military

NATO forces need to be prepared for asymmetrical/hybrid clashes against both state and non-state actors. Operations may be conducted amongst the population, for example in urban areas. Other actors may not abide by international laws and may actively use civilians as shields or weapons. In this environment, mission success, credibility and legitimacy are closely linked to the protection of civilians.

Lack of consideration for PoC or PoC-related issues will have a negative impact on the overall mission and will hinder consideration of the root causes of the conflict or crisis, jeopardising its success and long-term stability in the conflict or crisis area. **PoC failures will generate negative strategic effects and their consequences will reverberate at all levels of command. PoC is therefore key for mission success and legitimacy.**

Operations conducted in permissive environments, such as support to disaster relief operations, have PoC implications in relation



**A U.S. Army Special Forces soldier secures the perimeter at an undisclosed location in Afghanistan in support of Resolute Support, Feb. 29, 2020. RS is a NATO-led train, advise, and assist mission seeking reconciliation and peace for Afghanistan.**

to C-SASE and FABN, but may also require military force to protect civilians from both direct and indirect harm due to the effects of banditry, looting and vandalism<sup>4</sup>. Non-permissive environments are more likely to emphasise the MH aspects of PoC.

**PoC considerations are an integral part of all crises and conflicts, even when a NATO mission does not have an explicit PoC mandate provided by the NAC that encompasses all aspects of the PoC concept.**

There is a distinction that needs to be made based on the mission mandate when it comes to the application of PoC. One should be aware, that a mandate stemming from a United National Security Council Resolution (UNSCR) is likely to include specific PoC activities. In that case, the NAC-approved PoC policy and concept remain applicable, as they are to all NATO mission and activities<sup>5</sup>. PoC remains an underlying part of the mission mandate, understood as a necessary means of conducting operations. This is not only due to moral, legal and political imperatives, but also to pragmatic military objectives and understanding that the support of the population, both within NATO countries and in the area of operation, is usually required to succeed. Therefore, mission success depends on taking into consideration the protection of civilians in the planning and conduct of operations and at every stage of the crisis and/or conflict, including during transition. During the planning of operations, long term support and an exit strategy must be considered, in order not to create dependencies and to ensure a smooth transition as forces draw down and are no longer able to provide physical protection, for example by supporting the build-up of Host Nation (HN) capabilities and avoiding the potential for a “vacuum of power” that may endanger the long-term protection of civilians.

While it is recognised that it is not possible to fully guarantee safety to all civilians in conflict, not taking into consideration the protection of the civilian population will lead to a loss of credibility and legitimacy

both internationally and within the Theatre of Operation (TOO), not only in the eyes of the local population and the international community, but also at home and, ultimately, could have a detrimental effect on Force Protection (FP) and operational effectiveness.

### 2-3. PoC and Cross-Cutting Topics

The Military Concept for the Protection of Civilians provides an overarching frame of reference for NATO Cross-Cutting Topics (CCTs), such as Children and Armed Conflict (CAAC), Conflict Related Sexual Violence (CR-SV), Women, Peace and Security (WPS), Cultural Property Protection (CPP), and Building Integrity (BI).

**These CCTs need to be considered in a coherent and integrated manner during the planning and execution of operations as they are interdependent.** For example, increased sexual violence could be an indicator for greater violence and mass atrocities against civilians. Consideration on how to establish standing procedures, specific monitoring, assessment, reporting and/or mitigation mechanisms with this interdependency in mind will aid identification of these factors.

### 2-4. Legal Framework

NATO's approach to PoC is based on legal, moral and political imperatives. Although NATO itself is not a signatory to international treaties NATO nations are bound by the treaties they have ratified and the relevant applicable international law and standards established in customary law along with their own national legislation. For this reason, all NATO and NATO-led operations, missions and other Council-mandated activities are conducted within a clearly defined legal framework. The legal framework will vary depending on whether the operation takes place within a peacetime environment, in a crisis situation or in an armed conflict.

In peacetime, the legal framework is generally encompassed by domestic law – especially HN law – and International Human Rights

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<sup>4</sup>Although military force may be required, police forces with military status such as Stability Policing may be best suited than regular military forces to address this type of law enforcement activities.

<sup>5</sup>It should be noted that the current conflict dynamics and style of mandates that have been recently handed out by the UN Security Council (UNSC), have called explicitly for Protection of Civilians as a core component for UN peacekeeping missions.

Law (IHRL). In a developing crisis, emergency powers may be enacted, based on national political decision, to authorise certain activities or allow for derogations to be made to the existing domestic and applicable human rights law. In armed conflict, the legal framework will be derived from IHL,<sup>6</sup> customary international law and IHRL, as applicable.

It follows that all NATO military personnel (commanders and troops alike), whether operating in peace, crisis or conflict, must comply with the applicable law and understand what their legal obligations are regarding the protection of the civilian population, civilians, civilian objects and services. **Above all, it must be understood that civilians are protected by the law at all times – unless and for such time as they take a direct part in hostilities (DPH) during an armed conflict – in which case they will lose their protected status.** In the conduct of NATO military operations, commanders must ensure that the obligation to protect civilians, civilian objects and services is duly respected.

## 2-5. PoC Application to NATO's Three Core Tasks

PoC is relevant to NATO's Three Core Tasks – Collective Defence, Crisis Management, and Cooperative Security – and is applicable to all NATO and NATO-led operations and missions.<sup>7</sup> Thus, PoC must be considered in the planning for all operations and at every stage of the planning process, although different considerations will have to be made depending on the phase considered.

There may be differences in NATO's role in protecting civilians and, therefore, how PoC is applied will likely vary in different types of operations. These will include Article 5 operations and missions, Non-Article 5 Crisis Response Operations (NA5CRO) and other NATO missions. The Alliance's role will be dependent on mission mandate and capabilities. Furthermore, the responsibility for protecting

civilians rests primarily with the Host Nation (HN).<sup>8</sup> NATO forces can be expected to play a major role in the military-centric MH line of effort, while playing more of a supporting role in the primarily non-military FABN and C-SASE lines of effort. The requirement to assume a more primary role in FABN and C-SASE will be operationally driven and usually conducted only on an interim basis or as a means of last resort (in the cases of humanitarian assistance). This intervention will only occur if the HN does not have capabilities and/or capacity or if no other local or international actors are willing and/or able to perform this function.

## 2-6. PoC and Strategic Communications

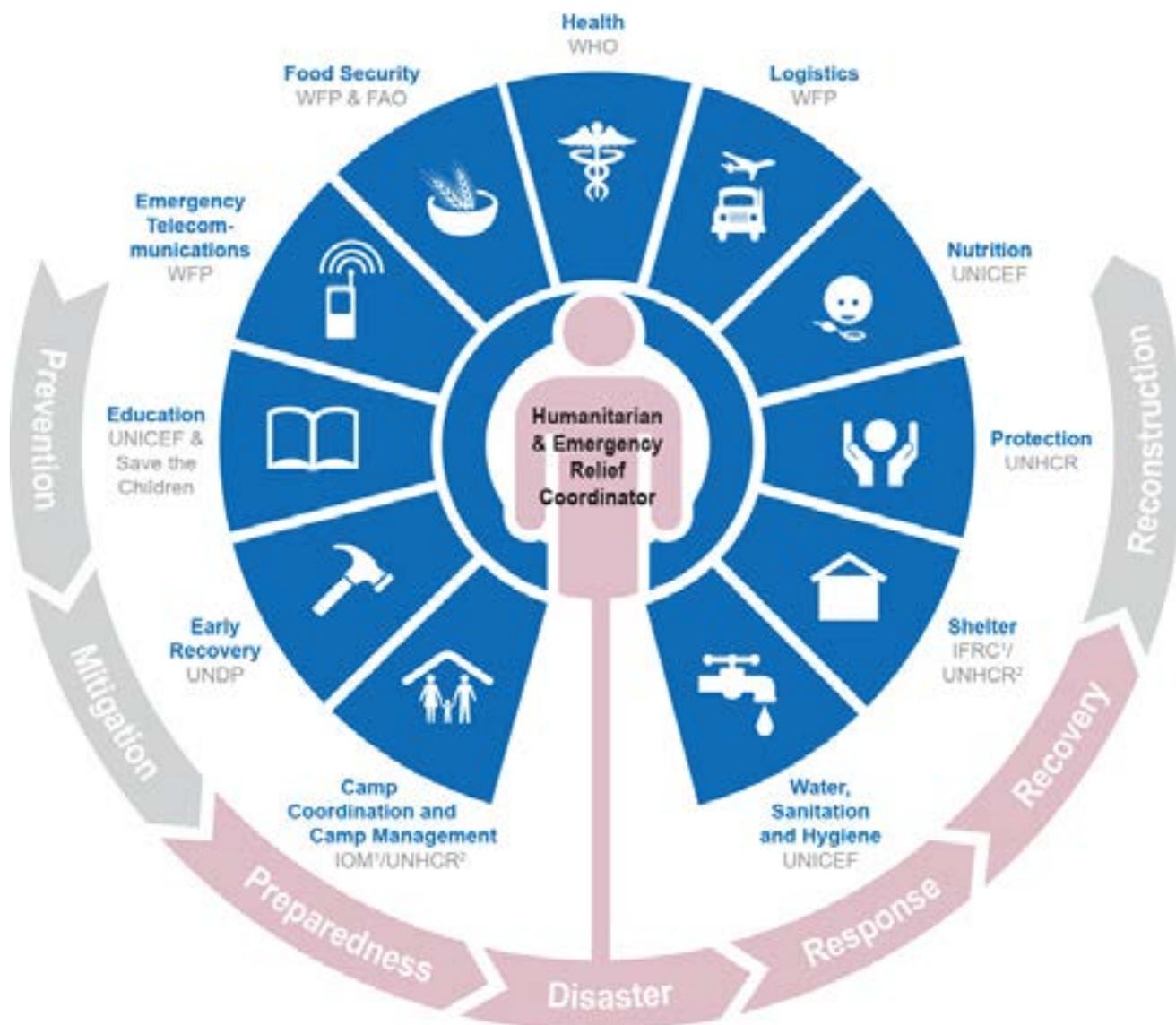
PoC is a tangible expression of NATO's commitment to its core values and therefore becomes a critical, and arguably central, element in NATO's overall Strategic Communications (StratCom) effort. StratCom is key to strengthening Alliance cohesion and national resilience in home audiences. Additionally, StratCom efforts across the relevant civil and military domains work to identify and prevent hostile disinformation and propaganda activity to help manage and counter their effects on home audiences. Every activity NATO undertakes, or chooses not to undertake, has a significant impact on communications; this is especially relevant with PoC. **Controlling the PoC narrative will likely be a central theme of future conflicts (e.g. which side of a conflict has legitimacy with the civilian population, both domestically and within the conflict zone).** In this context, PoC and StratCom have supported and supporting relationships with one another; PoC is critical to the legitimacy of the NATO narrative and properly conducted StratCom is needed to achieve PoC aims. Planners and operators working on PoC issues should work closely with their colleagues within the StratCom disciplines, in particular Public Affairs and Psychological Operations who can leverage information activities for maximum PoC effect.

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<sup>6</sup>IHL is also referred to as the Law of Armed Conflict (LOAC).

<sup>7</sup>In the event of an Article 5 operation conducted within the Alliance's territory, the way in which UHE is conducted will be impacted, as information collection will be a responsibility of the HN. During Article 5, considering the adherence to the Seven Baseline Requirements of Resilience through civil preparedness will help a better understanding of the human environment. The Seven Baseline Requirements include: 1. Assure the Continuity of Government and Critical Government Services; 2. Resilient Energy Supply; 3. Ability to Deal Effectively with Uncontrolled Movement of People; 4. Resilient Food and Water Resources; 5. Ability to Deal with Mass Casualties; 6. Resilient Civil Communication System; 7. Resilient Civil Transportation System. Without limiting the use of the Seven Resilience Baseline Requirements, it is important to notice that they have been developed and agreed by NATO nations to assess their own level of resilience.

<sup>8</sup>It must be recognised, however, that at times, the HN itself may be the main threat to the population.



**Figure 2. UN Global Clusters System**

## 2-7. PoC and Other Actors

Protection is a shared, system-wide responsibility and, therefore, it involves and requires contributing actions from multiple actors in the international community beyond the military, including law enforcement agencies (LEA) such as customs police, border police, coast guard, gendarmerie-type forces, and a broad range of civilian actors. Therefore, much like NATO's contribution to a comprehensive approach in complex crises, NATO PoC recognises that while military actions are essential, military force alone is insufficient to protect civilians from harm in armed conflict.

Every actor has different missions, mandates,

structures and capabilities that provide comparative advantages in different roles. It is important to recognise this and to understand that NATO, alone, does not have the single mandate or full range of capabilities to protect civilians. For instance, the International Committee of the Red Cross (ICRC) plays an important role in protection, not just by taking actions in response to emergency situations, but also as the custodian of IHL.<sup>9</sup> The Global Protection Cluster, led by the United Nations High Commissioner for Refugees (UNHCR), coordinates the protection response and leads standards and policy setting.<sup>10</sup> Within the Protection Cluster framework, protection is sub-divided in four areas of expertise, with designated lead agencies: gender-based

<sup>9</sup>The ICRC's Mission and Mandate, <https://www.icrc.org/en/mandate-and-mission>.

<sup>10</sup>Global Protection Cluster, Protection of Civilians, <http://www.globalprotectioncluster.org/themes/protection-of-civilians/>.

violence (United Nations Populations Fund - UNFPA), child protection (United Nations Children's Fund - UNICEF), mine action (United Nations Mine Action Service - UNMAS) and land, housing and property rights (Norwegian Refugee Council - NRC). The sub-clusters are activated in the field as needed. In addition, the United Nations Office on Drug and Crime (UNODC) delivers technical assistance in various corruption-related thematic areas such as prevention, education, asset recovery, integrity in the criminal justice.

*Every actor has different missions, mandates, structures and capabilities that provide comparative advantages in different roles.*

**An understanding of roles, responsibilities and capabilities of different actors can facilitate coordination and de-confliction in the field and contribute to effectively protecting civilians.**



**Figure 3. UN Protection Cluster**



## UNDERSTANDING THE HUMAN ENVIRONMENT (UHE)<sup>11</sup>

### 3-1. Description

UHE provides a “population-centric” perspective that complements existing processes used to understand the operational environment. It looks beyond governmental and military perspectives that are focused on parties to the conflict/crisis as it complements the picture by adding a civilian angle to these views through the use of the MH, FABN and C-SASE lenses. This is essential as the Military is traditionally very good at assessing the “red” picture,<sup>12</sup> i.e. opposing forces, and the “blue” picture, i.e. friendly forces, which is insufficient in current operational environments. This requires also gaining an understanding of the “green” picture,<sup>13</sup> i.e. population perspective.

Understanding the crisis area is essential to inform decision-making in all phases of operations. **In order to protect civilians, the unique characteristics of the population within the operating environment have to be considered during the decision making process, to include their culture, history, demographics, strengths, informal power structures such as**

### **religious and non-governmental leaders and influencers, resiliencies and vulnerabilities.**

Within crisis response operations, this also includes identifying the sources of instability and drivers of conflict. UHE is the necessary first step for the successful integration of PoC considerations into the planning and conduct of NATO and NATO-led operations, missions and other NAC-mandated activities.

This function contributes to the Knowledge Development (KD) process by addressing the critical need for information pertaining to the human environment (domain, cultural, institutional, technological, economic, and physical factors). This is achieved through a continuous process of observation, perception and interpretation of a conflict/crisis that provides decision-makers with the context, insight and foresight to enable them to comprehend how best to approach a situation within the constraints of their mandate and force capability.<sup>14</sup> In addition, the Information and Knowledge Management (IKM) process leverages both tools and techniques to harness the vast

<sup>11</sup>Acknowledging that staff procedures may vary between echelons of command, the processes outlined in this section represent a generic list that will require tailoring in order to suit the specificities of each Command’s Battle Rhythm.

<sup>12</sup>Perpetrators of violence may not necessarily be part of the ‘red’ picture, as, although they may be a threat to the population, they may not be considered as a threat or an opposing force to the military.

<sup>13</sup>In this document the term “white picture” refers to actors outside of the NATO force structure and outside of the opposing forces structure such as IOs, NGOs, HN. The term “green picture” refers to the civilian population’s perception of security and threats. The terms “red picture” and “blue picture” are widely recognised military terms which define the adversary forces and the friendly forces respectively.

<sup>14</sup>The requirements, capabilities and limitations to conducting UHE-related processes differ between an Article 5 operation and a NA5CRO, when operating in a non-NATO nation.

amount of data and information available and transform unprocessed and disaggregated data, in order to create knowledge and understanding. Done properly, IKM enables crisis managers to focus on managing the crisis versus spending time managing information on that crisis. Furthermore, without a good IKM process, existing information to support UHE could be lost or not disseminated to relevant personnel.

In order to obtain up-to-date information and a holistic perspective of the human environment active interaction, engagement and coordination with relevant actors is required to develop the necessary relationships, build trust and therefore encourage information sharing to take place.

In UHE, as well as in the application of the other lenses of the PoC framework, the creation of integrated in-theatre teams of NATO and non-NATO personnel could be considered. The creation of such teams will have to be authorised on a case-by-case basis by the security authority of the NATO mission.

Part of UHE is recognising the complexity and dynamic nature of the Human Domain. UHE is a continuous process that needs to be proactive/pre-emptive in nature, supporting overall Situational Awareness (SA), the development of an initial understanding of a crisis, as well as KD. This is done through:

**a. Persistent Monitoring and Assessment**, in order to inform decision-makers with the most relevant and up-to-date information, while also recognising that **much of the knowledge and expertise of this environment resides outside of traditional military spheres of information**. Therefore, this task requires the use of both military and civilian capabilities (human and technological) to systematically search, identify, collect, process (manage and analyse), and disseminate relevant operational information to decision-makers. This could include a systems perspective, across the PMESII<sup>15</sup> domains, focusing on potential

adversaries, friendly and neutral actors; a threat assessment broadened to include population centric protection; or mission security threats and risk assessments. UHE also informs the development of Information, Intelligence and Knowledge Requirements, as well as Critical Operations and Support Requirements. UHE provides information and analysis that includes (but is not limited to) the following:

1. Crisis/Conflict Environment:
  - Operational Domains (Air and Space, Land, Sea, and Cyberspace)
  - Human Domain (Political, Economic, Social, Culture, Institutions, Informal Power Dynamics, Technology)
  - Physical (Geography, Climate, Natural Resources, Infrastructure)
  - Information Environment
2. Crisis/Conflict Dynamics:
  - Mission/Mandate: Operational Objectives and Constraints
  - Type of Crisis/Conflict
  - Applicable Legal Framework
  - Effects of Operations
  - Vulnerabilities, Threats, Risks and Opportunities
  - Humanitarian Needs Assessments.
3. Crisis/Conflict Actors: Demographic (Age, Sex, Gender, Race, Physical ability, Language, etc.) assessment of the population,<sup>16</sup> including:
  - Perpetrators of Violence – including their motivation, strategies and tactics, and capabilities. This group also comprises “Spoilers who use violence to undermine local authorities and hinder conflict settlement;
  - Civilians – including those most vulnerable (for example those with disabilities<sup>17</sup>, older people, gender

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<sup>15</sup>PMESII: Political, Military, Economic, Social, Infrastructure and Information.

<sup>16</sup>A population (actor) analysis will not only identify the local groups, but also provide insight on the targeted groups, and needs, strengths and weaknesses of the population.

<sup>17</sup>On 20 June 19 the Security Council adopted resolution 2475, its first-ever resolution calling upon Member States and parties to armed conflict to protect persons with disabilities in conflict situations and to ensure they have access to justice, basic services and unimpeded humanitarian assistance. The Council emphasised the need for States to end impunity for criminal acts against civilians, including those with disabilities, and to ensure they have access to justice and effective remedies, and as appropriate, reparation. The Council further urged States to enable the meaningful participation and representation of persons with disabilities, including their representative organisations, in humanitarian action and in conflict prevention, resolution, reconciliation, reconstruction and peacebuilding. The Council also urged Member States to take steps to eliminate discrimination and marginalisation on the basis of disability in situations of armed conflict, urging States parties to comply with their obligations under the 2006 Convention on the Rights of Persons with Disabilities.



**Local Afghan women and children gather around female U.S. Army soldiers in Sarobi district, Kabul province, Afghanistan, Dec. 6, 2013. Female soldiers met with the local populace in order to address general concerns in their villages.**

groups) or most at-risk (individuals with any attribute, characteristic or exposure that increases the likelihood of harm, i.e. in some cases military aged males may be most at risk, in other cases it could be women gathering firewood). War and conflict affect different groups disproportionately. Vulnerability is context driven and will vary from one operation to another. In some conflict areas, the most vulnerable group could be military aged males. Therefore, it is essential to understand the different security needs and concerns of different groups, to include distinctions between men, women boys and girls;

- Local Authorities - including their ability to protect the population;
- Media and other “Influencers” - activities of populations will be influenced by information actors within and exterior to the conflict zone. While the digital age has “democratised” information, some voices will inevitably be louder than others and will use their position to their own advantage;
- International Actors - including international organisations, non-governmental organisations, the International Red Cross and Red Crescent Movement, governments and governmental organisations and private sector entities;
- Cross-cutting Topics (CCTs) - a range of different topics which have a significant impact on all missions. Different military disciplines, branches and command levels may have to consider and deal with a variety of CCTs throughout an operation. NATO’s approach to CCTs is based on legal and political imperatives. The common denominator of all CCTs is that they overlap each other and have far reaching effects in different areas of (civil) society. They are strongly influenced by culture and require military and non-military stakeholders to work together. To do so, characteristics of CCTs need to be identified and analysed within the context of the civil environment/ operating environment.

**b. Civil-Military Interaction (CMI).** CMI is the primary means for military forces to expand their knowledge networks and develop shared situational awareness, as well as develop an understanding of the human and natural environment with other relevant actors in the engagement space. **This is essential for military forces, as the HN governmental actors, local civilians, and international actors that have been operating on the ground have in depth knowledge and experience of the crisis area.**

Thus, interaction with other actors in the crisis area is highly important for UHE, particularly in regards to understanding the needs, dependencies, vulnerabilities and resiliencies of the population. Specific information requirements identified by the use of the three PoC lenses will inform the identification of requirements for interaction with relevant international and national actors and support the overall conduct of CMI. CMI supports UHE through the following activities:

1. Relationship Building: Engagement with key leaders and other relevant local and international actors in the conflict/crisis area to develop relationships and build trust and transparency that will encourage better coordination and information sharing. This requires an understanding of the differences between organisations and their mandates, structures, culture, language, and capabilities. This includes engagement with formal and informal leadership structures such as elected officials, tribal or clan leaders, religious leaders, civil society organisations, women’s organisations and youth groups as appropriate. This interaction will enhance regional understanding and situational awareness, and better inform decision-makers of local strengths, limitations, vulnerabilities and perceptions.
2. Information Sharing (IS), which is based on the willingness and ability to exchange information between those actors involved and both are required for this relationship to work. The “willingness to share” is usually founded on mutually beneficial relationships based on respect, trust and common goals. The “ability to share” is usually dependent on the established organisational policies, procedures and legal constraints of those involved, but may be impacted by whether the crisis occurs in a permissive

versus a non-permissive environment.

### 3-2. UHE in Planning and Execution

Consistent UHE throughout all phases of the mission is a key element as it underpins and provides guidance to planners on how to properly understand the operational space. To do so, a number of questions should be considered, reviewed and updated throughout the planning and conduct of operations, including<sup>18</sup>:

- What are the key protection concerns issues in the Area of Responsibility (AOR)? To include:
  - Main actors that threaten or pose a potential threat to civilians?
  - Actors being threatened?
  - Main protection actors
- What is the composition of the civilian population? To include:
  - Demographics - age, race, gender, etc.
  - Social Groups - ethnicity, religion, etc.
  - Social Structure - literacy, education, urban, rural, class, caste, etc.
  - Which are the religious groups present in the AOR and which are their functions?
  - Which actors of the international community does NATO have to talk to/link with to achieve own PoC objectives/goals?

The main processes to be considered under UHE during the planning and execution of an operation are:

- a. **Development of the Comprehensive Preparation of the Operational Environment (CPOE)**, which is crisis-specific and supports the development of a comprehensive understanding of the operational environment. This understanding should include a systems perspective, across the PMESII domains, focusing on potential adversaries, friendly and neutral actors; a population-centric perspective of the crisis; threat assessments broadened to include population-centric protection; as well as mission threat and risk-based analysis.
- b. **Development of Initial Analysis, Factor Analysis and the Centre of Gravity (CoG)**<sup>19</sup>

**Analysis.** The initial and factor analysis provide a strategic-level appreciation of the crisis, with the identification of the problem, main actors, key factors, including strategic environment and PMESII factors, as well as potential threats and risks. This initial understanding of the crisis will also help identify knowledge gaps and, consequently, information, intelligence and knowledge requirements. **From a PoC perspective, the strategic appreciation of the crisis can help highlight any specific threats to civilians in the crisis area. This assessment will include those actors that do not represent a threat to the force, which is the innovative aspect of the population threat assessment, as well as determine potential military options to protect those civilians.** Once this initial understanding of the crisis is developed, continuous monitoring, assessment and reporting needs to be conducted to both further refine the understanding of the problem and to address any developments or changes in the crisis environment. The CoG Analysis will help identify critical capabilities, vulnerabilities and requirements for military and non-military actors in the operational environment in order to establish what can be utilised and what should be protected.

- c. **Environmental Protection (EP) Considerations.** The aim of EP planning is to identify potential environmental issues and take reasonable actions that either sufficiently reduce or eliminate them while still meeting operational or training objectives. Early and continuous appreciation of EP factors during military planning will assist in avoiding or mitigating adverse effects of military actions to civilians. Effective environmental planning necessitates active liaison with HN authorities and civilian population, where possible, to understand local environmental conditions and EP regulations. Thus, HN cooperation with NATO forces should be requested wherever possible to permit the successful conduct of military activities with due regard for EP. Mandatory environmental assessments and documentation will follow the NATO procedures outlined in AJEPP-6 (STANAG 6500). Example of assessments that demonstrate NATO environmental due diligence are:

<sup>18</sup>See Annex D for a more comprehensive list of questions and considerations.

<sup>19</sup>See Annex E for definition of Centre of Gravity.



**Col. Alber Rivera from U.S. Army Reserve Affairs, Afghanistan shakes hands with Director Adviser to the Director of Agriculture, Irrigation and Livestock (DAIL) Frhadi Foroq following a successful Key Leader Engagement to the DAIL compound in Farah City. PRT Farah’s mission is to train, advise and assist Afghan government leaders at the municipal, district and provincial levels in Farah province, Afghanistan.**

- Environmental Baseline Study (EBS). This study will identify the existing environmental conditions for an area used by NATO forces, such as a camp. To best determine NATO responsibilities for environmental damage at a location, an EBS should be conducted early in the deployment stage and then upon closeout, during the closure/handover/transition phase. At this later stage, an Environmental Closeout Study (ECS) will be developed taking into the account the baseline outlined in the EBS. The information collected during an EBS/ECS needs to be consolidated and shared with the HN or property owner or agent for review.
  - Environmental Impact Assessment (EIA). This assessment is completed for any project or activity undertaken by a NATO force, including construction projects, military activities, and manoeuvres. The primary goal is to determine whether the project will have a negative impact on the environment and the measures which can be taken to mitigate those impacts.
- d. **In-depth analysis of the crisis situation**, in order to better understand the problem, the overall operational environment and to develop courses of action (COA). An in-depth analysis of the crisis will help identify the key operational factors and centres of gravity that will influence the achievement of the conditions and any risks or threats to the success of the overall mission.
  - e. **COA** should be developed recognising that they are highly dependent on the operational conditions in order to achieve the mission. This requires knowledge and understanding of the operational environment, including opponents’ capabilities and the potential risks posed by their actions in regards to civilians, as well as the consideration of use of both military and non-military actions.
  - f. **Specialised analysis and assessments** with particular reference to understanding the “white” picture, “green” actors and “blue” actors using the PMESII model.

- g. Civil-Military Cooperation (CIMIC) Estimate**, which provides assessment on the civil environment, including mutual impacts, contributes to the OPP and furthers the HQ's battle rhythm and decision making. The CIMIC Estimate is to provide all relevant information available on PoC, thus supporting UHE and planning on MH, FABN and C-SASE.
- h. Common Operational Picture (COP)**, which provides a common view of the operational environment, improving and maintaining situational awareness. The COP includes not only land, maritime, air and cyberspace pictures, but also a civilian picture, which can support and even enhance coordination and de-confliction with different actors in the operational environment.
- i. Maintaining SA**, through the continuous monitoring and assessment of the crisis, review of information, intelligence and knowledge requirements, and sharing of information with relevant actors in the operational environment, as appropriate.
- j. Operational Assessment**, which informs the Commander on the progress of the mission, can support UHE, by providing indications of specific trends within the operational environment. Operations assessment also provides an opportunity to look ahead and consider options for future action. Persistent monitoring and assessment will contribute to identifying if the mission plan needs to be adjusted by measuring the effectiveness of actions in creating desired effects, establishing desired conditions, and achieving objectives.

understanding of the human environment among PRT personnel led, in some cases, to structural issues with a humanitarian impact for the detainees, as follows:

- a.** Prison cells were at times designed for 1 to 2 inmates per cell, a high level of comfort along western standards, but very unsuitable to Afghan standards, where the collective and communal life is essential;

*UHE is a key element as it underpins and provides guidance to planners on how to properly understand the operational space.*

- b.** Shower rooms were designed according to western standards, which were unsuitable to Afghan customs, leading to their rapid deterioration, excessive consumption of water and, ultimately, their shutdown.
- c.** Prisons were at times designed with basic services relying on generators. However, the cost and/or lack of fuel made these services unsustainable, rapidly creating serious humanitarian issues within the prison.

### Urban Environments: Iraq and Syria

In Iraq and Syria, the ability of anti-ISIS coalition forces to mitigate civilian harm has been affected by many factors:

- a.** ISIS tactics of deliberately hiding amongst civilians, and using civilian houses and infrastructure to attack Iraqi and coalition forces, made distinction between civilians and perpetrators challenging;
- b.** During the battle of Mosul, while good practices were used, such as using a combination of sources to verify civilian presence near a target location and using smaller or precision guided munitions, especially in the first phase of operations (east Mosul),<sup>21</sup> these efforts faced limitations, as operations intensified in densely populated Old City in West Mosul. Despite Intelligence Surveillance and Reconnaissance (ISR), it was difficult to track

## 3-3. Practical Examples

### Cultural Differences: Afghanistan<sup>20</sup>

In Afghanistan, during the International Security Assistance Force (ISAF) mission, Provincial Reconstruction Teams (PRT) undertook in some areas the renovation or the building of new prison facilities (led and run by Afghan authorities). Although driven by the ambition to provide Afghans with state-of-the-art facilities along high-quality standards, the lack of cultural awareness and a sometimes-limited

<sup>20</sup>Example provided by ICRC representative.

<sup>21</sup>See Centre for Civilians in Conflict and Interaction, Protection of Civilians in Mosul: Identifying Lessons for Contingency Planning, (October 2017) [https://civiliansinconflict.org/wp-content/uploads/2017/10/civic-interaction-protection-of-civilians-in-mosul-october-2017\\_final.pdf](https://civiliansinconflict.org/wp-content/uploads/2017/10/civic-interaction-protection-of-civilians-in-mosul-october-2017_final.pdf); Centre for Civilians in Conflict, Policy Brief on Protection Challenges in Current Mosul Campaign (February 2017), <https://civiliansinconflict.org/publications/policy/policy-brief-civilian-protection-current-mosul-campaign/>.

patterns of civilians' movements as they sought safe places; many were hiding in basements or abandoned buildings for days when operations intensified;

- c. The coalition lacked sufficient understanding of urban terrain to anticipate the net effect from weapons on old structures, and secondary explosions from ISIS tactics of booby-trapping buildings resulting in civilian harm;<sup>22</sup>
- d. Local forces in Iraq and Syria did not conduct post-strike assessments, to better understand the impact of their operations on civilians and civilian infrastructure. Without this information, the local forces and coalition lacked comprehensive capacity to adjust tactics to reduce civilian harm. While the coalition was tracking civilian casualties, and receiving data from NGOs as well, the tempo of operations in Mosul and Raqqa outpaced resources allocated to analyse, in real time, the causes of civilian harm to inform adjustment of tactics to reduce civilian harm;
- e. Ground-to-air coordination for targeting was hampered by multiple aerial platforms and de-confliction challenges, as well as accuracy of varied types of maps and GPS platforms used by local forces in Iraq and Syria.<sup>23</sup>

### 3-4. Key Takeaways

- a. UHE provides a population-centric perspective versus the traditional military-centric perspective;
- b. UHE contributes to the KD process and complements existing processes used to understand the operational environment;
- c. UHE is a continuous process that needs to be proactive/pre-emptive in nature, through persistent monitoring/assessment and civil-military interaction;
- d. Engagement and information sharing with other actors in the crisis area is essential for UHE, as the HN, local civilians or international actors that have been operating on the ground usually have more knowledge and experience of the crisis area and can enhance understanding of the needs, dependencies, vulnerabilities and resiliencies of the population;
- e. Consistent UHE throughout all phases of the mission is key as it underpins and provides the necessary knowledge and understanding of the operational environment from a population-centric perspective.



**4th Platoon C Co. 2-1 Infantry patrol the streets of Mosul, Iraq**

<sup>22</sup>Centre for Civilians in Conflict, Policies and Practice to Protect Civilians: Lesson from ISF Operations Against ISIS in Urban Areas, 2018 (non-public study, shared with coalition and Government of Iraq).

<sup>23</sup>Ibid.

## MITIGATE HARM (MH)<sup>24</sup>

### 4-1. Description<sup>25</sup>

**Protecting civilians from violence focuses on two distinctive areas. First, it entails avoiding harming civilians during NATO's own operations. Second, it implies protecting civilians (persons, objects services) from the acts caused by those actors that deliberately attack civilians as part of their strategy.**

Focused on minimising and mitigating harm or threat of harm to civilians from Perpetrators of Violence<sup>26</sup> and own actions, this is NATO's leading line of effort to protect civilians and the only one that NATO forces (military) are expected to lead.

The focus of MH is on the Perpetrators of Violence<sup>26</sup> and understanding the motivation, capabilities and threats to the population posed by perpetrators of violence who harm civilians through errors in actions, careless disregard for collateral damage, or due to deliberate targeting to achieve a specific goal or objective.

MH is primarily a military line of effort that is accomplished by eliminating or reducing the physical threats to civilians without causing more harm in the pursuit of this endeavour. This implies a need to protect civilians from both intended and unintended effects of hostile

activities from perpetrators of violence and from own actions. While it is recognised that it is not possible to fully guarantee safety to all civilians during crises and conflicts, and that there will be instances when incidents will happen, there is an obligation under IHL to avoid or in any case minimise and mitigate harm or the threat of harm to civilians.

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MH is applicable across the entire spectrum of military operations, from Combat to Crisis Response, including Peace Support and Counterinsurgency efforts geared towards changing the behaviour of adversarial actors targeting or trying to control the civilian population for either political and/or ideological goals, tactical advantage or economic gain.

<sup>24</sup>Acknowledging that staff procedures may vary between echelons of command, the processes outlined in this section represent a generic list that will require tailoring in order to suit the specificities of each Command's Battle Rhythm.

<sup>25</sup>See Annex B for more information on the scope of the threat to civilians and the 8 generic scenarios.

<sup>26</sup>Perpetrators of Violence physically harm or threaten civilians. These actors could come from the government, international forces, non-state armed actors, criminal elements, or the civilian population itself (inter-communal violence).



**An Army M119 105mm towed howitzer, a weapon the Army is hoping to replace, along with its 155mm types, with a new, common lightweight howitzer.**

NATO forces need to be prepared to deal with both combat situations and acts of banditry, vandalism, environmental damage, vital infrastructure maintenance and protection and crowd control issues even in permissive non-conflict environments. This may require the provision of military forces with either a special capability of civil policing, engineering, or a force trained and equipped to do so. When planning and implementing MH measures, **special consideration should be given to protecting those groups identified by the UHE process as being most vulnerable to violence within the local context.**

#### **4-2. MH as a Lens for Understanding - Planning (What)**

**The identification of Perpetrators of Violence is done from the perspective of the civilian population being harmed.** Therefore, MH considerations focus on actions conducted by NATO military forces as well as actions conducted by other perpetrators. As such, even NATO forces could be considered perpetrators if they cause harm from their own actions.

From this population-centric perspective, there are potentially a wide range of perpetrators in crises and/or conflicts, some with motivations to harm civilians that range from genocide, to ethnic cleansing, regime crackdown, post-conflict revenge, communal conflict, predatory violence and insurgency<sup>27</sup>. Therefore, perpetrators can be friendly forces, enemy actors, local authorities, criminal groups, spoilers or even elements of the civilian population.

How to deal with each group will vary, depending not only on why and how they harm civilians, but also on mandate, legal constraints and restraints, and Rules of Engagement (RoE). What all

share in common is that their actions or inactions, whether deliberate or unintentional, cause harm to civilians. As such, this assessment is as applicable with a collective defence situation, where conventional and asymmetric tactics may be employed by adversaries simultaneously, as it is with a crisis response operation that may also involve both state and non-state actors.

MH supports UHE by helping identify perpetrators of violence and those vulnerable to or affected by their actions, while contributing to an overall population threat analysis. To do so, a number of questions have to be answered, including<sup>28</sup>:

- Who is the most vulnerable group?
- Who is being targeted and/or harmed?
- Who are the actors harming civilians?
- Who is the actor posing the greatest threat to civilians?
- Is their harm to civilians intentional or unintentional?
- If harm is intentional, what is their

<sup>27</sup>Other types of violence include destabilisation, chemical biological and nuclear attack, cyber-attacks and other technological malfeasance, hybrid tactics, and power competition below the threshold of armed conflict.

<sup>28</sup>See Annex D for a more comprehensive list of questions and considerations.

rationale/motivation to target civilians?

- If harm is intentional, what strategy and tactics do these perpetrators of violence use against civilians?
- What capabilities and means do they have and/or use to target civilians?

With reference to NATO's Own Actions, the main processes to be considered when applying the MH lens during planning are the following:

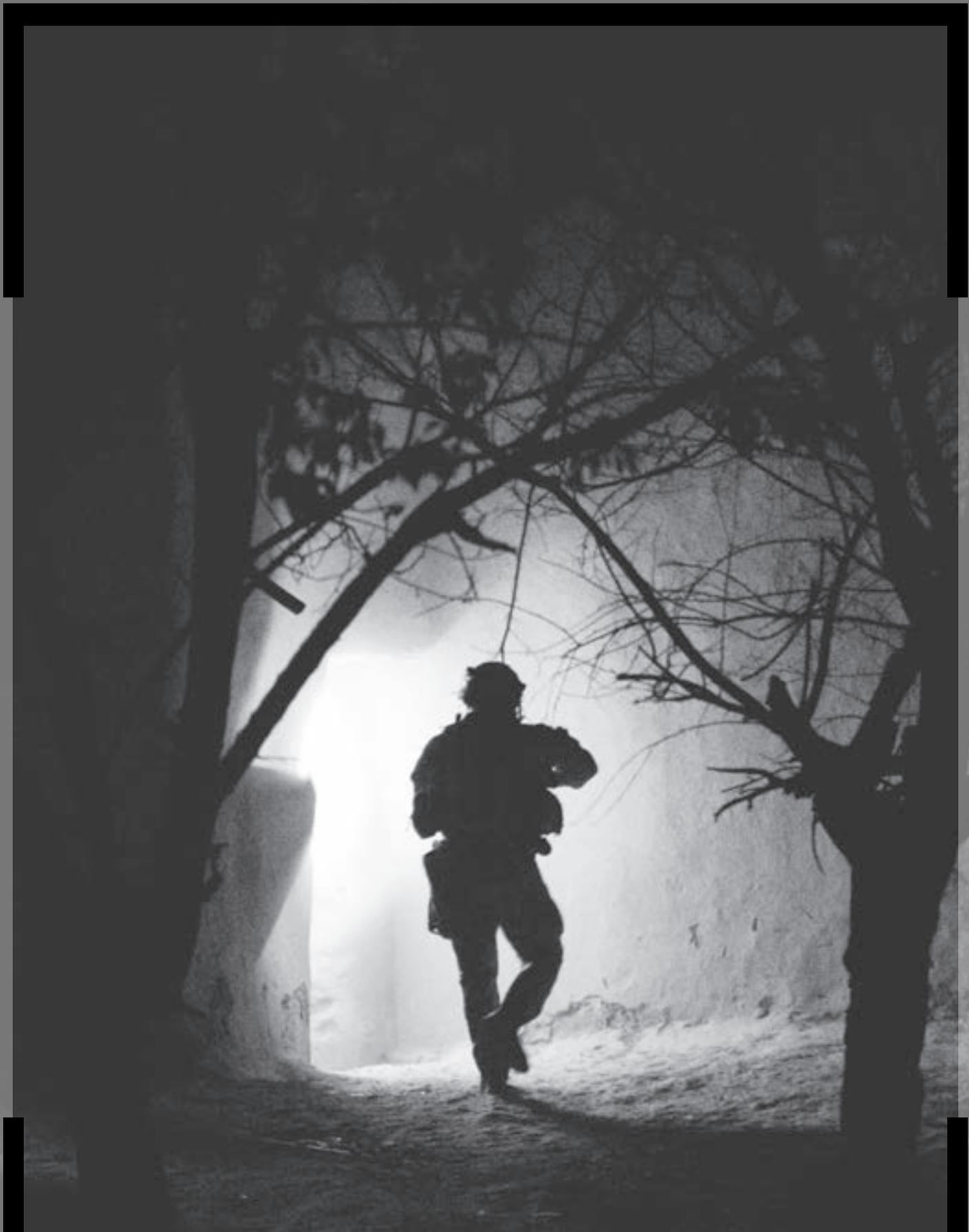
- a. The targeting process** (Joint Targeting Steering Board, Joint Targeting Working Group, Joint Targeting Coordination Board and Joint Targeting Clearance Board), supports decision-making by linking military objectives with effects to be achieved, through the identification of prioritised targets, as well as activities and resources required to achieve these effects, and assessment of effects generated. **This process should include legal and engineering considerations and take into account second and third order effects that can negatively affect the civilian population for a longer time**, such as impacts to the natural environment as well as to the civilian services and infrastructure. Within the targeting process, the use of the full spectrum of military capabilities (lethal and non-lethal) needs to be considered in order to reach the desired effects, while avoiding/minimising harm to civilians and long lasting negative effects. With reference to the no-strike list (NSL) and restricted target list (RTL), its management is of significant importance in order to not lose relevant information, as is the continuous interaction with non-military actors in order to acquire information with regards to potential NSL and RTL entities. It is also important to notice that the products outlined in the UHE section, especially the CPOE, play a critical role to inform the development of targeting packages. Potential first, second and third order effects include the following:

- Primary:**
- Death and injury to civilians
  - Sexual Violence
  - Destruction of civilian objects (i.e. houses) and critical infrastructure (i.e. water treatment plant)

- Secondary:**
- Forced displacement
  - Family separation
  - Inadequate access to food and water
  - Damaged infrastructure, affecting transportation routes, electricity, water and telecommunications access
  - Decreased mobility, lack of freedom of movement
  - Lack of access to medical attention
  - Damages to schools, disruptions to education
  - Disruption in financial services, access to banking and cash

- Tertiary:**
- Weakened government and judicial services
  - Traumatized population
  - Sluggish and dysfunctional infrastructure
  - Lack of medical services
  - Market disruption, reduced economic activity
  - Cycles of violence
  - Increase in criminality
  - Spread of infectious diseases

- b.** Input on the civilian factor should also be integrated in the **Target System Analysis (TSA)**, to provide an understanding and assessment of the will and capabilities of civilian actors in the operational environment and relationships with existing entities and networks. Along with a CoG analysis, this helps identify critical vulnerabilities that can be targeted or protected by either lethal or non-lethal capabilities.
- c.** Military forces might be faced with a number of **challenges to the application of IHL during the planning of an operation**, such as the identification of all feasible precaution measures to be taken prior to an attack<sup>29</sup>; the use of effective warnings, safe evacuations, etc.; the consideration of the full spectrum of non-kinetic responses, such as manoeuvre, pause, extraction, etc.; and the distinction between lawful



**U.S. special operations service members conduct combat operations in support of Operation Resolute Support in Southeast Afghanistan, April 2019. RS is a NATO-led mission to train, advise, and assist the Afghan National Defense and Security Forces and institutions. (U.S. Army photo by Sgt. Jaerett Engeseth)**

targets and civilians based on dynamic and permanently updated intelligence.

- d. FP and force posture.** NATO-led forces have specific plans and procedures to manage the preparation and generation of FP measures, tasks, and activities, for all five possible threat environments (negligible, low, medium, high, and critical), even including potential CBRN and WMD threats, that could be of relevance in an Art.5 type scenario. FP, the posturing of the force and RoE are interconnected and therefore mutually impacting with important implications for the protection of civilians. When a force assumes a more offensive posture, FP measures will often increase in order to mitigate the potential response from opposing forces. RoE will generally tend to become less stringent in order to allow the force to better defend itself and facilitate it in the accomplishment of its mission goals. In a similar context, the Commander must be aware of the increased risk he/she is assuming with regards to the safety of the civilian population. More specifically, increased FP measures could translate into the adoption of more aggressive tactics, techniques and procedures (TTPs) on behalf of the adversary (i.e. the use of greater amounts of explosives to breach friendly forces protective measures), which could see attacks expand into non-combatant living space. Less stringent RoE have statistically increased the risk of collateral damage as the use of force is less restrained and tactical decisions tend to be focused primarily on neutralising threats to the force and reaching offensive objectives, at the expense of civilian protection considerations. That said, the reverse can also be true. History has shown that overly defensive posturing of forces and excessively limiting RoE have not only hindered friendly forces in providing for their own safety, but they have also ill-equipped those same forces from protecting the civilian population as well, even when PoC was at the heart of mission mandates. Many Peacekeeping Operations undertaken in the 1990s are rich of examples of such issues. It is therefore evident that a balance needs to be set between limiting the use of force to the level necessary to achieving mission goals, while at the same time providing the military force

with adequate tools, in terms of posture, FP measures and RoE, that allow them to achieve the assigned objectives while minimising the risk to the civilian population.

- e. Contracting mechanisms** with particular attention to Building Integrity (BI) aspects<sup>30</sup>. NATO contracting procedures must follow and aim to promote the Alliance common values, with a focus on the rule of law (RoL), to avoid fuelling corruption that could harm operational effectiveness. Integrity issues related to Military Operations that could impact on this success could include, but are not limited to: the use of Armed Private Security Contractors without the right Communication, Command and Control (C3) lines of authority defined; and the use of private contractors for logistical and combat support. Without the proper procurement, management and oversight of the contracts to provide a clear legal framework for the jurisdiction of private contracting personnel to ensure compliance with the terms of each contract and with the general RoL, NATO's integrity and mission success could be compromised.
- f.** Risks to the civilian population need to be considered during the **Operational Design** to ensure that the actions to be taken and effects to be created during the mission do not have a negative impact or cause harm to the civilian population while trying to achieve a military objective. This should include consideration for potential second and third order effects resulting from the planned actions.

With reference to Others' Actions, the following processes are of particular relevance during planning in the application of the MH lens:

- a.** Development of **RoE consistent with desired PoC effects**, paying particular attention to the implementation of the rules related to the use of force and their extension to the civilian population. RoE can be amended, if such need is considered necessary, through the development of a RoE Request (ROEREQ) which will be passed through the chain of command.
- b.** **Establish in theatre liaison mechanism to Counter Improvised Explosive Devices (C-IED)** with HN authorities, international

<sup>29</sup>As defined by Additional Protocol I, art. 49.

<sup>30</sup>The NATO BI Policy recognises the pernicious impact of corruption as security risk, among others.

organisations, non-governmental organisations and other relevant stakeholders. Intelligence and information sharing with other actors and HN's military and LEAs, in order to understand not only the immediate threat, but also the threat network, is essential to remove Improvised Explosive Device (IED) systems and, subsequently, reduce IED events.



### 4-3. MH as a Line of Effort – Execution (How)

Following this line of effort might require the use of military force, the mitigation of its negative effects or threat of force to prevent, deter, pre-empt, and respond to situations where civilians are targets of violence or are under threat of violence. The use of force should always be conducted with a degree of caution and restraint in order to minimise any negative effects on the population (people, objects<sup>31</sup> and services) and always in compliance with IHL and its principles during armed conflict. This also implies a need to protect civilians from both the intended and unintended effects of belligerent activities.

MH includes the following elements:

**a. Own Actions – Civilian Harm Mitigation.**

Exercising restraint in the conduct of operations to avoid or in any case minimise harm in compliance with the principles of IHL, including actions regarding FP. This effort includes measures to prevent, identify, investigate, and track incidents of civilian casualties from own actions, while also providing amends and post-harm assistance when civilians are harmed as a result of these operations. Civilian harm mitigation it is an essential component of the mission and

**Soldiers serving with Alpha Battery, 2nd Battalion, 77th Field Artillery Regiment, 4th Infantry Brigade Combat Team, 4th Inf. Division, shoot a round down range from their M777A2 howitzer on Kandahar Airfield, Afghanistan, Aug. 22, 2014. The round was part of a shoot to register, or zero, the howitzers, which had just arrived on KAF from Forward Operating Base Pasab. The shoot also provided training for a fire support team from 1st Battalion, 12th Infantry Regiment, 4th IBCT, 4th Inf. Div.**

includes:

1. Civilian Casualties (CIVCAS) Management. Actions to monitor, investigate and track civilian casualty and collateral damage claims. This includes Strategic Messaging to explain the need to use force, describe status of CIVCAS investigation, acknowledge harm, etc. In the aftermath of CIVCAS investigations it is also imperative that established corrective procedures and measures are properly followed and implemented. This is imperative to quickly and accurately address any issues from “Own Actions” in order to control the narrative and maintain mission legitimacy. This also includes consideration for forces to provide lifesaving care for the injured and prompt repatriation to national authorities for follow-on care. Ignoring CIVCAS management can undermine the military effort, as the perception of being indifferent towards civilian casualties can result in a loss of support from the local population and other actors in the crisis/conflict area and, consequently, delegitimise the military mission.

<sup>31</sup>CPP, which includes the protection of sites, structures and items of important cultural heritage, is included in this effort.

2. Post-harm Assistance. This is a direct response to civilian harm incidents and, as such, it should be distinguished from other types of assistance provided under FABN. If there is unintended harm caused by NATO, this includes the making of amends to CIVCAS victims and their families in the form of recognition, apologies, monetary payments and/or other forms of assistance.

3. Challenges to the application of IHL, to include:

- **Distance from Population.** In line with the considerations under FABN, “Own Impact Mitigation”, military forces should operate, to include logistics and sustainment functions, away from the civilian population as much as possible as they could endanger civilians with their presence and proximity to weapons systems.
- **Persistent Monitoring and Assessment.** As outlined in the UHE section, it is of particular importance that the assessment and intelligence products are permanently updated in order to properly inform the execution of the operations.
- **Distinction.** Military forces should use tactics and weapons allowing for proper distinction in populated areas, especially when opposite fighters fail to distinguish themselves from the population.
- **Populated areas.** Military need to take into account the negative wide-area effects of explosive weapons in populated and/or urban areas, including foreseeable second and third order effects.
- **Special protection.** Under IHL, specific protection is to be provided to medical facilities and personnel, medical transportation, and essential civilian infrastructure (whose destruction will impede the survival of the population).
- **IHL and the use of force.** Military forces need to comply with IHL principles when using force in an

armed conflict situation.

**b. Other’s Actions – Adversarial Threat**

**Mitigation.** Engaging hostile actors is the traditional role of military forces. In a mission that is specifically mandated to protect the civilian population, NATO military forces are focused on engaging the perpetrators of violence that deliberately target civilians and/or encourage civilian casualties by operating within their midst. This engagement is necessary in order to prevent, mitigate and/or minimise the harm or threat of harm these actors inflict on the civilian population and could include both combat and policing activities.

When mandated, this line of effort uses influence, lethal and non-lethal military force or threat of force to affect perpetrators of violence in order to prevent, deter, pre-empt, and respond to situations where civilians are targets of violence or are under threat of violence. These actions also demonstrate that NATO forces are willing and able to actively engage those actors harming civilians.

When the Perpetrators of Violence are either friendly forces, local authorities or selected groups within the civilian population, the main MH efforts will likely focus on ‘guidance and influence’ to stop or modify their harmful behaviour<sup>32</sup>. If guidance and influence proves insufficient or when dealing with hostile actors, NATO forces may have to engage them using the full range of actions, to stop, coerce or dissuade them from harming civilians.

Selecting the appropriate action or combination of actions will be a decision by the military Commander guided by the mandate, mission, and a comprehensive awareness and understanding of the human environment developed through the planning process<sup>33</sup>, including threat assessments and risk analysis. These actions include:

4. Active Protection: Military actions against the perpetrators of violence to neutralise and/or coerce them to stop attacks on civilians:

<sup>32</sup>In assisting state security forces NATO must ensure that domestic and international law obligations are complied with. Measures may have to be taken to mitigate the risk that the assistance might directly or significantly contribute to a violation of human rights or of the Law of armed Conflict (LOAC). Such mitigating measures could include training and reporting.

<sup>33</sup>The Military Planning and Assessment Guide for the Protection of Civilians developed by the Norwegian Defence Research Establishment (FFI) provides a scenario-based planning guide based on historical examples to help Commanders’ select the best engagement options for the protection of civilians.



**U.S. special operations service members conduct combat operations in support of Operation Resolute Support in Southeast Afghanistan, April 2019. RS is a NATO-led mission to train, advise, and assist the Afghan National Defense and Security Forces and institutions. (U.S. Army photo by Sgt. Jaerett Engeseth)**

- Defeat/Destroy: Offensive military actions to stop hostile activity and/or destroy their ability to physically threaten or harm civilians.
  - Coerce: Active force measures to threaten and compel targeted actors to stop their harmful activities towards civilians.
5. **Passive Protection:** Military actions to prevent, inhibit and dissuade attacks or threats to civilians:
- Deter: Threatening military posture and or demonstration of force used to dissuade hostile actors from conducting harmful activities against civilians.
  - Contain: Limited use of force to “prevent” the spread of violence and the harmful effects of military action or conflict.
  - Evade: Withdrawal and/or removal of military forces to avert confrontation in order to avoid CIVCAS, de-escalate tensions, enable negotiations and allow for humanitarian activity.

With reference to NATO’s Own Actions, the main processes to be considered are the following:

- a. **FP and force posture.** As outlined in the planning considerations related to “Own Actions”, it is of paramount importance to balance FP considerations and the posturing of force in order to minimise the negative impact on the civilian population while, at the same time, providing the force with adequate space of manoeuvre to achieve mission objectives and actively protect the civilian population if required.
- b. **CIVCAS mitigation procedures,** with particular relevance to the Collateral Damage Estimate Methodology (CDEM)

process. These procedures include data/evidence gathering, tracking, reporting and monitoring of CIVCAS, as well as actions to monitor, investigate and track civilian casualty and collateral damage claims. It is imperative to quickly and accurately address any harm from “Own Actions” in order to avoid misperceptions and maintain mission credibility and legitimacy. In ISAF, the introduction of the Civilian Casualty Mitigation Team (CCMT)<sup>34</sup> was the leading factor in the reduction of CIVCAS incidents. This team introduced a comprehensive and rigorous reporting system to ensure that all available facts to do with any CIVCAS event/incident were presented and the assessment of that event/incident was conducted with discipline, rigour, and in a timely manner.

- c. **Execution of the targeting procedures identified during the planning phase,** including considerations related to second and third order effects that can be caused to the civilian population as a consequence of the actions conducted, such as the effects caused by the damaging of power grids, water systems, etc. Such considerations may emerge during target development and need to be taken into account during target nomination and prioritisation. During execution, it is critical to maintain situational awareness, review and update risk assessments.
- d. **Counter Improvised Explosive Devices (C-IED)** is of paramount importance, also in consideration of the potential detrimental effects that IED/ Unexploded Ordnance (UXO)<sup>35</sup> can have on the civilian population. C-IED involves multiple military functional areas and, therefore, relies upon an integrated and comprehensive approach that involves robust intelligence and permanent and intensive CMI and CIMIC. It is worth noticing that a Commander and their staff will not necessarily make the technical distinction between, for instance, an IED placed on a route and an UXO such as a landmine, used on the same route. Both items are identical in terms of the potential effects the explosive ordnance can have on the civilian population.

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<sup>34</sup>Please note that replication of this process in all NATO missions was recommended in the Joint Analysis and Lessons Learned Report.

The C-IED approach can be used for both items even though the latter is not, by definition, an improvised explosive device.

With reference to Others' Actions, the following processes are of particular relevance:

- a. **Identification of Persons/Property with Designated Special Status (PDSS/PRDSS)**, which are provided with specific protection by the force during the conduct of operations. PDSS can be designated in the RoEs.
- b. **Execute in theatre comprehensive approach to C-IED**, through the establishment of framework agreements with the HN authorities for the conduct of C-IED activities, and through information sharing and establishment of reporting mechanisms with HN authorities, international organisations, non-governmental organisations and other actors, as appropriate.

In all cases, NATO forces need to understand the long and short-term implications of MH efforts, while also ensuring that critical audiences amongst the local population and in NATO nations appreciate the strenuous efforts they make to protect civilians and carefully explain when these measures may occasionally fail or be unavoidable.

#### 4-4. Human Shields

It is important to stress that the prohibition on the use of human shields by State and non-State actors applies to international and non-international armed conflicts alike under International Law. In particular, the use of human shields is expressly prohibited by the 1977 Additional Protocol I to the Geneva Conventions (Art 51(7)), by the Fourth Geneva Convention (Art 28) and by the Third Geneva Convention (Art 23). Furthermore, the use of human shields is identified as a war crime by the 1998 Rome Statute of the International Criminal Court in its Article 8(2)(b)(xxiii). Moreover, the use of human shields is prohibited under customary international law in both international and non-

international armed conflicts. International Human Rights Law is silent on the use of human shields, but this practice constitutes, among other things, a violation of the non-derogable right not to be arbitrarily deprived of the right to life.<sup>36</sup> On 26 June 2018, the UN General Assembly condemned, for the first time, the use of civilians to shield military objectives from attacks.

#### 4-5. Practical Examples

##### **Own Actions: Targeting of Médecins Sans Frontières (MSF) Trauma Center in Kunduz, Afghanistan<sup>37 38</sup>**

On 3 October 2015, a MSF treatment facility was attacked by a US aircraft in Kunduz, Northern Afghanistan. At least 42 civilians were killed and over 30 were injured. MSF claimed, and US Forces Afghanistan (USFOR-A) acknowledged, that the Kunduz MSF facility location details had previously been disclosed to the US and NATO. The human tragedy from this incident generated significant negative coverage for the US and NATO mission in Afghanistan. US President Barack Obama later issued an apology and announced the US would make condolence payments to those killed in the airstrike.

In addition to the investigation conducted by the US Department of Defence (DoD), the NATO and Afghan Combined Civilian Casualty Assessment Team (CCAT)<sup>39</sup> also conducted an investigation. A US Central Command (CENTCOM) report cited a lack of leadership direction and guidance as contributing factors leading to the command and control (C2) breakdown prior to the strike. CENTCOM concluded that the incident was caused by a combination of human errors, compounded by process and equipment failures, fatigue and high operational tempo. Both the Ground Force Commander and the air crew mistook the MSF facility for the intended target approximately 400 meters away. The Commander of USFOR-A concluded that certain personnel failed to comply with the relevant RoE and the law of armed conflict. However, the investigation concluded that none of the personnel knew that they were striking a medical facility and that these failures did not amount to a war crime.

<sup>35</sup>UXO is defined as: explosive ordnance which has been primed, fused, armed or otherwise prepared for action, and which has been fired, dropped, launched, projected or placed in such a manner as to constitute a hazard to operations, installations, personnel or material and remains unexploded either by malfunction or design or for any other cause (NATO agreed term).

<sup>36</sup>ICRC, Customary IHL, Practice Relating to Rule 89, Violence to Life, [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v2\\_rule89](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v2_rule89).

<sup>37</sup>Reuters, U.S. strike on Afghan hospital in 2015 not a war crime: Pentagon, <https://ca.reuters.com/article/topNews/idCAKCN0XQ24T>.

<sup>38</sup>NATO, Resolute Support Afghanistan, Statement on the Kunduz MSF Hospital Investigation, <https://rs.nato.int/news-center/press-releases/2015/statement-on-the-kunduz-msf-hospital-investigation.aspx>.

The Kunduz incident highlights the significance of the no-strike list management and shows that procedural constraints such as RoE are insufficient without constant leadership, prioritisation, and attention to training and enforcement, especially under the most demanding conditions. Additionally, the incident also shows the risk of civilian harm when force is being used in densely populated areas, at night, through partnered military operations. In such conditions, collecting, triangulating, and analysing data on civilian presence is particularly challenging. Finally, this incident highlights the need for stronger civil-military dialogue, including robust de-confliction mechanisms, especially wherever military operations operate through a combination of air support and ground operations.

### **Own Actions: Human Shields<sup>40</sup>**

During the 1999 Operation Allied Force, the NATO air campaign against the Federal Republic of Yugoslavia, Serbian forces were alleged to have forcibly concentrated civilians in a military camp in the village of Korisa. In May 1999 a NATO airstrike on a military target in the area killed as many as 87 civilians, mainly refugees, and approximately 60 were said to have been wounded. NATO officials claimed that, immediately prior to the attack, the target was identified as a military command post and that military vehicles were present. However, as the Korisa incident shows, even if NATO exercises constraint in targeting, a risk to civilians still remains. NATO may be exploited by any adversary through the deliberate use of human shields to deter NATO prosecuting legitimate military targets. Persistent efforts to develop precise targeting and appropriate means to prosecute such targets, coupled with clear and synchronised information operations are required in order to minimise and or mitigate this risk.

### **Own Actions: Impropriety of Military Forces**

Misconduct in the behaviour of peacekeepers within UN peacekeeping missions has been

reported since 1990s. In 2017, the UN uncovered substantial evidence of sexual misconduct and gross violation of human rights (GVHR) perpetrated by military personnel forming part of its Multidimensional Integrated Stabilisation Mission in the Central African Republic (MINUSCA).<sup>41</sup> The military personnel from a contributing nation had to be repatriated and the incident, as well as several others of a similar nature in MINUSCA and other UN missions including in Haiti and Ivory Coast, undermined the reputation and integrity of the UN. This caused significant civilian harm in communities already severely traumatised by conflict. The UN adopted a “zero-tolerance” policy on sexual misconduct in 2003 and, following the incident, the organisation implemented enhanced monitoring and investigation into alleged incidents of impropriety. Whilst troop contributing nations ultimately retain jurisdiction over their own personnel in NATO operations, the reputational damage caused by any impropriety may extend to the whole NATO mission. High training standards, discipline and leadership are required to mitigate the risk of harm.

### **Others' Actions: Failure to Act in Rwanda<sup>42</sup>**

The 1994 Rwanda genocide stands as a cautionary example of the failure to act. In the course of 100 days, more than 800,000 Rwandan civilians were killed. When the genocide began, the United Nations Assistance Mission for Rwanda (UNAMIR), commanded by the then-Major General Roméo Dallaire, was already in Rwanda and had been since October 1993. UNAMIR was a Chapter VI peacekeeping operation with a mandate to oversee implementation of the Arusha Accords. There were threat indications and General Dallaire warned UN authorities about Rwandans planning mass murder. The flashpoint came on the evening of April 6, 1994 when a surface-to-air missile shot down the plane carrying Rwanda's president. Targeted and mass killings began thereafter, including 10 UNAMIR peacekeepers protecting Rwanda's Prime Minister. Given other recent and ongoing crises, there was no initial political will to support more active UN operations in Rwanda. Early pleas for more

<sup>39</sup>For more information see Combined Civilian Casualty (CIVCAS) Assessment of an Airstrike on a Medical Facility in Kunduz City on 03 October 2015.

<sup>40</sup>United Nations International Criminal Tribunal for the former Yugoslavia, Final Report to the Prosecutor by the Committee Established to Review the NATO Bombing Campaign Against the Federal Republic of Yugoslavia, <http://www.icty.org/en/press/final-report-prosecutor-committee-established-review-nato-bombing-campaign-against-federal#IVB>.

<sup>41</sup>United Nations, Independent Review, <https://www.un.org/News/dh/infocus/cenaficrepub/Independent-Review-Report.pdf>; United Nations, UN completes investigations on allegations of sexual abuse, <https://news.un.org/en/story/2016/12/547012-central-african-republic-un-completes-investigations-allegations-sexual-abuse#.WHAD7PkrJWI>.

<sup>42</sup>Dallaire, Roméo, *Shake Hands with the Devil: The Failure of Humanity in Rwanda*, Random House, 2003; and Rwanda Genocide of 1994, online account by The Editors of Encyclopaedia Britannica, <https://www.britannica.com/event/Rwanda-genocide-of-1994>.



**An Afghan child watches as his father talks with Marines with Company C, 1st Battalion, 23rd Marine Regiment and Afghan National Army Soldiers with the 215th Corps during a patrol near Camp Leatherneck, Helmand province, July 28. The Marines of the Houston-based battalion frequently interact with the local populace around the camp.**



**U.K. British Army Cpl. Dave Graham, Infrastructure Support Group, Specialist Team Royal Engineers, and Akbar Mohammed, contracting construction manager, and “Engineer” Alami, canal monitor, Afghan Waterlines Ministry, inspect paper work in Nawa district, Helmand province, Afghanistan Jan. 31, 2013. The construction of these canals will provide water for agricultural development and everyday use spanning over 21 separate contracts throughout Helmand province.**

forces to stop the murders, authority to conduct offensive operations, or authority to prevent access to known weapon sites were rejected. UNAMIR attempted to broker peace talks but to no avail. Eventually, on 17 May 1994, the UN agreed to a new mission (UNAMIR II) with additional troops and equipment. These increases to the UN force did not begin arriving until June, late in the genocide. UNAMIR II was largely confined to maintaining post-genocide security and stability.

actors, local authorities, criminal groups, spoilers or even elements of the civilian population.

- e. MH can include military force or threat of military force, lethal and non-lethal force, as well as guidance and influence activities, including policing and engineering activities.

#### **4-6. Key Takeaways**

- a. MH is primarily a military line of effort and NATO’s leading role in the Protection of Civilians;
- b. MH focuses on preventing, minimising and mitigating civilian harm resulting from both “Own actions” conducted by NATO military forces and the actions of “Other’s”;
- c. Civilian harm can be intentional or unintentional. MH-based actions will largely depend on this determination;
- d. The identification of Perpetrators of Violence is done from the perspective of the civilian population being harmed. Therefore, perpetrators can be friendly forces, enemy

# CHAPTER 5

## FACILITATE ACCESS TO BASIC NEEDS (FABN)<sup>43</sup>

### 5-1. Description

FABN focuses on the civilian population<sup>44</sup> in the operational area, to include civil society and the local and international aid providers.<sup>45</sup>

As such, the role of FABN for NATO forces in PoC is to facilitate access to civilians in need to basic needs<sup>46</sup> and services as well as to civilian vital infrastructure. This will be conducted by supporting aid workers in delivering humanitarian aid, when mandated. **Under NATO's FABN, basic needs and services refer to essential survival needs such as food, water, shelter, sanitation and basic medical care, which are humanitarian in nature.**<sup>47</sup> In many cases, basic services can also encompass access to basic utilities, such as power, and local administrative services, such as sanitation and trash collection, that are essential for accessing basic needs and for maintenance of public health and safety. Facilitation of access to other needs and services, beyond survival, that enable the population to grow and thrive such as education, employment, etc., falls under "development aid" and is usually out of the

scope for NATO forces. Facilitation of any of these needs and services will depend on the mandate and a thorough analysis of the human environment to identify local requirements, level of development, and timescale of aid.

While FABN addresses needs, it should also inform UHE on population 'expectations' to ensure the proper messaging of what NATO can and cannot do. This is essential to be prepared to deal with the consequences of not meeting these expectations, including losing support to the mission and competing with potentially hostile groups willing to provide for these needs.

**The HN will always have primacy in providing access to basic needs and services to its population.** If the HN is either unwilling or unable to perform this core function of government, NATO forces will seek to support the relevant local, regional and/or international aid and development organisations whom are temporarily responsible for this function. **NATO forces will only take a lead role in the provision of humanitarian aid as a last resort, if no other**

<sup>43</sup>Acknowledging that staff procedures may vary between echelons of command, the processes outlined in this section represent a generic list that will require tailoring in order to suit the specificities of each Command's Battle Rhythm.

<sup>44</sup>Civilians who are in need of aid/assistance are often termed 'beneficiaries' by the humanitarian community.

<sup>45</sup>Paragraph 17 of the NATO Policy on the Protection of Civilians, specifically describes the need to 'Support to Humanitarian Action' by stating: "Threats to the physical safety of humanitarian workers can negatively impact the provision of humanitarian aid and imperil civilian populations." This recognises the important role played by aid workers (local and international), in supporting the civilian population, and understands the negative effect that threats to their physical safety can have on the overall mission.

<sup>46</sup>Following the Maslow Hierarchy, basic needs are understood as basic survival needs such as water, food, health, shelter.

<sup>47</sup>An example where NATO may facilitate beyond survival needs is during a disaster response, such as in Pakistan, in 2010, following massive flooding, where NATO provided airlift and sealift assistance for the delivery of donations by nations and humanitarian relief organisations ([https://www.nato.int/cps/en/natohq/news\\_65191.htm](https://www.nato.int/cps/en/natohq/news_65191.htm)).

**organisation or agency is able to provide these services.** NATO forces will only continue in this task until HN or other civilian aid agencies are able to fulfil this role.

Protracted crises, can further deteriorate the humanitarian consequences and the access to basic needs, not only due to immediate, direct suffering from the crisis, but also more indirect, long-term suffering resulting from second and third order effects, such as the cumulative deterioration of basic services and infrastructure. For example, large-scale population displacement and refugee flows may require additional support from NATO to secure transportation routes and enable freedom of movement.

The level of military activity and interaction with the local populace, to facilitate access to essential survival needs, is often dependent on the capacity of local authorities, civil society groups, and/or the international development and humanitarian aid community. If these actors are willing and able to support the needs of the population, then military forces should be aware of those needs, i.e. monitor, but not interfere in the process unless called upon.

While Military forces should maintain a mostly “hands-off” approach to humanitarian activities, it should recognise that support to this effort could not only help alleviate human suffering, but also inhibit further instability resulting from a despondent and fearful population due to a lack of support from local authorities and the international community. These gaps may even be filled by anti-government and/or criminal groups that can further undermine the security situation. Therefore, support to FABN is essential to mission success, as it will not only meet humanitarian obligations, but also help with force acceptance, mission legitimacy and it will minimise the chance of worsening the security situation.

## **5-2. FABN as a Lens for Understanding – Planning (What)**

The key to monitoring FABN is understanding the needs, vulnerabilities and resiliencies of the supply chain to the civilian population. Acknowledging that the HN has the lead role, a thorough analysis will be necessary to determine

the situation in the area of operation. This could include, but is not limited to, assessments of governmental, local and international aid providers supporting the delivery of these needs; the identification of the essential needs and threats to the access to those needs by the population; assessment if/how those needs are being satisfied, by whom, by which infrastructure and the potential implications of not meeting them. Understanding these elements will help decision-makers identify the essential needs and the threats both to the population’s ability to access them and to the delivery of those needs to the population. Additionally, the analysis should consider if/how those needs are being satisfied, by whom and the potential implications of not meeting them.

FABN supports UHE by helping identify the essential needs and services required by civilians to survive and contributes to an overall population threat analysis. To do so, a number of questions should be considered, reviewed and updated throughout the planning and conduct of operations, including<sup>48</sup>:

- What are the population’s basic needs?
- How do men, women, girls and boys define their needs differently?
- Which needs are not being met?
- Who/what can meet these needs?
- Who/what is providing these needs?
- What are the threats to the provision of these needs?
- Is there sufficient capacity to meet these needs?
- What expectations does the population have for NATO to meet their needs?
- What are the security implications if these needs are not met?

Awareness of the basic needs, infrastructure and services of the population is a key component to UHE. These are contextual and therefore specific to each population and environment. As such these should be based on a thorough needs assessment.<sup>49 50</sup>

The main processes to be considered when applying the FABN lens during the planning of an operation are the following:

- a. **Develop a standard task tasking CIMIC officers** with support by MILENG staff for

<sup>48</sup>See Annex D for a more comprehensive list of questions and considerations.

<sup>49</sup>Needs assessments should consider specific gender and/or cultural needs.

<sup>50</sup>Such assessment process should also take into consideration possible Resilience through Civil Preparedness elements related to basic needs.



**U.S. airmen and local Afghan children pump water from the recently fixed water well located in a village near Bagram Air Field, Afghanistan, Jan. 26, 2013. The airmen teamed up with local Afghan leaders to fix the broken well and bring the fresh groundwater back to the village. (U.S. Air Force photo/Senior Airman Chris Willis)**

infrastructure assessment to provide the basic monitoring necessary to allow the Command to identify and respond to basic needs;

- b. Identify FABN-related information/knowledge requirements** (sensitive to sex/age disaggregated data, if possible) to support analysis on FABN considerations. These requirements should be included in the Commander's Critical Information Requirements (CCIR) and Priority Intelligence Requirements (PIR) and duly reported to the Strategic Operation Centre (SOC) through the JFC/JTF;
- c. Include in the CIMIC Estimate all relevant information** on the ability of the HN and of the local population to meet the basic needs. The CIMIC Estimate represents the basis of the CIMIC contribution to the CPOE;
- d. Establish liaison mechanisms** with relevant non-military actors and the HN in order to acquire and exchange the relevant information.

### 5-3. FABN as a Line of Effort – Execution (How)

As a line of effort, FABN seeks to reduce harm to civilians from the negative effects of conflicts and/or crises due to a lack of access to the basic needs for survival. NATO seeks to minimise its own adverse impact on the local environment, infrastructure, resources, and population while supporting, where appropriate, humanitarian operations. This is done by monitoring and assessing the needs of the civilian population and supporting Humanitarian Action through support to Humanitarian Access and support to Humanitarian Assistance if mandated. Military forces facilitate Humanitarian Access by setting the conditions required by local and international humanitarian aid actors to operate freely and

reach affected people to ensure their access to basic needs and services. The fact that the military and humanitarian actors operate in the same space can create challenges and requires the establishment of functional de-confliction mechanisms, such as a hotline for the military or Humanitarian Notification Systems for Deconfliction (HNS4D),<sup>51</sup> mechanisms intended to inform the military of humanitarian locations, activities and personnel, while helping promote their safety and security. In some cases, Humanitarian Assistance may be provided if requested by relevant authorities or as a life-saving means of last resort when no other capable, willing and/or able actor is available.

- a. Own Impact Mitigation.** This effort relates closely to the medical/humanitarian concept of “First, Do No Harm”. It focuses on reducing the adverse effects from the presence of NATO forces simply existing in the same space as the local population and aid providers. As such, this line of efforts seeks to minimise the harmful impact of military forces on the local environment, infrastructure and services to include competition for resources and capacities

Therefore, military forces need to continuously assess the effect of their operations and forces on the local community in terms of diversion of limited resources and services including skilled labour and professionals that would otherwise provide benefit to the local community. This self-assessment is essential, since deployed forces increasingly rely on Host Nation Support (HNS)<sup>52</sup> and local contracting,<sup>53</sup> in lieu of bringing over equipment and supplies from their nations. Such actions, if not conducted carefully can create false local economies and unsustainable local dependencies, creating a perception of stability or normality that in reality does not exist. This can lead to further instability when NATO forces

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<sup>51</sup>The Humanitarian Notification Systems for Deconfliction (HNS4D) have been established by the humanitarian community in several countries with ongoing armed conflicts and are designed to notify relevant military actors of humanitarian locations, activities, movements and personnel for the purpose of protection against attacks and incidental effects of attacks under IHL. The HNS4D cover static locations, such as offices of humanitarian organisations, and non-static locations, such as humanitarian convoys. The HNS4D serves as a complementary set of information for military planners to ensure that airstrikes or other kinetic operations will not result in the harming of humanitarian locations, activities, movements and personnel. It is for the belligerents to positively identify what they attack and to assess the risk of incidental civilian harm; it is not for humanitarian organisations to identify what may not be attacked or incidentally harmed. The HNS4D can be established at HQ level, in country, or at the regional level.

<sup>52</sup>The NATO Glossary of Terms and Definitions defines HNS as civil and military assistance rendered in peace, crisis or war by a host nation to NATO and/or other forces and NATO organisations that are located on, operating on/from, or in transit through the host nation's territory.

<sup>53</sup>Contracting has become increasingly important to the conduct of operations, particularly when operating beyond NATO's area of responsibility. It is a significant tool that may be employed to gain fast access to in-country resources by procuring the supplies and services that the commander requires. As stated in the NATO Logistics Handbook: “Contracting from local resources should not interfere with HNS and should always take into account the essential needs of the local population”.

withdraw. Conversely, the draining of local resources can create animosity, aggravate the humanitarian situation, and possibly lead to the reigniting of a conflict.

Mitigation of direct and second order effects from military actions should always be considered, to ensure that these do not exacerbate the root causes of instability and/or hinder the long-term development needs of the HN. The following is a summary of issues that military planners and logisticians should take into consideration to ensure they do not exacerbate the negative effects of the crisis/conflict on the local population:

1. **Brain Drain:** Contracting local educated professionals to support own missions (e.g. using local doctors and engineers as translators and drivers). This takes away key members of the local population that could help the development of their own state.
2. **Economic Damage:** Subsisting on the local economy can increase the prices of local land and property and can also place demands on local producers for staple foods and materials. This can lead to artificial inflation that puts basic goods financially out of reach for the local population.
3. **Logistics Infrastructure Capacity:** Depending on the reliance of military forces on the local logistics infrastructure, many military operations through sheer size and volume of effort can hinder the activities of other actors sharing the same logistics network. This capacity is limited to the quantity and quality of its physical distribution network<sup>54</sup> and logistic resource components.<sup>55</sup> Capacity can be undermined through:
  - **Infrastructure Deterioration:** The use of local roads, bridges and waterways for military Lines of Communication (LOC), to transport equipment, supplies and reinforcements, can deteriorate or even destroy local transportation routes as many of these may not be designed to handle

heavy military equipment such as armoured vehicles. The likelihood of traffic accidents involving military vehicles can also increase affecting in particular some specific social groups such as children playing in the streets.

- **Constrained Use and Movement:** Ease of movement for the local population and their goods can be impeded if local transportation routes and hubs are dominated by military forces.
  - **Creation of Military Targets:** Military use of local buildings and infrastructure for the reception, storage and movement of personnel, equipment and supplies makes these a lawful target for hostile perpetrators of violence, but increase the potential for civilian casualties due to the lack of information or potential dual-use of these structures.
4. **Environmental Damage:** Environmental impacts, both deliberate and incidental, are a factor during all types of military activities. All military activities that change or impact the physical environment must be undertaken with the appropriate amount of information and planning prior to execution, as they hold potential for adverse impacts ranging from difficult to impossible to reverse.<sup>56</sup> Balancing military operational requirements with EP responsibilities is not intrinsically impossible and appropriate EP performance must be achieved by NATO-led forces to reduce the environmental footprint of operations.
    - **Types of EP Impacts.** NATO impacts to air, water, and soil can arise from the use and disposal of military vehicles, vessels, aircraft, munitions, and equipment. Furthermore, potential for environmental damages are associated with creating and using military installations, camps, and training areas. Operating these often require high levels of fuel storage, power production, water production, wastewater disposal, as well as disposal of other wastes, including

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<sup>54</sup>Physical logistics capabilities include: airports, seaports, roads, highways, railroads, bridges, tunnels, terminals, inland waterways, storage facilities, and pipelines.

<sup>55</sup>Logistics resource components include: trucks, barges, cargo handling equipment, cranes, railroad cars, storage containers, etc.

<sup>56</sup>Without the proper coordination that includes consideration of possible environmental impacts, even good intentions, such as digging a well for local populations, can have negative consequences.

solid and hazardous waste.

- Strategic Importance of EP. Lapses in EP can strain relations between NATO and HN governments, harm vulnerable local populations and stoke unrest, amplify challenges for post-conflict recovery of combat areas, and come to define the enduring legacy of a past NATO presence in an area. Furthermore, poor EP practices can offer NATO's critics and adversaries an opportunity to undermine alliance cohesion and legitimacy. The success of NATO activities will, in part, be measured by how effectively EP requirements are met, and seen to be met, while meeting its other objectives.

5. **Corruption:** Enabling or being complicit with corrupt actors, many within the local government and business community. This can undermine the legitimacy of the mission, weaken BI<sup>57</sup> efforts, while propping-up negative elements within the local population.
6. **Creation of Dependencies:** Many actions, including mere presence in the environment, can create dependencies. For example, local markets and industries (i.e. cleaning and maintenance services) may develop to supply and support military bases. Unnecessary "feel good" projects using spare military capabilities can also create expectations amongst the population. NATO forces must avoid the creation of dependencies that can impact the overall quality of life of the locals, create animosity, and aggravate the humanitarian situation whilst hampering a return to normality.

**b. Support to Humanitarian Access.** The provision of support to humanitarian access<sup>58</sup> is related to the humanitarian actors' ability to reach people affected by crises,<sup>59</sup> as

well as affected people's ability to access humanitarian assistance and services on their own. Sustained and effective humanitarian access implies that all affected people can be reached and that the receipt of humanitarian assistance is not conditional upon the allegiance or support to parties involved in a conflict, but independent of political, military and other action in accordance with the humanitarian principles.

**NATO forces can facilitate humanitarian access by setting the necessary safety and security conditions to allow for freedom of movement for both the population and aid providers.**

It is important to stress that, in requesting foreign military assets (FMA), humanitarian actors must outline the intended effect/end state they want to achieve, i.e. "improved security on a specific route" or "transport assets from point A to point B". By communicating the humanitarian effect/end state as opposed to the asset required, military can better plan and make better use of the available assets in support of humanitarian operations. In addition, if FMA are used to provide support, there must be an exit strategy, in order to avoid dependencies. CMI is critical in enabling NATO forces to support humanitarian access through de-confliction, coordination of activities, and sharing of local resources and capacities.<sup>60</sup>

The military contribution in this effort is usually limited to the provision of a safe and secure environment (SASE) to suppress conflict and allow for the freedom of movement. Additionally, military forces can support the effort through:

1. **Security:** This is the provision of military assets to defend vital infrastructure, humanitarian safe-zones, food and water distribution points, displaced persons camps, etc. It also includes the establishment and maintenance of safe corridors for movement and evacuation

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<sup>57</sup>NATO BI efforts seek to promote and implement the principles of integrity, transparency and accountability in accordance with international norms and practices established for the defence and related security sector.

<sup>58</sup>Under Customary IHL Rule 55; "The parties to the conflict must allow and facilitate rapid and unimpeded passage of humanitarian relief for civilians in need, which is impartial in character and conducted without any adverse distinction, subject to their right of control".

<sup>59</sup>Under Customary IHL Rule 56 "The parties to the conflict must ensure the freedom of movement of authorised humanitarian relief personnel essential to the exercise of their functions. Only in the case of imperative military necessity may their movement be temporarily restricted." For more information on Customary IHL Rules, see <https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1>.

<sup>60</sup>NATO forces must coordinate with humanitarian actors whenever feasible, while understanding and respecting the needs, autonomy, independence and expertise of the wider community of IOs, NGOs and other humanitarian actors, as they are often key to long-term success.



Camp Eggers volunteer Lin House helps an Afghan refugee attending class at the Aschiana School in Kabul pick out correct-sized clothing during a volunteer community relations mission. Aschiana (Afghanistan's Children - A New Approach) is an Afghan non-governmental organization that provides services, support and programs to more than 4,500 working street children through centers in Kabul, Mazar-i-Sharif, Herat and Parwan. The non-profit organization was a major beneficiary of Give Me Socks, a small foundation developed by a Department of Defense employee stationed at Camp Eggers dedicated to providing Afghan child refugees with winter garments, school supplies and hygiene products.

of personnel. While this mission generally falls under the responsibility of local security forces, the mission can become the responsibility of NATO forces, including stability policing elements when deployed, if local forces are either unwilling or unable to perform this task (or if, in some cases, local forces are the primary actors causing harm).

2. **Support:** Includes both indirect assistance and infrastructure support to the humanitarian access mission. The latter includes issues such as road and rubble clearance, and infrastructure reconstruction and maintenance that enables both the purely military and humanitarian missions. The former (indirect assistance) should be provided upon request from relevant authorities and usually entails logistics (i.e. transportation) or the provision of military escort. As such, this mission should be conducted in accordance with the “Guidelines on the Use of Military and Civil Defence Assets to Support United Nations Humanitarian Activities in Complex Emergencies” (MCDA Guidelines) and “Guidelines on the Use of Military and Civil Defence Assets in Disaster Relief” (Oslo guidelines).

- c. **Support to Humanitarian Assistance**, is conducted at the request of the HN or leading humanitarian agency, and includes the provision of indirect and direct aid as a life-saving means of last resort, as well as protection actions in response to key humanitarian needs resulting from conflict and emergencies. If this assistance is required, it should be based on a needs assessment following a pull vs. push principle in order to provide the afflicted population with what they really require (pull) and not simply providing them with what is available (push).<sup>61</sup>

Military support to humanitarian assistance can be divided into three categories based on the degree of contact with the affected population:

1. **Direct Assistance:** Face-to face distribution of goods and services, such

as handing out relief goods, providing first aid, transporting people, interviewing refugees, locating families etc.

2. **Indirect Assistance:** At least one step removed from the population, transporting relief goods, building camps and shelters, providing water sources, clearing mines and ordnance, etc.
3. **Service Support:** General services that facilitate relief, but are not necessarily visible to, or solely for, the benefit of the affected population, such as repairing infrastructure, operating airfields, providing weather info, ensuring access to communication networks, etc.

The military should only be involved in this mission as a last resort; specifically, for the preservation of life and when no other local or international actors is available. Military actions in this situation can be controversial due to the perception by others of military and civilian actors working together to deliver aid. This perception can put civilian humanitarians in danger and impinge on the humanitarian principles of humanity, neutrality, impartiality and independence; the military should take all possible steps to avoid misunderstandings.

Other mechanisms to enable access to basic needs and services include the establishment of a **humanitarian pause** or the establishment of a humanitarian corridor. A humanitarian pause encompasses “a temporary cessation of hostilities purely for humanitarian purposes,”<sup>62</sup> but only for a specific period of time and limited to a specific geographic area. A **humanitarian corridor** encompasses the establishment of specific routes and logistical methods “to allow the safe passage of humanitarian goods and/or people from one point to another in an area of active fighting.”<sup>63</sup> Both of these mechanisms require an agreement by all relevant parties involved.

Failure to enable access to basic needs and services not only compounds human suffering, but may also exacerbate the security situation. Therefore, FABN protects civilians by not only meeting humanitarian obligations, but also helping with force acceptance, mission legitimacy

<sup>61</sup>CBS News, Best Intentions: When disaster relief brings anything but relief, <https://www.cbsnews.com/news/best-intentions-when-disaster-relief-brings-anything-but-relief/>.

<sup>62</sup>UN OCHA, Access Mechanisms, <https://www.unocha.org/sites/unocha/files/dms/Documents/AccessMechanisms.pdf>.

<sup>63</sup>Ibid.



A Kosovo Force (KFOR) helicopter brings humanitarian supplies and food during a Kosovo mission, Kosovo. KFOR is a NATO-led mission aimed at maintaining a safe and secure environment and freedom of movement for all citizens in Kosovo and at facilitating the Euro-Atlantic integration of the Western Balkans.

and minimising the chance of a worsening security situation.

While NATO forces are usually not responsible for, or expected to provide basic needs to the civilian population, they must be prepared, within their means and capabilities and based on NATO guidelines, to support the responsible aid providers in their humanitarian actions if mandated or requested to do so.

The main processes to be considered under FABN line of effort during the planning and conduct of operations are:

A Branch Plan should be developed and subsequently submitted through the chain of command if new requirements are identified.

- a. **Develop indirect assistance options** within the branch plan/sequel as a primary means to address FABN, as direct assistance is to be delivered as a last resort to address FABN.
- b. **Always consider the primacy of the HN in providing access to basic needs** to its population and ensure the HN consent to take any further action, when HN is not the perpetrator.
- c. **Ensure NATO forces have sufficient engineering capacity** to enable humanitarian access.

## 5-4. Practical Examples

### Support to Humanitarian Access

NATO demonstrated its support for Humanitarian Access through its naval minesweeping efforts in Libya to clear the ports of Misrata and its anti-piracy operation off the coast of Somalia, which enabled the flow of humanitarian supplies to reach affected populations.<sup>64</sup>

### Support to Humanitarian Access: British improvement to roads in South Sudan<sup>65</sup>

In South Sudan, over a period of ten days, 123 women of all ages walking along a road to collect food aid were attacked, raped, whipped and beaten by armed men, sometimes multiple times. The armed men, aware of the aid distribution, hid in the bush and attacked the women as they trekked 20 miles from their town to Bantiu, where they were to collect the food aid, since the

road was very narrow and impassable for trucks to deliver it. Aware of the incidents, a British engineering contingent, part of the British troops based in South Sudan as UN peacekeepers and based alongside a Protection of Civilians site, worked on a 12-mile stretch of the road, to clear the bush, dig culverts and widen the road. Within five days, their work was concluded and the women no longer had to walk, as the road became passable and allowed for trucks to deliver the aid.

### Support to Humanitarian Access: Coordination with Humanitarian Actors in Somalia

In 2014, the African Union Mission in Somalia (AMISOM) Humanitarian Unit developed Country Specific Humanitarian Civil-Military Coordination Guidelines,<sup>66</sup> in coordination with the United Nations Office for the Coordination of Humanitarian Affairs (UN OCHA), to protect and promote humanitarian principles, reduce competition and minimise misunderstandings between military and humanitarian actors in order to support civilian access to basic needs. Using these guidelines, AMISOM is able to better deconflict and prioritise its efforts to build peace in Somalia, for example by supporting IED clearance of main road routes to enable safe movement of the civilian population. Given that the circumstances and demands may vary greatly between missions and theatres, the development of mission-specific guidance is likely to be essential in building trust between military and humanitarian actors and in avoiding unnecessary duplication of effort.

### Support to Humanitarian Access and Humanitarian Assistance: Securing Humanitarian Relief in Kosovo

In Kosovo, the NATO-led Kosovo Force (KFOR) played a significant role supporting humanitarian assistance to refugees. NATO concluded Memorandums of Understanding (MoUs) with the UNHCR to secure transportation routes to enable the safe movement and return of refugee populations. In addition, NATO also supported humanitarian assistance to ethnic Albanians in Kosovo. NATO forces were “(...) at the forefront of the humanitarian efforts to relieve the suffering of the many thousands of refugees forced to flee Kosovo by the Serbian ethnic cleansing campaign. In North Macedonia NATO troops built refugee camps, refugee

<sup>64</sup>NATO, NATO concludes successful counter-piracy mission, [https://www.nato.int/cps/en/natohq/news\\_139420.htm](https://www.nato.int/cps/en/natohq/news_139420.htm).

<sup>65</sup>The Times, South Sudan women saved from rapists by UK troops, <https://www.thetimes.co.uk/article/south-sudan-women-saved-from-rapists-by-uk-troops-fggcsntkw?>.

<sup>66</sup>Somalia Country-Specific Civil Military Coordination Guidelines - draft version, <https://www.unocha.org/sites/dms/Somalia/051214%20-%20Somalia-specific%20civ-mil%20guidelines.pdf>.

reception centres and emergency feeding stations, as well as moving many hundreds of tons of humanitarian aid to those in need. In Albania, NATO deployed substantial forces to provide similar forms of assistance. NATO also assisted the UNHCR with co-ordination of humanitarian aid flights as well as supplementing these flights by using aircraft from member countries. The Euro-Atlantic Disaster Response Coordination Centre (EADRCC) established at NATO in May 1998 also played an important role in the coordination of support to UNHCR relief operations.”<sup>67</sup>

### **Support to Humanitarian Assistance: NATO support to Pakistan Flood Relief<sup>68</sup>**

On 7 August 2010, NATO received a request for assistance from Pakistan to help them deal with flood relief efforts. Subsequently, the NAC gave EADRCC the permission to deal with this situation. During the relief effort, the EADRCC acted as a clearing house for humanitarian assistance offered by NATO Allies, partner nations and international organisations. As reported in the EADRCC Situation Report No. 24 (Final Report) Floods of 24 January 2011:

“On 20 August 2010, in response to the request submitted by the Government of the Islamic Republic of Pakistan, the NAC agreed that NATO would, with immediate effect, commence flood relief support by means of airlift/sealift operations, in accordance with specific requests from the Pakistan authorities, and in coordination with other stakeholders engaged in the relief operation. On 11 November 2010, the NAC reviewed NATO’s support to the flood relief efforts in Pakistan and decided to complete the already scheduled relief flights and to terminate the operation after 90 days as originally planned. As of 22 November 2010, which marked the last day of NATO’s air bridge to Pakistan, twenty-four (24) humanitarian relief flights delivering 1019.55 metric tons of relief items have been organised by NATO. The handover of the bridging system on 17 January 2011 marks the end of NATO’s support to flood relief efforts in Pakistan.”

### **Support to Humanitarian Assistance: Unified Task Force (UNITAF) Support in Somalia<sup>69</sup>**

The Somali civil war led to the fall of the government and collapse of customary law. Despite the arrival of UN peacekeepers with the

United Nations Operation in Somalia (UNOSOM I) in April 1992, the civil war continued, with splintering and fighting within and among factions. Drought reduced food supplies and rivals used control of food and its distribution to weaken others. Late in 1992, over half of Somalia’s 10 million inhabitants were assessed as in severe danger of starvation and malnutrition-related disease. Between December 1992 and May 1993, the UNITAF created a secure environment for humanitarian relief operations. This US-led, UN-sanctioned force included many NATO members. Although the HN is presumed to have primacy in providing access to basic needs for its population, Somalia was a failed state and, given the gravity of the situation, UNITAF provided in-extremis humanitarian assistance in specific areas, until security efforts allowed for the arrival and efforts of traditional relief organisations. However, even after the security situation improved and heavy weapons and technical vehicles were cantoned or restricted, relief organisations continued to face threats, often even from the guards they hired. UNOSOM II took over from UNITAF with a mission to complete restoration of peace, stability, law and order. Nonetheless, the situation worsened and, in March 1995 Operation UNITED SHIELD facilitated the safe withdrawal of UN forces, with the first prominent use of non-lethal weapons (NLW) for reasons of mission accomplishment and CIVCAS reduction.

### **Support to Development of Essential Infrastructure: Operation Eagle’s Summit in Afghanistan (2008)**

Bringing a reliable electrical supply to the population of the Helmand Valley, and demonstrating the HN Government commitment to develop the province, required a multimillion-dollar upgrade to the hydroelectric dam at Kajaki, which was funded by the United States Agency for International Development (USAID). With over 200 tons of equipment to be moved from Kandahar airport to Kajaki, it required a Brigade level planning effort and the greater part of its combat power and support elements, to provide security for the move. This involved over 100 vehicles in the main convoy with a heliborne route clearance battlegroup, a battlegroup protecting a deception convoy and a battlegroup conducting a breakout from Kajaki to secure the final few miles of the route. This

<sup>67</sup>NATO’s Role in Kosovo – Historical Overview, <https://www.nato.int/kosovo/history.htm#1>; Ogata, Sadako, *The Turbulent Decade: Confronting the Refugee Crises of the 1990s*; Minear, Larry, van Baarda, Ted, and Sommers, Marc, *NATO and Humanitarian Action in the Kosovo Crisis*, <http://unckt.org/wp-content/uploads/2016/08/Kosovo-Crisis.pdf>.

<sup>68</sup>NATO Euro-Atlantic Disaster Response Coordination Centre, EADRCC Situation Report No.24 (Final Report) FLOODS in Pakistan, <https://www.nato.int/eadrcc/2010/08-pakistan-floods/110124-situation-report24.pdf>.

<sup>69</sup>Analyst who provided on-the-ground support to the Unified Task Force during Operation RESTORE HOPE and planning support for Operation UNITED SHIELD; and Hirsch, John L., *Somalia and Operation Restore Hope: Reflections on Peacemaking and Peacekeeping*, United States Institute of Peace, 1995.



Photo is from August 12, 1996, and shows the reconstruction of a bridge by UK troops near Sipovo, Bosnia and Herzegovina.

was a multinational effort and took five days to move the 112 miles and was described at the time as “the largest route clearance operation the British military has carried out since World War II.”<sup>70</sup> Meanwhile the remaining combat power continued to deliver the framework security tasks across the province.

## 5-5. Key Takeaways

- a. NATO has a supporting role in FABN, seeking to minimise its own adverse impact on the local environment, infrastructure, resources, and population, and supporting aid workers in delivering humanitarian aid;
- b. NATO’s effort in facilitating access is usually by enabling “freedom of movement” for the population and aid agencies. This is primarily done through the provision of a safe and secure environment and infrastructure support (i.e. clearing roads and repairing bridges);
- c. Although NATO is only in a supporting role in FABN, it should be recognised that FABN is essential to mission success, as it will not only meet humanitarian obligations, but it will also help with force acceptance, mission legitimacy and minimise the chance of worsening the security situation;
- d. The HN will always have primacy in providing access to basic needs and services to its population.<sup>71</sup> NATO forces will only take a lead role in the provision of humanitarian aid as a life-saving means of last resort, if no other organisation or agency is able to provide these services.

<sup>70</sup>Brief by British Military spokesman on Operation Eagle’s Summit. Reported by Alastair Leithead of the BBC on 2 Sep 2008, <http://www.geni.org/globalenergy/library/technical-articles/generation/hydro/bbc/uk-troops-in-huge-turbine-mission/index.shtml>.

<sup>71</sup>Unless NATO Forces are acting as an occupation force. In this case NATO has obligations towards the population in accordance with International law, but should work to transition to legitimate local authorities as soon as possible.

# CHAPTER 6



## CONTRIBUTE TO A SAFE AND SECURE ENVIRONMENT (C-SASE)<sup>72</sup>

C-SASE provides comprehensive (political, civil and military) actions that enhance or support the development of local government and institutions capabilities and capacities. This includes Training, Advising and Assistance (TAA) activities. **The role of NATO in this line of effort is to provide the necessary security conditions to enable and support the development of local capabilities to reduce the chance of localised or widespread escalation, conflagration or reversion into armed conflict.**

C-SASE is focused on supporting the development of independent, sustainable, resilient and legitimate governmental authorities and institutions, while taking into account the root causes of instability to prevent the conflagration and/or re-ignition of armed conflict. It recognises the need for a Safe and Secure Environment (SASE) to enable these to occur. Although a SASE is relevant to all missions and phases of a conflict/crisis, under C-SASE, most of the related activities occur in the pre- and post- phases of the conflict or crisis. As such, within collective defence and crisis response, it includes conflict prevention, stabilisation, capacity building and development tasks, again acknowledging that NATO's role

will be defined significantly by its mandate and relationship with the HN and by the roles played by other international actors. C-SASE, just like MH and FABN, is not enclosed in a stovepipe and therefore, the lack of a SASE may impact MH and FABN; and solutions to the establishment of a SASE may be delivered by MH and FABN related actions.<sup>73</sup>

The military is cognisant that the provision to return to a SASE is a political imperative for all NATO and NATO-led missions and operations. Provision of a SASE is the primary responsibility of the HN, therefore NATO will generally be in support of the local governmental authorities' efforts in the setting of conditions for the growth and strengthening of local institutional capabilities that can provide for the legitimate governance, security, rule-of-law, public order and social well-being of the population. As such, the major military contribution to this line of effort is through conflict mitigation by providing security and stability, whilst supporting the development of independent and resilient local governmental institutions and security forces through Security Sector Reform (SSR)<sup>74</sup> and Defence Capacity Building (DCB) initiatives.

<sup>72</sup>Acknowledging that staff procedures may vary between echelons of command, the processes outlined in this section represent a generic list that will require tailoring in order to suit the specificities of each Command's Battle Rhythm.

<sup>73</sup>For example, criminal activities can affect the establishment of a SASE by undermining the rule-of-law, but can also have an impact on FABN by limiting access to basic needs (e.g. increase in cost of doing business, protection schemes, etc.).

<sup>74</sup>SSR involves reforming security institutions so that they can play an effective and accountable role in providing internal and external security. SSR is focused on establishing the conditions for meeting longer term governance and development. For more information, see AJP-3.4.5(A), Allied Joint Doctrine for the Military Contribution to Stabilization and Reconstruction, dated December 2015.

**One of the key considerations related to C-SASE is the ability of the military forces to successfully transition the provision of a SASE to the HN.** Although the conditions and particulars of a SASE will be mission specific and locally-based,<sup>75</sup> in general, a safe and secure environment entails no large-scale fighting and sufficient security to enable sustainable support to the local population.<sup>76</sup> For this to occur, legitimate local authorities, including local security forces that are responsible for and accountable to the entire population, must be able to provide for:

- a. **Security:** Military and police forces are responsible for the entire population and answerable to local authorities. These forces must have the capability and will to protect their own population, ensure public order and public security, keep territorial integrity (border control), safeguard critical facilities and infrastructure, enable freedom of movement, and secure important cultural heritage sites.
- b. **Governance:** National, territorial and local political structure (and associated governmental institutions) with legitimate executive and legal authority. These provide and/or enable the delivery of essential services (potable water, electricity, sanitation, medical care, and education) for the well-being of the entire population.
- c. **RoL:** A criminal justice system that includes law enforcement, judiciary and corrections functions that are accountable to local authorities, perceived to be legitimate by the local population and allows for the peaceful resolution of internal disputes. This may require establishing transitional or hybrid courts to address gaps between national legal mechanisms and international law during the transition from conflict to peace.
- d. **Economic and Infrastructure Development:** Economic, Monetary and Fiscal policy, that provides financial opportunities for the entire population. This includes conditions for both development and employment.

The successful provision of the above will enable the social well-being of the population in which the basic human needs are met to include access to basic needs and services, security, human



**U.S. Air Force civil engineer Capt. Hans Winkler of the 633rd Civil Engineer Squadron, Joint Base Langley-Eustis, Va., conducts inspections of Afghan building projects in Laghman province, Afghanistan.**

rights, education, and employment. For example, achieving a safe environment is closely related to efforts to facilitate the return of refugees and internally displaced people (IDPs).

The transition from a dependent and functional society to the desired independent and functional society can be challenging. A transition to independence eventually includes a withdrawal of external support (military, economic, etc.) that usually delivers a severe shock to the existing system. This outside support can provide a false sense of normality, create unwanted dependencies and hide structural weaknesses that are temporarily protected by the mere presence of foreign forces. An improper understanding of the human environment due to inadequate assessments and faulty assumptions of progress can lead to a false sense of stability and false appearance of a fully functional state with strong governmental institutions. This appearance could result in a premature withdrawal of support and a quick collapse of institutions used to working with the backing of external actors. Also, a state may be particularly vulnerable during and after transition activities and a risk of retributive violence should be assessed and mitigated. A non-functioning local security and justice system can undermine the functions of governance and therefore hamper the transition.

<sup>75</sup>The context for a SASE should be provided by UHE.

<sup>76</sup>Office of the Coordinator for Reconstruction and Stabilisation, Post Conflict Reconstruction Essentials Tasks Matrix. <https://2001-2009.state.gov/s/crs/rls/52959.htm>.

## 6-2. C-SASE as a Lens for Understanding – Planning (What)

As a lens for understanding, C-SASE is focused on the understanding of the capacities and resiliencies of essential public services<sup>77</sup> provided by local authorities and governmental institutions necessary to support the safety, security, social well-being and economic welfare needs of their population. This understanding contributes to UHE and to an overall population threat analysis.

The main questions to consider when applying the C-SASE lens include<sup>78</sup>:

- What is the population's perception of the security environment (breaking down to sex/age disaggregated data if possible)? What would make the population safer?
- Are adults able to go to work and carry out economic activities? Are children able to go to school?
- Does the population have freedom of movement?
- Who controls the flow of goods and economic activity in the area?
- How are basic living conditions of the population changing over time?
- What are the public services required by the population within the crisis area?
- What are the safety and security implications if these essential services are insufficient?
- What are the vulnerabilities/threats to the provision of these services?
- What are the resiliencies to the provision of these services?
- Is the capacity of local authorities to provide for safety sufficient?
- Is the capacity of local authorities to provide for security sufficient?
- Who is providing/is supposed to provide these essential public services?
- Is the capacity of local authorities to provide for governance sufficient?
- Is the capacity of local authorities to provide for sufficient?

The main processes to be considered when applying the C-SASE lens during the planning of an operation are the following:

- a. CPOE**, which should include C-SASE-related considerations and threat assessments broadened to include capacities and resiliencies of the HN.
- b. C-SASE-related considerations**, including relevant information on the ability of the local government and population to meet the basic needs should be included in the CIMIC Estimate as the basis of the CIMIC contribution to the CPOE.
- c. Operations Assessment Process**, which needs to consider and include assessments of the human domain, including safety perception of the civilian population, governance, development and regional cooperation, or political, economic, social and information issues. This is key, as not only do NATO forces contribute to the achievement of non-military objectives, but they may be tasked with non-military activities that need to be assessed as part of understanding the progress of the operation, as well as transition aspects and the significance of non-military aspects for the long-term success of the mission. The inclusion of civilian assessments will require the sharing of information with HN, civilian authorities and local and international actors.
- d. Plan for the transition and termination of NATO military operations** and its military responsibilities to proper authority in the crisis area and the withdrawal of NATO military command in a controlled manner, so as to avoid any destabilising consequence.<sup>79</sup> A key element is the identification of C-SASE related tasks that will be transitioned together with the proper authorities in order to input such elements in the OPLAN.

## 6-3. C-SASE as a Line of Effort – Execution (How)

NATO forces are only one of many contributors to the establishment of a SASE. As such, the Alliance must be prepared to plan for and manage, in close coordination with other relevant local and international actors, the setting of conditions for mostly civilian-led efforts to

<sup>77</sup>Essential public services include potable water, sanitation and electricity.

<sup>78</sup>See Annex C for a more comprehensive list of questions and considerations.

<sup>79</sup>Recognising that the transition of military tasks can apply, with a different degree, to all PoC lenses, it is addressed under C-SASE in consideration of the sensitivity that the provision of a SASE represents for any mission.



**An Afghan soldier from the 209th Corps Route Clearance Company checks for suspicious items in a public park after being tipped off to a possible improvised explosive device. RCC team members recently completed initial training giving 209th Corps and Afghanistan northern region detection and removal capabilities of explosive devices. Photo by Master Sgt. Christopher Dewitt**

maintain, foster, and restore stability for long-term peace. This line of effort includes:

**a. Conflict Mitigation.** NATO's main military contribution, which seeks to establish an atmosphere that reduces the causes of instability, decreases the chances for conflict, and enables the building of an independent, sustainable and more resilient society. This is done by providing security and stability, in order to enable other activities to occur and may require NATO forces to replace and/or reinforce local forces while also conducting concurrent combat and policing activities. This effort includes:

1. Stabilisation. Approach used to mitigate crisis, promote legitimate political authority, and set conditions for long-term-stability by using comprehensive civilian and military actions to reduce violence, re-establish security, and end social, economic and political turmoil.<sup>80</sup> This effort is supported by Stability

Policing (SP), which can reinforce or temporarily replace indigenous civil police in order to contribute to the restoration and/or upholding of the public order and security, RoL, and the protection of human rights. Should no SP assets be available in theatre, Military Police (MP) units can, if they possess the required specific capacities, temporarily perform SP functions.

2. Engagement with non-military actors. Civil Engagement enables the sharing of information and permits the development of a shared understanding of the conflict/crisis. This is important as SASE is often a matter of perception, and can vary widely from actor to actor. What is perceived as safe and secure by NATO forces could be very different from the perception of international humanitarian actors or the local population. The Gender Perspective should also be thoroughly considered: man, boys, women, girls might have

<sup>80</sup>Stabilisation sets the conditions to enable Reconstruction.



Images from Operation Ocean Shield. The counter piracy mission helped deter and disrupt pirate attacks in the Gulf of Aden and off the Horn of Africa. With no successful attacks since 2012, the mission ended December 15, 2016.

a different perception of security. In addition, the views of vulnerable groups such as ethnic minorities and displaced persons should also be considered. Engagement through CMI/CIMIC activities and Strategic Communications is key to ensuring expectation management, counter-propaganda, education, etc.

3. **Strategic Messaging.** A significant component of security and stability is dependent on the perception of the population. By the same token, the population's perception of safety and security is key for mission legitimacy as well as for FP. A comprehensive Strategic Messaging campaign using NATO Public Affairs, Information Operations and Psychological Operations capabilities is required to communicate with the population, help manage expectations, clearly address issues of concern, and counter the narrative of potential "spoilers" such as criminal gangs and syndicates. At a minimum, locals must know why NATO is there and what it is doing. If NATO does not do this, others will fill the gap in the narrative, which could be counter to NATO's mission and intent. Therefore, NATO forces need to establish real-time communications with the local population through various media that would provide essential information to local communities about key local, national, and international efforts.
4. **Explosive Removal.** Explosive removal is an important component of reducing post-conflict civilian casualties. This effort will enhance security and freedom of movement by clearing Mines, UXO, Explosive Remnants of War (ERW) and IED.<sup>81</sup> Ideally, such activities should be paired with education and awareness campaigns of the civilian population tailored to specific social categories that are addressed.

**b. Defence and Related Security Capacity Building.** This effort includes advice, assistance, support, training, education and mentoring activities that support the projection of stability by contributing to the development of sustainable, resilient

and legitimate governmental authorities, institutions and security forces. This will be conducted by supporting SSR initiatives that build or reform relevant institutions to ensure sufficient capacity to support and protect the population. Defence and Related Security Capacity Building activities are conducted along with conflict mitigation measures with the overall aim of developing independent and resilient local government institutions and security forces.

This work seeks to support the development of legitimate and accountable security institutions<sup>82</sup> that provide effective internal and external security, while "addressing the root causes of instability and building the foundations of long-term peace and development."<sup>83</sup> These institutional changes seek to enhance functioning governments, adherence to the RoL, respect for human rights and IHL. The following activities support SSR:

1. **Disarmament, Demobilisation and Reintegration (DDR):**<sup>84</sup> A mechanism utilised to promote reconciliation and enable the peace process by integrating ex-combatants both socially and economically back into society. This is achieved by removing their weapons and military structures, and working with communities.
2. **Security Force Assistance (SFA).** SFA refers to activities that support the development of the capacity and capability of local security forces and their associated governmental institutions.
3. **Stability Policing (SP).** In addition to reinforcing and/or temporarily replacing indigenous civil police, SP supports SSR through Police Capacity Building (PCB) and its support to the Disarmament and Demobilisation aspects of DDR.
4. **Conflict Related DCB.** This element refers to support to conflict prevention and/or conflagration by improving the capabilities (training and equipment) of local security forces to enable them to take care of their own security. The assistance provided to local forces must promote, among others, the knowledge and respect of international law principles.

<sup>81</sup>Protocol on Explosive Remnants of War (Protocol V to the 1980 CCW Convention), 28 November 2003 may apply.

<sup>82</sup>Includes military, police, intelligence services, and other public and private security actors.

<sup>83</sup>United Nations, Peacekeeping, Security Issues, <http://www.un.org/en/peacekeeping/issues/security.shtml>.

<sup>84</sup>United Nations, Peacekeeping, DDR Issues, <http://www.un.org/en/peacekeeping/issues/ddr.shtml>.

Support to the development of functional governmental authorities and institutions that are able to effectively provide public services in an efficient and equitable manner to its population, is essential to avoid the creation of dependencies that may unintentionally prolong the crisis or conflict. The C-SASE line of effort seeks to lay the foundations for sustainable peace by supporting the building of functional governmental institutions that are:

- a. **Independent:** Independent governmental institutions have the authority, will and ability to administer governmental functions and do not rely on other actors to meet the governance, RoL, and security or stability needs of its population. As such, these institutions are self-governing and self-sustaining.
- b. **Sustainable:** Sustainable governmental institutions are able to operate, maintain themselves and endure over time, while not dependent on outside support. The path to sustainability can be enabled through a well-planned and smooth transition process that properly sequences the withdrawal of support (financial and manpower) to ensure that local resources are able to cope.
- c. **Resilient:** Resilient governmental institutions are those able to withstand (resist) and/or recover quickly from shock, adapt to changes in the environment, and transform to withstand emerging and future challenges. As such, resilient institutions are prepared to ensure the continuity of government and the provision of critical goods and services during periods of natural or man-caused disasters.
- d. **Legitimate:** Legitimate governmental institutions are those that conform to local laws, norms and values, and have the consent of the population. While legitimacy can be conferred by outside actors through adherence to international norms and standards these external requirements are generally not as important to local security and stability. In this case, legitimacy is based on perception

and ultimately defined by the local population rather than by the externally imposed criteria.

The main processes to be considered under C-SASE line of effort during the execution of an operation when the military is mandated to train, advise and assist are:

- a. **Security Force Assistance**, through activities that develop and improve, or directly support, the development of HN's military forces and their associated institutions in crisis zones, to assist a HN in developing a sustainable capability, in order to enable its defence against threats to stability and security. This includes Generate, Organise, Train, Enable, Advise and Mentor (GOTEM) activities.



**LTC Carabinieri Alessandro DE FERRARI's blog outlines the mission of the Italian Carabinieri at the CTC-Kabul, where they instruct Afghan Police cadets.**

- b. **Stability Policing**, through activities aimed at (re-)building, developing and/or enhancing the capabilities and effectiveness of the HN law enforcement agencies (and their associated institutions) so that the HN is capable of protecting human rights; providing public order and security; and enforcing the rule of law through sustainable, effective, accountable and legitimate institutions.
- c. **Ensure the creation of appropriate feedback mechanisms with HN** in order to ensure accountability supported by the development of an ad hoc repository accessible by various levels of command where data is stored.

During the conduct of operations planning will continue in order to inform decision makers, see previous section.



**Sgt. 1st Class Edith Vaughn, Regional Command (South) a female engagement team member in Regional Command (South), acts as a safety for a female Afghan National Police recruit during AK-47 weapons qualification, Dec. 7, 2013, at the Regional Training Center - Kandahar, Afghanistan.**

## 6-4. Practical Examples

### **Conflict Mitigation and Defence and Related Security Capacity Building: Support to Bosnia-Herzegovina<sup>85</sup>**

Following the dissolution of the former Yugoslavia, intense civil conflict raged in Bosnia and Herzegovina (BiH), resulting in about 250,000 deaths and 2 million displaced persons and refugees from a population of about 4 million. Following the Dayton Peace Accords in November 1995, NATO's Implementation Force (IFOR) conducted peace enforcement operations December 1995 – December 1996, transitioned to the NATO Stabilization Force (SFOR) December 1996 – December 2004; and, since December 2004, to the EU-led Operation ALTHEA and NATO HQ Sarajevo providing advice to BiH institutions on Defence Security Sector Reform (DSSR) tasks; support BiH efforts to maintain the Safe and Secure Environment (the Executive Mandate) and continues to conduct Combined Training activities with Armed Forces of BiH.

NATO operations successfully separated and disarmed the former warring factions,

established an inter-entity boundary line and patrolled the zone of separation, maintained general area security and supported local area security, and facilitated a return to the RoL. NATO and numerous IOs/NGOs helped the nascent BiH become stable and prosperous. NATO oversaw the cantonment of heavy weapons; safeguarded the population, enabling the return of displaced persons and refugees; played a key role in early election security; worked closely with the International Police Task Force on local security, particularly when former warring factions attempted to pursue their interests via paramilitary and gang proxies or through armed criminality; worked with the UN Mine Action Centre on the extensive landmine threat; and supported freedom of movement not only through security efforts (addressing early challenges such as outbreaks of violence or threats to civilians at bridgeheads and other important crossings of the inter-entity boundary line), but also critical infrastructure restoration.

In order to achieve this, NATO relied on military, police,<sup>86</sup> and civilian assets in a comprehensive approach. Enabling the RoL proved to be a more difficult challenge for

<sup>85</sup>Analyst who provided direct support to IFOR and SFOR in Bosnia and contributed to the Joint Assessment Team (predecessor to the Joint Analysis and Lessons Learned Centre) Bosnia assessment in support of SACEUR; and Holbrooke, Richard, *To End a War*, Random House, 1998; Dayton Accords, online account by President Bill Clinton, Encyclopaedia Britannica, <https://www.britannica.com/event/Dayton-Accords>.

<sup>86</sup>NATO's Multinational Specialised Unit was organised along military lines and equipped to carry out a wide range of police and military tasks. The MSU consisted of Police Forces with military status.



**A Bosnian/Serbian checkpoint in Sarajevo is manned by Italian troops during an IFOR Press Tour in Tuzla/Sarajevo/Zagreb, Aug. 12-16, 1996.**

NATO's Multinational Specialised Unit (MSU), who did not have the authority to detain individuals suspected of war crimes, crimes against humanity, and gross human rights violations. Without this authority, NATO's MSU could identify dangerous individuals, but were unable to keep them away from the population. Gaps in domestic law also made it difficult to adjudicate cases on property disputes. In order to address this issue, a hybrid court was established using a blended method of international and domestic law, authorising police to hold suspects until their cases could be adjudicated.

### **Defence and Related Security Capacity Building: Support to Development of RoL<sup>87</sup>**

In 2011, NATO established a RoL Field Support Mission (NROLFSM) as part of the ISAF mission in Afghanistan. NROLFSM aimed to support the building of the Afghan criminal justice capacity and increasing civilian access to dispute resolution, thereby helping to improve the efficacy of the Afghan Government as part of the comprehensive approach. NROLFSM focused on a limited range of tasks: protecting civilian RoL experts and trainers, coordinating their movement with other stakeholders to provide liaison and outreach, and supporting infrastructure upgrades at RoL centres and courthouses. NROLFSM did not engage in RoL itself, rather it supported and enabled the HN and other IOs with the mandate to do so. In some crises, civilian access to basic administration and RoL will be considered critical to successful conflict resolution. However, NATO support efforts must be carefully coordinated with other actors and the RoL domain may be particularly sensitive and problematic, for example, where legitimate but informal RoL and dispute resolution mechanisms already exist, even if they fall short of desired standards.

### **Defence and Related Security Capacity Building: Support to Integrating Agents for Change**

Between 2009 and 2012, in Darfur (Sudan), the United Nation – African Union Hybrid Mission in Darfur (UNAMID) had the mandate to support the implementation of the peace agreement and protection of civilians. To this end, the mission facilitated the implementation

of DDR projects together with the Sudanese government. By working closely with the community when planning and conducting their program, the DDR section gained an understanding of the gender relations in the Sudanese culture notably thanks to their 32% women strong work force. This capacity also enabled the mission to properly engage with local women. They realised that Darfuri women took part in the peace process to a large extent when they learned that in both war and peacetime, women were involved in mobilising the community, especially groups called Hakamas who used singing as a method of activating people. In peacetime, their singing would maintain social order in the community. In wartime, they sang to encourage their sons and husbands to fight at the front. The Hakamas sometimes travelled with the armed forces to the battlefield and their singing would spur the fighters. The DDR section conducted a gender analysis of the influential function of the Hakamas in local communities, and how their role could impact the transitioning of the forces from the atrocities of war into a peaceful society. The importance of involving the Hakamas was assessed; hence the DDR section started contracting and training the Hakamas on the purpose of DDR, peace-building, gender and human rights. With this training, the Hakamas could develop songs that instead of urging men to fight were about peace and a better future. The mission used a force of the community itself as the Hakamas performed their newly written songs at ceremonies and large events, thus amplifying the participation of local actors of peace and security.<sup>88</sup>

### **Defence and Related Security Capacity Building: Support to Countering Corruption**

The NATO BI programme<sup>89</sup> was established in 2007 to support development of effective and efficient defence institutions under civilian and democratic control. Initially designed for NATO partner nations, NATO BI has since been employed in crisis-response situations as part of wider efforts to counter corruption, which prevents civilian access to basic state services. NATO BI approaches such as vulnerability assessments and training and education clearly have applicability across other sectors where civilians may be denied access to basic services such as education and healthcare.

<sup>87</sup>NATO, Backgrounder: Rule of Law, [https://www.nato.int/nato\\_static\\_fl2014/assets/pdf/pdf\\_2011\\_06/20110609-Backgrounder-Rule\\_of\\_Law-en.pdf](https://www.nato.int/nato_static_fl2014/assets/pdf/pdf_2011_06/20110609-Backgrounder-Rule_of_Law-en.pdf).

<sup>88</sup>Nordic Centre for Gender in Military Operations' publication Whose Security, 2015, p. 25. <https://www.forsvarsmakten.se/siteassets/english/swedint/engelska/swedint/nordic-centre-for-gender-in-military-operations/whose-security-2015-low-resolution.pdf>.

<sup>89</sup>NATO, Building Integrity, <https://buildingintegrity.hq.nato.int/BI.aspx>.

## **Defence and Related Security Capacity Building: Support to Critical National Infrastructure and Resilience**

Increasingly in contemporary crises, civilian access to water, sanitation and healthcare, power and food supplies, transportation and even banking and financial services, are all dependent on control systems and communications networks which may be vulnerable to adversary threats, whether through cyber or hybrid means, physical attack and disruption by terrorists or proxies, as well as conventional forces. A recent example of this was the 2015 cyber-attack on Ukraine's power grid,<sup>90</sup> where unidentified actors introduced and activated a range of malware into control and switching systems on a synchronised basis. At the invitation of the Ukrainian government, an interagency team from the US quickly deployed to support national authorities in mitigating the impact of the attack and restoring the power grid, detecting and removing malware and identifying critical vulnerabilities to reduce the likelihood of a follow-on attack.

### **Training, Advising and Assistance: Children and Armed Conflict Policy**

The NATO-led Resolute Support (RS) Mission, in partnership with the United Nations Assistance Mission in Afghanistan (UNAMA), supported the Afghan Ministry of Defence (MoD) in developing its own Child Protection Policy. On 5 December 2017, in the presence of the RS Mission Commander, the Afghan Minister of Defence signed and put the policy into force. The policy aims to shield children from the adverse effects of armed conflict and, especially, to prevent violence against children in combat operations involving military members or units of the Afghan National Army (ANA) or during activities controlled or conducted by the Afghan MoD. The policy prescribes clear procedures for monitoring, reporting and investigating violations by MoD personnel.

### **Training, Advising and Assistance: International Humanitarian Law/Human Rights Policy**

NATO/RS provided support to the Afghan National Defence and Security Forces (ANDSF) capacity to protect the civilian population by developing an IHL/Human Rights Policy for

the Afghan MoD that addresses investigating violations as well as annual, tailored training to all MoD personnel. NATO has been transferring its know-how on civilian casualty mitigation to the ANDSF for several years. Some practices in this regard include support in the creation of an Afghan policy on civilian casualty mitigation, assisting the ANDSF in developing a model similar to ISAF's "Civilian Casualty Mitigation Team", and the participation of mentors in the Afghan Air Force Targeting Cell, lending their expertise in mitigating against civilian harm.

## **6-5. Key Takeaways**

NATO has a supporting role in C-SASE, seeking to provide the necessary security conditions to enable and support the development of legitimate, sustainable and resilient HN governmental capabilities to reduce the chance of localised or widespread escalation, conflagration or reversion into armed conflict;

- a. NATO's role in C-SASE will be defined by its mandate and relationship with the HN and by the roles played by other international actors;
- b. NATO's contribution to a SASE can occur pre- and post- phases of the conflict or crisis. As such, it can include conflict prevention and mitigation, stabilisation, defence capacity building and development tasks;
- c. One of the key considerations related to C-SASE is the ability of the military forces to successfully transition the provision of a SASE to the HN, avoiding the creation of dependencies;
- d. NATO forces are only one of many contributors to the establishment of a SASE and, therefore, must be prepared to plan for and manage, in close coordination with other relevant local and international actors, the setting of conditions for mostly civilian-led efforts to maintain, foster, and restore stability.

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<sup>90</sup>CISA, Cyber-Attack Against Ukrainian Critical Infrastructure, <https://ics-cert.us-cert.gov/alerts/IR-ALERT-H-16-056-01>.

## ASSESSMENT AND REPORTING MECHANISMS

### 7-1. PoC and Operations Assessment

NATO operations assessment (OpsA) function is an evidence-based, systematic analysis of change and - where possible - its causality, to inform progress towards specified goals and any required plan adjustments. **Ideally, NATO PoC assessments should draw on the widest possible sources of evidence relevant to understanding the PoC dynamics, although this will be dependent on the level of trust, formal and informal information sharing arrangements and interoperability between NATO and other actors.**<sup>91</sup>

In some cases NATO will automatically collate evidence on PoC issues, such as in MH, and in some other areas it may have the ability to fill gaps in existing data sources through use of its own resources, but more generally NATO will be reliant on other actors. These actors are likely to be civilian experts in specific PoC aspects, attuned to the local sensitivities and vulnerabilities of the civilian population and the threats they face. In some cases they will be IO/NGOs with established missions in the crisis area, or they may be local civil society groups, government, community leaders or academics. These actors will be relevant to NATO assessments in several ways. Firstly, they are likely to be the sources of evidence and data for any overall PoC assessment.

Secondly, they will also likely conduct assessments of their own, whether informally or formally for their own audiences, stakeholders or sponsors. Thirdly, they are important “influencers” in the information environment; if they do not believe that NATO PoC efforts are succeeding, they are likely to be more influential in communicating this message than any NATO counter-narrative.

However, working with civilian PoC stakeholders on military PoC assessment issues is far from straightforward. Their data collection and assessments may not be synchronised with the needs of NATO reporting, nor their methods transparent. NATO needs to be able to understand their methodologies, constraints, strengths and weaknesses and to access sufficient expertise to make sense of these. A recent example is the monitoring of civilian casualties during the conflict in Afghanistan, where the UN Assistance Mission (UNAMA), NATO and the Host Nation Government all maintained separate databases of reported civilian casualty incidents, and comparing them was complicated by different methods of categorising and corroborating casualty information. While it may prove difficult to move towards a single, common dataset, it should be possible to facilitate comparison and potential data sharing by moving to common standards.<sup>92</sup>

<sup>91</sup>Other actors, especially in the development and humanitarian communities, may use the term Monitoring and Evaluation (M&E) to describe their own impact-based assessments of PoC dynamics, conducted as the last step of the project/programme management cycle.

<sup>92</sup>An example framework for a set of common standards is proposed by the NGO Every Casualty Worldwide, [www.everycasualty.org](http://www.everycasualty.org)



**a. UHE**

Those aspects of the human environment identified as critical to PoC during planning must be monitored persistently as an integral part of overall feedback on mission progress. In addition to assessing progress against mission objectives that are directly related to the human environment (e.g. local population's support for an insurgency), UHE includes developing a comprehensive picture of the operating environment, including both the physical aspects of the human environment (e.g. population welfare, demographics, etc.), and the psychological aspects related to population perceptions (e.g. their attitudes towards respective factions, their support for the mission.)

Persistent monitoring of the human environment will require coordinated action of all relevant staff within the HQ, and possibly even the allocation of surveillance assets, focused CMI and liaison tasking to collate, analyse and systematically report on relevant PoC issues. This systematic assessment will likely require synthesis of a number of indicators or evidence sources to form an overall picture; each of MH, C-SASE and FABN will require different techniques and emphasis. Synthesis of PoC assessment into the battle rhythm is key to development of a PoC mind-set.

**b. MH**

The dynamics of MH will be a significant issue in most crisis interventions. Relevant indicators will depend on the nature of harm being perpetrated, but will almost certainly include the number of civilian casualties and other measures of civilian harm such as numbers of displaced persons or those receiving humanitarian assistance. It will therefore be important for NATO to have put in place appropriate methods for assessing these issues.

However, the example of civilian casualty tracking is illustrative of the wider challenges NATO will face in assessing MH, particularly in contemporary conflicts, where practical application of the principle of distinction between combatants and civilians is blurred and often ignored,<sup>93</sup> and there are practical difficulties investigating and verifying claims of casualty events. Concurrently, the

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<sup>93</sup>Melzer, *The Principle of Distinction Between Civilians and Combatants in The Oxford Handbook of International Law in Armed Conflict* (Edited by Clapham and Gaeta) Oxford, 2014.

attention paid to the civilian casualties by international media, political leadership and domestic audiences in NATO nations means that assessments are likely to be contested (often by NGOs, IOs or human rights organisations who are monitoring and reporting on civilians casualties from the ground), disputed and “targeted” in any information campaign between conflict parties. Any suspicion that NATO is being less than thorough in its efforts to mitigate civilian harm, or that it does not properly investigate alleged civilian casualty incidents, will be criticised by adversaries, the media and IOs/NGOs.

A further problem arises when NATO is working with, or in support of, HN security forces. Naturally, NATO will seek to avoid any suggestion of complicity in human rights and IHL violations, before engaging with HN security forces. This will require NATO to assess the situation in the HN and the prevailing attitude to human rights and IHL, thus identifying (and planning to mitigate) specific risks associated with the proposed assistance. Monitoring and investigation processes, which apply equally to NATO and HN force incidents, will therefore be a crucial part of strengthening security, justice and civilian protection within the HN.

### c. **FABN and C-SASE**

NATO may support assessment of FABN and C-SASE aspects through use of its own resources, assets, research and analysis, such as in BiH during NATO operations 1995-2000.<sup>94</sup> In this case, NATO patrols collated data on basic food commodities’ pricing and availability in local markets to give insight into post-conflict FABN aspects. Other examples could include gathering and exploitation of imagery or other Geo-Spatial evidence to investigate specific FABN aspects, such as access to healthcare or water sources. However, in most cases, assessing FABN will be a synthesis of the assessments made by other PoC actors, mainly from the humanitarian community. Assessing C-SASE and specifically the development of security institutions poses additional obstacles. In many instances, NATO’s freedom to monitor and evaluate such development will be mediated or



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<sup>94</sup>Lambert, Measuring the success of the NATO operation in Bosnia and Herzegovina 1995-2000, *European Journal of Operations Research*, 2002. [https://doi.org/10.1016/S0377-2217\(02\)00083-8](https://doi.org/10.1016/S0377-2217(02)00083-8).

constrained by the HN Government which has requested NATO assistance.

In several aspects of PoC assessment, the attitudes and perceptions of civilians affected by a crisis are the key to understanding whether PoC efforts are achieving desired objectives. However, understanding and monitoring civilian attitudes requires much more sophisticated techniques than those to examine actions or other observable phenomena such as civilian casualties. The use of opinion research in crisis situations, by both civilian and military organisations, has become widespread in recent years, but is far from a panacea as a research method. Designing, implementing and analysing opinion research efforts among crisis affected populations requires specific expertise to overcome diverse challenges including ensuring the sample selected is representative of the broader population of interest, that researchers are able to access the respondents in insecure areas, that questions are properly formulated and interpreted to achieve intended objectives, and that research efforts enable proper longitudinal (trend) analysis.<sup>95</sup> NATO attitudinal research efforts in Afghanistan for over a decade<sup>96</sup> show the value of engaging with local partners at all stages, of maintaining a systematic approach based on a set of core questions which best enables longer term trend analysis, and of triangulating attitudinal research results with other indicators. Other research methods also play a role, such as focus group studies, “atmospherics” and Human Intelligence (HUMINT).

## 7-2. Reporting Mechanisms

The human environment is very complex with a high quantity of variables and perspectives, which make gaining a meaningful understanding of the situation and consequences of action or inaction particularly challenging. Timely and substantive reporting is paramount to ensure effective action is

taken to address PoC-related issue.

PoC-related considerations will be addressed in the following existing reporting mechanisms:

- a. Periodic Mission Review (PMR), produced twice a year, in order to review progress achieved by the mission against each Military Strategic Objective (MSO) and related Military Strategic Effects (MSE).
- b. CIMIC Report sent from Component Command level to Operational level and from JTF level to SHAPE IOT inform on CIMIC-related activities.
- c. CIVCAS tracking and analysis, on a systematic basis in order to increase transparency and allow appropriate corrective measures where necessary.
- d. Military Engineering (MILENG) reports, which cover the three functional areas: (i) enabling or preventing manoeuvre or mobility, (ii) supporting survivability and sustainability, and (iii) developing, maintaining and improving infrastructure. This functional reporting comprises the assessment of reports and information from all MILENG-related areas of expertise (engineering, EOD, military search, infrastructure management, and environmental protection).
- e. Ad-hoc reports, such as C-IED reporting.
- f. Monitoring and reporting on the six grave violations as per SOP 307 - Reporting and Information Sharing in Support of CAAC. Ad-hoc CAAC reports, such as CAAC Quarterly Report and End of Tour Report by CAAC Senior Advisor to Commander.
- g. Gender reports, such as Gender Monthly Report, Gender Summary Report, and Gender Event/Incident Report.

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<sup>95</sup>OECD, Checklist to commission, design and run a perception survey, 2012 <http://www.oecd.org/governance/regulatory-policy/49217483.pdf>

<sup>96</sup>For over a decade, NATO commissioned quarterly nationwide public opinion research in Afghanistan through a local research partner in order to assist in understanding Afghan attitudes on a wide range of issues. See, for example, “Aligning Surveys to the Mission: The Roles of Public Opinion Polling in Complex Operations” and “Beyond Descriptive Statistics in Survey Analysis: Practical Examples from NATO-sponsored Surveys in Afghanistan” in the NATO Science and Technology Organization (STO) Technical Report (STO-TR-SAS-110) “Operations Assessment in Complex Environments: Theory and Practice”.



## PoC MINDSET

The PoC mind-set is a shift in focus from the traditional “enemy centric” perspective to one that is “population centric”, which is required in order to avoid and in any case minimise and mitigate harm to civilians in NATO missions and operations. This shift is not intended to replace the previous perspective, but rather complement it. In order to integrate this approach it is required that military personnel understand the following:

- a. **PoC is core military business.** PoC has political-strategic consequences that can undermine a mission’s success and legitimacy, if not properly taken into consideration. This was emphasised by General Stanley McChrystal, ISAF Commander, in his 2009 Tactical Directive that stated: “We must avoid the trap of winning tactical victories – but suffering strategic defeats – by causing civilian casualties or excessive damage and thus alienating the people.”

As a core military function the NATO force always has to take PoC into consideration for its own actions, in accordance with NATO Policy and IHL, and has obligations to protect the population and the natural environment from harm (including both physical violence and risk of harm). As a cross-cutting topic, PoC is to be handled by all staff functions. In many cases, especially with regards to MH, the use of force is essential in order to protect civilians from violence or threat of violence.

- b. **You cannot protect what you do not understand.** One cannot mitigate and

minimise harm to the civilian population if one does not first understand the human environment, meaning the threats, vulnerabilities, resiliencies, needs, and dependencies of the people we seek to protect. This understanding must be done from the civilian population’s point-of-view, not from the perspective of NATO.

- c. **Perspectives matter.** PoC does not replace the “enemy centric” perspective in situations of armed conflict or potential for armed conflict. The “population centric” approach is intended to supplement this perspective, in order to take the civilian point-of-view into consideration, especially since civilians are often targeted directly by perpetrators and/or suffer indirectly from belligerent activities.
- d. **Must first protect civilians from “Own” actions.** This is based on the IHL principles of military necessity, proportionality, distinction and humanity.

While these universal principles always apply in armed conflicts, it is important to understand that a compressed time frame may influence a Commander’s assessment regarding distinction, precaution and proportionality. When time is available to deliberately plan, discriminate and precisely target a force or object in accordance with the IHL principles the chances of CIVCAS are greatly minimised. However, if the use of force occurs outside of deliberate targeting, the likelihood of civilian harm increases significantly due to reductions in timescale for

actions. In such situations, what is practically feasible in term of precaution in attack and tactical patience is influenced by FP and self-defence considerations.

This was noted by Human Rights Watch regarding operations in Afghanistan:

“Broadly speaking, airstrikes are used in two different circumstances: planned strikes against predetermined targets, and unplanned “opportunity” strikes in support of ground troops that have made contact with enemy forces (in military jargon, “Troops in Contact” or TIC). In our investigation, we found that civilian casualties rarely occur during planned airstrikes on suspected Taliban targets (one in each of 2006 and 2007). High civilian loss of life during airstrikes has almost always occurred during the fluid, rapid-response strikes, often carried out in support of ground troops after they came under insurgent attack.”<sup>97</sup>

In addition to the risk of harming the population due to the use of force, there is also the risk of causing harm to and impact the host nation’s environment, infrastructure, services and resources, and ultimately the population, due to own actions and activities or even as a result of second or third order effects.

- e. **PoC Includes Protection from the actions of “Others”.** Traditionally for NATO PoC efforts have focused on “Own” actions, but this is insufficient and must include protection from the actions of Other’s against the population. This change is highlighted in the following:

As seen in figure 4, the traditional PoC perspective has belligerents opposing one another in an armed conflict, with civilians caught in the middle. In these cases, the harm to civilians is unintentional or due to careless disregard for their safety, to include poor adherence to IHL principles. Lessons learned from NATO operations in the Balkans and more recently in Afghanistan indicate that NATO has improved in this area and evidence since 2010 shows that CIVCAS caused by NATO forces has dropped dramatically. NATO planning, targeting and harm mitigation processes have improved to mitigate civilian harm as seen in ISAF. NATO must ensure

that these efforts and processes are uphold and frequently adapted to respond to an increasingly challenging environment that includes an increase in urban warfare, the use of human shields and law fare as asymmetric means to reduce the technological advantage of NATO forces. The ideal military situation in these cases would be to remove civilians from the battlefield and not hinder military actions. Unfortunately, the Napoleonic era days of lining up opposing forces on a battlefield away from the civilian population are long gone and therefore this is no longer an option. What needs to be recognised is that, in contemporary conflicts, the perpetrators of violence against civilians are often not necessarily adversarial to international forces as seen in Figure 5. They are not “enemy” or red forces. In some cases, these perpetrators could even be neutral or friendly actors. These perpetrators seek to harm civilians for a wide variety of reasons such as from communal conflict, post-conflict revenge, predatory violence, regime crackdown and government repression. In these cases, NATO forces are not a target and would traditionally not be mandated to intervene or act other than in cases of self-defence.

However, PoC now requires NATO forces to interpose themselves (not necessarily through physical means) between perpetrators and civilians to influence, stop, coerce or dissuade the harmful actions against civilians. This is the shift required for a PoC mind-set, where NATO forces do not focus solely on enemy forces and the requirements for FP, but now also endeavour to keep civilians from harm from actors who may not be hostile to NATO, but do have a negative impact of the overall credibility and legitimacy of NATO.<sup>98</sup>

- f. **PoC requires a shift in Understanding the Operational Environment.** While traditional perspectives from “blue” forces (friendly) and “red” (adversary) must still be taken into consideration, the “green” perspective of the population must be just as important. From a population-centric perspective (the so-called “green” perspective), forces that are considered friendly to NATO (such as HN authorities) could be perceived as perpetrators of violence by the population. This threat to the population would not have been identified through traditional force-

<sup>97</sup>Troops in Contact. Airstrikes and Civilian Deaths in Afghanistan. Human Right Watch, September 8, 2008.

<sup>98</sup>Must recognise that “red” forces (Enemy/Adversary) are a threat to the force, while perpetrators are not only a threat to the population but also a threat to the mission as failing to protect civilians from harm will undoubtedly affect the credibility and legitimacy of NATO forces.

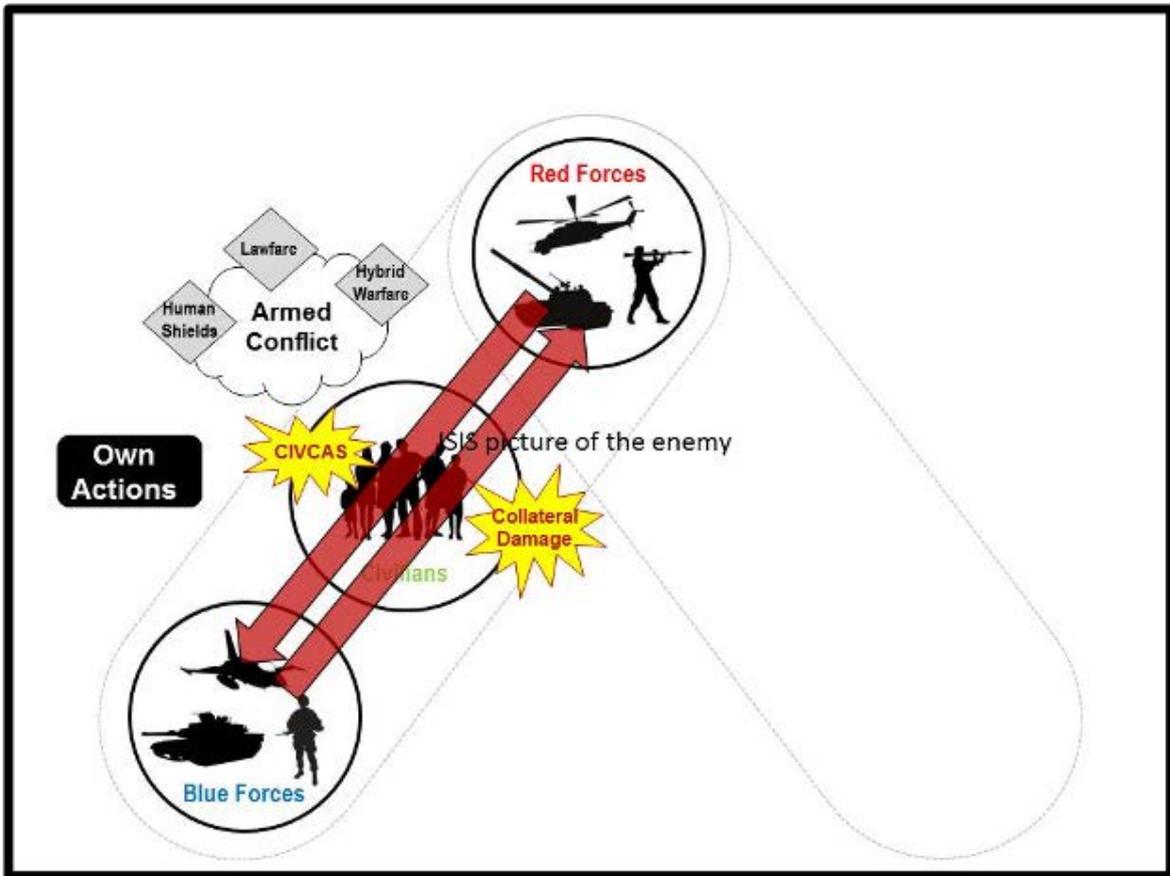


Figure 4. Civilians caught in the middle of conflict between belligerents

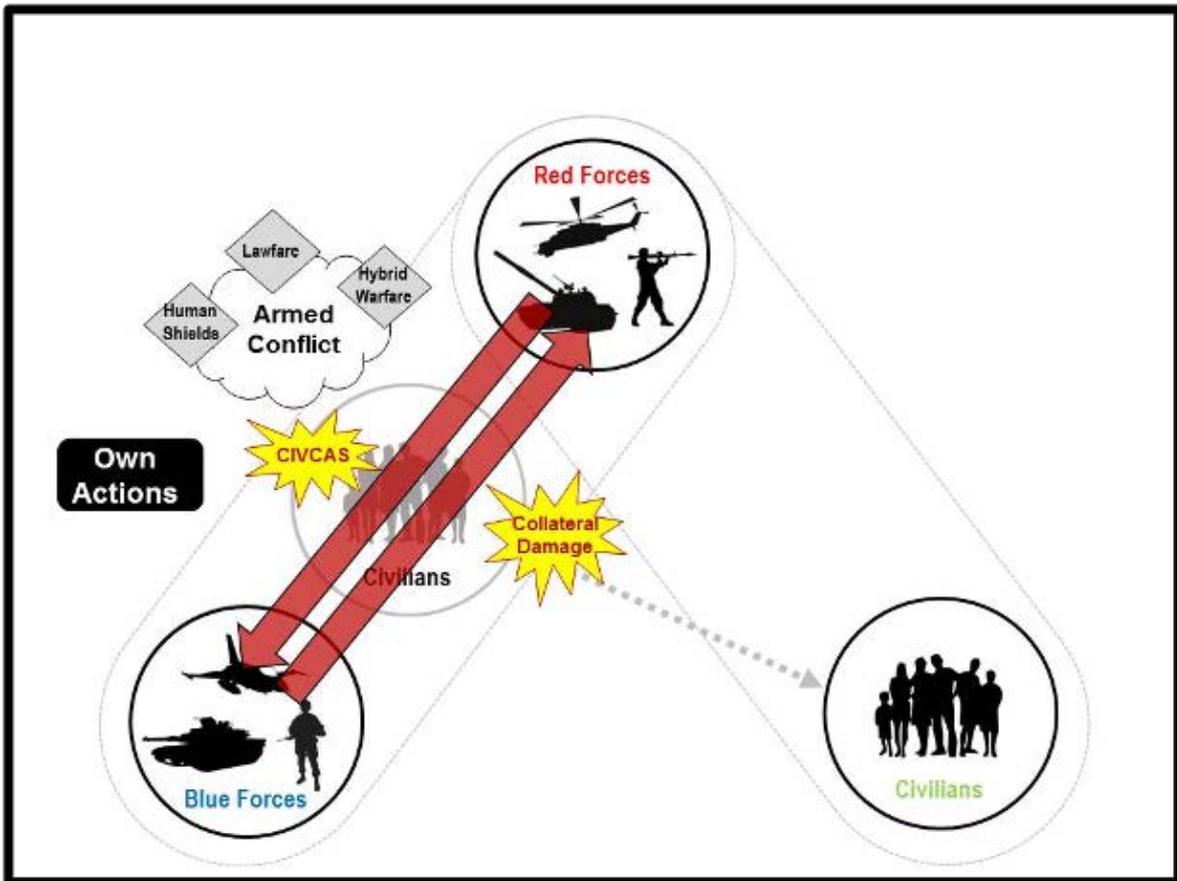


Figure 5. Ideal military situation is moving civilians away from the conflict

focused threat assessments.

This understanding of different perspectives is required to assess the relevant PoC actors that include threatened actors, population threat actors and protection actors. From a traditional “blue” perspective the Threatened Actors would be the civilians, while the threat actors would be enemy forces. NATO forces would obviously be considered protection actors.

However, if we take a “green” population perspective the identification and placement of PoC actors could be very different. In this case, some groups within the civilian population could be considered perpetrators, as could NATO forces from harmful activities caused from “Own Actions”. Understanding and taking into consideration this change in perspective is essential not only to mitigate civilian and environmental harm but to develop a successful information campaign, to manage the expectations of the population and create a successful narrative.

- g. PoC should deal with the disease, not just the symptoms.** Frequently, military activities focus on the outcomes or “symptoms” of protection failures such as dealing with the needs of displaced persons. This is not usually the responsibility of the military and can take considerable time and resources from other military efforts in the area. In many cases, those military efforts would be better served dealing with the “disease” that caused the displacement of the population in the first place, especially if man-made. Hence, protecting civilians at the source can negate the population’s need to move as seen in the depiction below.

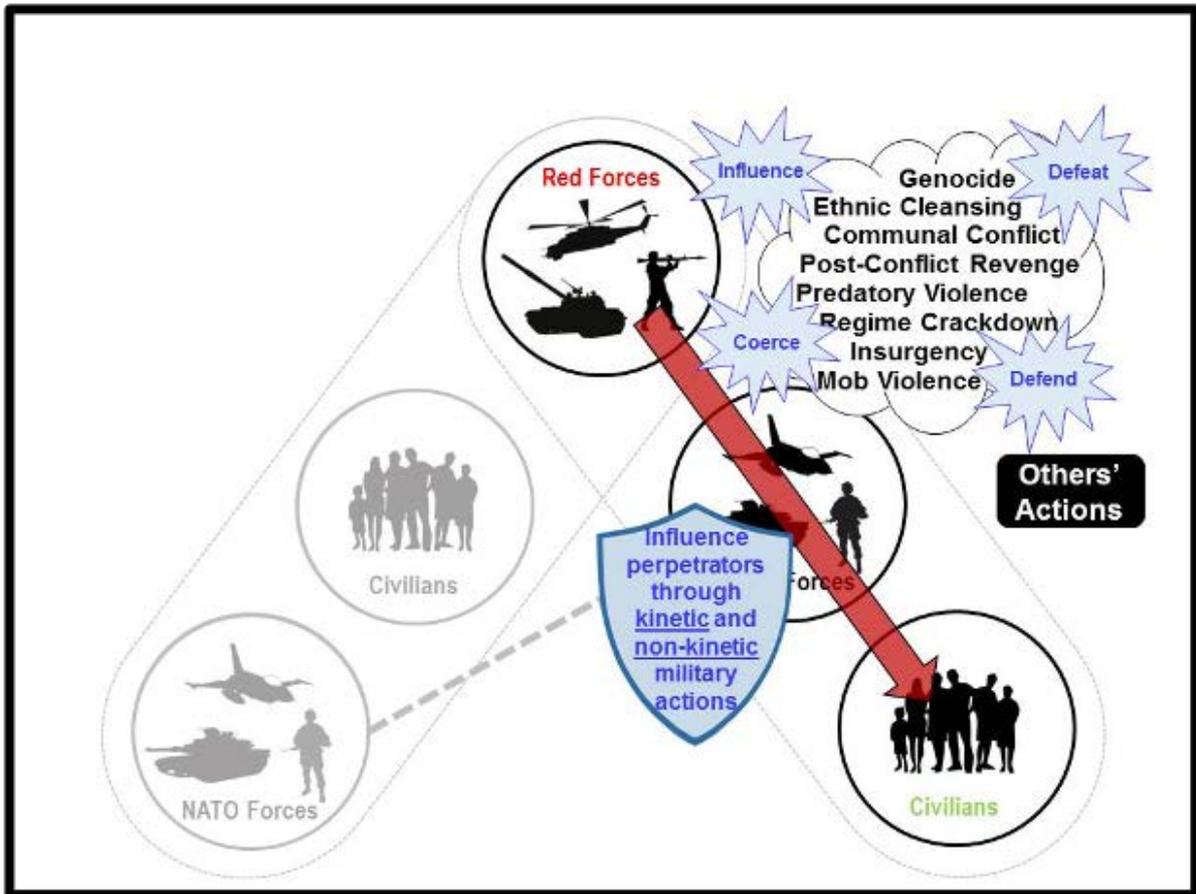


Figure 6. NATO forces interpose themselves

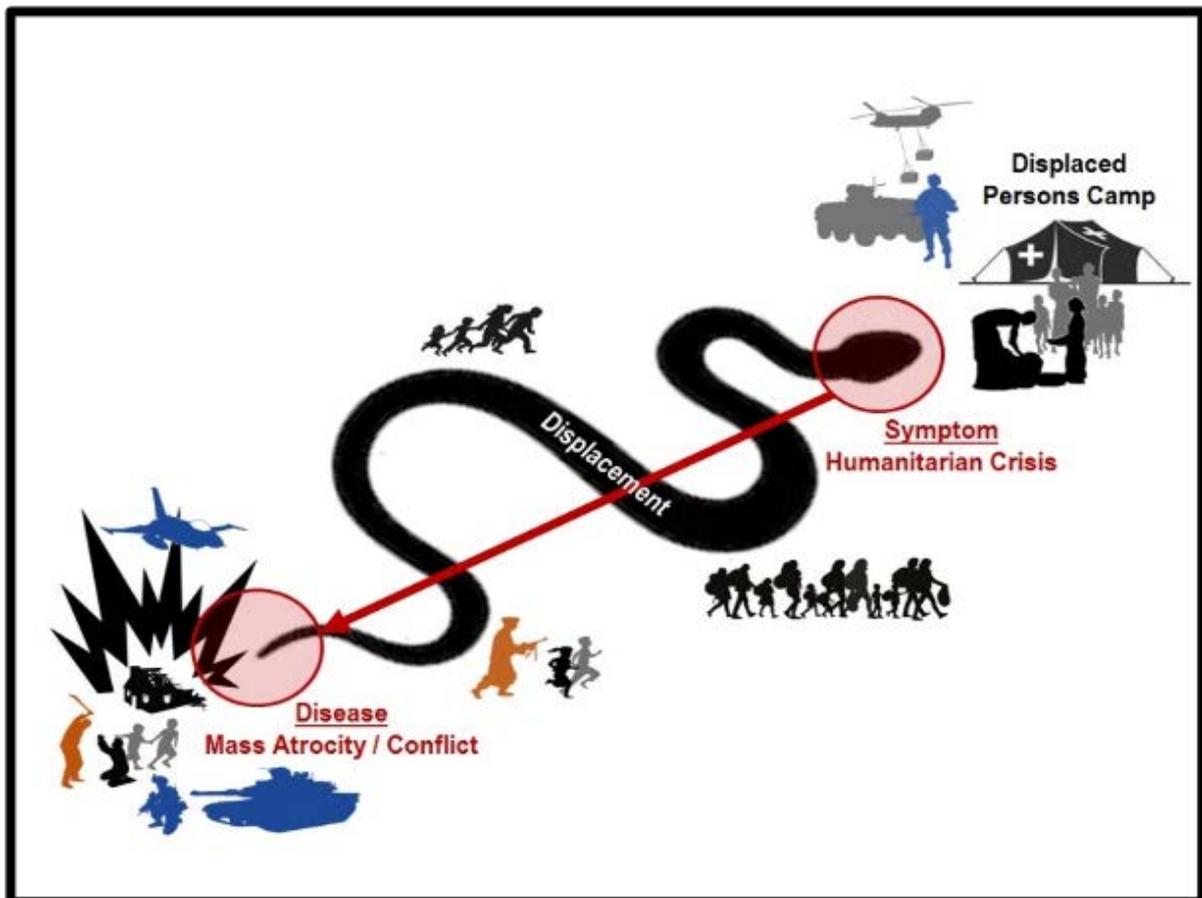
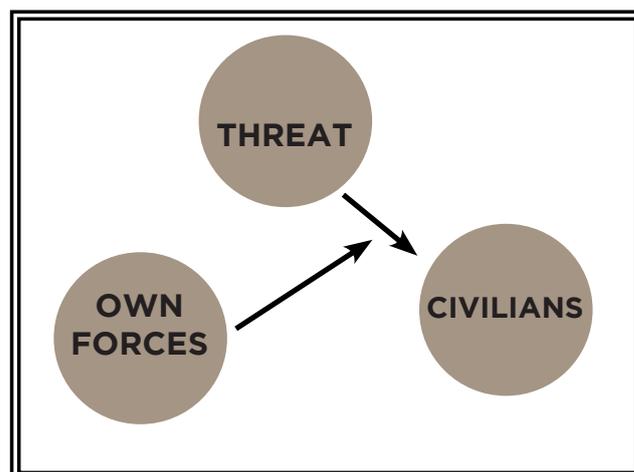


Figure 7. Dealing with disease Instead of symptoms

## THREAT ASSESSMENT – EIGHT SCENARIOS<sup>99</sup>

The following threat assessment is tailored to **mitigate harm** from the **actions of others**. Protecting civilians from unintended consequences of your own operations is always vital, but the greatest threat to civilians usually comes from perpetrators of violence who directly target civilians as part of their warfare.

Different perpetrators target civilians for different reasons, with different means, leading to different outcomes. In order to effectively use force to affect the perpetrators' **will** and **capability** to target civilians, it is necessary to first distinguish between the various types of threats. Threats to civilians may include killings, forced displacement, looting, rape, IEDs, plunder, abduction and taxation. However, particular rationales demands



**Figure 8. The role of military force to protect civilians from threats of physical violence**

### 5 key questions for threat assessment

1. Actor type	What type of actor is responsible for the violence against civilians?
2. Rationale	What is the perpetrator's rationale for attacking civilians?
3. Strategies and tactics	What strategies and tactics serve the perpetrator's rationale most effectively?
4. Capabilities	Which capabilities are relevant to the perpetrator's ability to target civilians?
5. Outcome	What is the expected outcome if the perpetrators succeed?

<sup>99</sup>The eight scenarios approach to assess the threat to the civilian population has been developed at The Norwegian Defence Research Establishment (FFI). See Beadle and Kjeksrud (2014) "Military planning and assessment guide for the protection of civilians". FFI-report 2014/00965. Kjeller.

particular tactics and capabilities to succeed. A systematic analysing of perpetrators along the following five criteria will allow a better understanding of the threat to civilians and will facilitate the development of Military Response Options (MROs) and COAs.

These five questions will help determine the type of threat to civilians. Within any AOR, there will most likely be several types of threats to civilians, stemming from one or several different actors. One particular actor may also change rationale

and tactics over time. Consequently, military responses and COA to protect will also change over time and across the conflict area. Hence, the PoC threat assessment is a continuous process. The five characteristics can be combined to build generic **threat scenarios**, shown in the below matrix. The scenarios serve as a helpful planning tool to distinguish between the different types of threats.

Scenario	Actor	Rationale	Strategies and tactics	Necessary capabilities	Expected outcome
<b>Mob violence</b> Liberia (2004, 2005, 2009,2011,2015) Ivory Coast (2004) Sierra Leone (2000, 2002) DRC (2013,2015)	Individuals or mobs	Exploit mob dynamics for personal gain, revenge or political influence	Non- or semi organised criminal acts (e.g. murder, arson, looting)	Freedom of movement (FOM)	Few killed but possibly extensive material damage to property and general perception of insecurity
<b>Post-conflict revenge</b> Kosovo (post-1999) Iraq (post-2003)	Individuals or mobs	Avenge past crimes on a personal basis	Retaliatory score-settling through criminal acts of violence (e.g. murder, arson, kidnapping, looting)	FOM for individuals and small groups to access victims	Few killed but groups associated with previous perpetrators may flee following relatively little violence
<b>Insurgency</b> Mali (2013–2015) DRC (2012–2013) S. Sudan (2012–2013)	Rebel groups (classic insurgents with political or ideological objectives)	Control populations upon which they depend and undermine trust in their rivals	Selective and indiscriminate violence through threats, targeted killings, bombings, retribution, depending on their level of control	FOM to pick time and place of attack, access to indiscriminate and explosive weapons	Fewer killed and injured, most due to indiscriminate weapons; gradual displacement from areas of heavy fighting
<b>Predatory violence</b> DRC (1999–2015)	Rebel groups (predatory behaviour)	Survive or make a profit by exploiting civilians	Coerce civilians into compliance through plunder, taxation, forced recruitment, opportunistic rape, brutality, especially against ‘easy targets’	FOM to pick time and place of attack, operational secrecy, often central command	Temporary, but large-scale, displacement which is disproportionate to the number of people actually attacked, many abductions, especially of young adolescents

<p><b>Communal conflict</b></p> <p>Mali (the Tuareg vs. Fulani)</p> <p>South Sudan (the Lou Nuer vs. Murle)</p> <p>Abyei (Misserya vs. Ngok Dinka)</p> <p>DRC (Hema vs. Lendu)</p>	<p>Whole tribal, ethnic or sectarian communities (possibly with outside support)</p>	<p>Avenge a previous attack and to deter further retribution in order to protect their own community</p>	<p>Attempts to coerce other community into submission through massacres, abductions, raids, destruction of homes and means of survival, often seeking to maximise violence</p>	<p>FOM to reach other community, access to deadlier weapons is associated with higher number of deaths</p>	<p>Relatively high number of people killed and abducted on both sides, especially women and children; livelihoods stolen or destroyed; temporary displacement</p>
<p><b>Government repression</b></p> <p>Ivory Coast (2010–2011)</p> <p>Syria (12–present)</p>	<p>Authoritarian regimes, or de facto authorities</p>	<p>Control restless populations, on basis of real or perceived affiliation with opposition</p>	<p>Repress population through selective and indiscriminate violence (e.g. threats, detention, rape as terror, destruction, occasional massacres)</p>	<p>Command and control for governments, FOM for regular forces, heavy weapons, special/irregular units in support</p>	<p>Mostly combatant deaths, gradual increase in civilian deaths due to heavy weapons and in accordance with intensity of fighting, large-scale displacement, widespread destruction of population centres</p>
<p><b>Ethnic cleansing</b></p> <p>Bosnia (1992–1995)</p> <p>Central African Republic (2014)</p>	<p>States, or the militarily superior actor</p>	<p>Expel a certain group from a specific territory</p>	<p>Force targeted group to leave through threats, highly visible killings, brutality, mass-rape, destruction of property</p>	<p>Command and control, FOM for irregular units, regular units for military control</p>	<p>Only a few per cent killed, but the vast majority of the targeted population expelled (~90%); destruction of victim homes and cultural buildings</p>
<p><b>Genocide</b></p> <p>Rwanda (1994)</p> <p>Srebrenica in Bosnia (1995)</p>	<p>States, or the militarily superior actor</p>	<p>Exterminate a certain group</p>	<p>Destroy existence of a group through several, simultaneous mass-killings, deportation, camps, systematic rape to prevent reproduction</p>	<p>Command and control, FOM for special/irregular units, sufficient small arms</p>	<p>Majority of members of the targeted group killed (50+ percent), in relatively short time</p>

## PoC KEY QUESTIONS/CONSIDERATIONS

QUESTIONS/CONSIDERATIONS <sup>100</sup>	MAIN PoC FRAMEWORK ELEMENT <sup>101</sup>
Ensure a “population centric” approach	UHE
Provide a PMESII Assessment from “green” perspective	UHE
What are the protection needs of the population?	UHE
What are the protection needs of the population’s sub-groups?	UHE
Population Movement (also through sex/age disaggregated data lens) <ul style="list-style-type: none"> <li>○ Forced: Refugees and IDPs</li> <li>○ Unforced: Internal and External Migrants</li> <li>○ Why is the population moving and is their move complete? Is there sufficient humanitarian support in the area of refuge?</li> <li>○ What transport routes are safe for evacuations?</li> </ul>	UHE
Assess Legitimacy of HN authorities	UHE
Assess Independence of HN authorities	UHE
Assess resilience of HN, including with reference to cyber	UHE
Understanding of other actors in area, as well as their response to situation in area	UHE

<sup>100</sup>This list includes only some key questions that need to be considered. Please note that this list is not an exhaustive or all-encompassing one and that answering/addressing the questions outlined in this Annex does not replace the conduct of relevant analysis and assessment processes.

<sup>101</sup>This indicates the main PoC element that would apply to each of the questions provided. However, it needs to be stressed that some of these questions are relevant to more than one of the PoC elements.

Which non-military actors are willing to cooperate with Own forces/HN security forces?	UHE
Is any agreement in place with the HN or with the International Community IOs to coordinate the efforts?	UHE
Is any agreement necessary with the HN or with the International Community to coordinate the efforts?	UHE
What are the ethnic makeup and tensions that could be exploited in a crisis by belligerents?	UHE
Critical infrastructure for sustaining the civilian population (waterways, major supply routes, ports, airports, energy generation and distribution)	UHE
Is there any consideration related to climate change/ extreme weather and its consequences?	UHE
What are early warning indicators that might lead to humanitarian crises? (droughts, natural disasters, outbreaks)	UHE
Healthy info sharing and understanding of the existing protection mechanisms	UHE
What is the critical infrastructure and its vulnerabilities without (direct or indirect) civilian support (energy, water, food, telecommunications)?	UHE/C-SASE
Who is the most vulnerable group?	MH
Is military action (own forces) posing a threat to the population?	MH
Which military actions (own forces) pose the greatest threat to civilians (e.g. which effects, platforms, tactics, munitions)?	MH
How will own force impact the local economy? Mitigation measures?	MH
Which/what efforts have been taken into consideration to avoid/minimise/mitigate negative effects on civilians?	MH
Which non-lethal effects are viable?	MH
Specific requirements to planning due to urban environment? What are precautions?	MH
Operational constraints that NATO may face due to civilian population: <ul style="list-style-type: none"> <li>o Convoy movement – impact of civilians on (Main Supply Routes) MSR; competition with other MSR requirements</li> <li>o Base access – throughput at entry control points; crowds (whether self-motivated or adversary utilised)</li> <li>o Targeting – discriminating hostiles; CIVCAS</li> </ul>	MH

Are CIVCAS Management procedures integrated into the planning process?: <ul style="list-style-type: none"> <li>o CIVCAS Tracking</li> <li>o CIVCAS Evacuation</li> <li>o CIVCAS Communication</li> <li>o CIVCAS Investigation</li> <li>o CIVCAS Reporting</li> <li>o CIVCAS Redress</li> </ul>	MH
Who is being targeted and/or harmed?	MH
Who are the actors harming civilians?	MH
Which are the provisions of the military mandate with reference to MH/other's action?	
Who is the actor posing the greatest threat to civilians?	MH
Is the harm to civilians intentional or unintentional?	MH
If harm is intentional, what is the rationale/motivation to target civilians?	MH
If harm is intentional, what strategy and tactics do the perpetrators of violence use against civilians?	MH
What are the capabilities of the perpetrators of violence?	MH
What capabilities do the perpetrators require to target civilians?	MH
What are the internal procedures/processes of the perpetrators of violence?	MH
Are civilians being used to harm other civilians?	MH
Where are the tools/instruments/weapons harming civilians coming from? Which network?	MH
Adversary's ability to influence and drive actions of individuals/groups - strategic communications, use of social networks, recruitment, fund raising, explicit/implicit support for adversary activities	MH
What are the population's basic needs? How do civilians define their basic needs?	FABN
What are the most important needs? Is there a prioritization?	FABN
Is the provision of basic needs sustainable?	FABN
What needs are not being met?	FABN
Who can meet these needs?	FABN
Who is providing these needs?	FABN
What are the risks related to the provision of these needs?	FABN
What dependencies does the population have on the natural environment?	FABN
Is there sufficient capacity to meet these needs?	FABN
What expectations does the population have for NATO to meet their needs?	FABN
What are the security implications if these needs are not met?	FABN

What is the impact on the mission if basic needs are not met?	FABN
Which public assets are more vulnerable?	C-SASE
What are the public services required by the population within the crisis area?	C-SASE
What are the public services expected by the population within the crisis area?	C-SASE
Who is providing these essential public services?	C-SASE
What institutions should be providing these services?	C-SASE
To whom are the essential public services provided?	C-SASE
What are the vulnerabilities/threats to the provision of these services?	C-SASE
What are the resiliencies to the provision of these services?	C-SASE
What are the safety and security implications if these essential services are insufficient?	C-SASE
Is the capacity of local authorities to provide for safety sufficient?	C-SASE
Is the capacity of local authorities to provide for security sufficient?	C-SASE
Is the capacity of local authorities to provide for governance sufficient?	C-SASE
Is the capacity of local authorities to provide for governance sufficient area? The capacity of local authorities to provide for RoL sufficient?	C-SASE
Is the capacity of local authorities to provide for public order sufficient?	C-SASE
What is the level of resilience of the local population and HN?	C-SASE
How stable are local support structures? (all kinds of structures: trade, societal, etc.)	C-SASE
Host Nation/IO/NGO/Other capacity to sustain the situation	C-SASE
Training in support of HN - is there any legal package on IHL associated with cultural awareness?	C-SASE
How to reintegrate former combatants?	C-SASE
How to support the reconciliation process?	C-SASE
How to support implementation of UN resolutions on women and children?	C-SASE



## BASIC PRINCIPLES OF INTERNATIONAL HUMANITARIAN LAW

International law is contained in agreements between States (usually, treaties and/or conventions), in customary rules (which consist of State practice considered by them as legally binding), and in general principles. Although NATO itself is not a signatory to international treaties, NATO nations are bound by the treaties they have ratified and the relevant applicable international law and standards established in customary law along with their own national legislation.

IHL, also referred to as the Law of Armed Conflict (LOAC), is a set of international rules that seek, for humanitarian reasons, to limit the effects of armed conflict. It is intended to minimise the suffering caused by armed conflict rather than impede military efficiency. It protects those victims of conflict who are not or are no longer directly participating in the hostilities and restricts the means and methods of warfare. IHL is recognised as forming a universal body of law, hence its importance for NATO. The main IHL rules that are of utmost importance for the protection of civilians during military operations and missions are the following:

### **a. Distinction**

Military operations are to be conducted only against the enemy's armed forces and military objectives. As a result, the parties to the conflict must at all times distinguish between the armed forces and civilians or between combatants and non-combatants, and between objects that might legitimately be attacked

and those that are protected from attack. Attacks must not be directed against civilians. Civilians are protected against attacks, unless and for such time as they take a direct part in hostilities.

Indiscriminate attacks are prohibited.

Indiscriminate attacks are:

1. those which are not directed at a specific military objective;
2. those which employ a method or means of combat which cannot be directed at a specific military objective; or
3. those which employ a method or means of combat the effects of which cannot be limited as required by IHL;

and consequently, in each such case, are of a nature to strike military objectives and civilians or civilian objects without distinction.

### **b. Proportionality**

The principle of proportionality requires that the expected losses resulting from a military action should not be excessive in relation to the direct and concrete military advantage anticipated.

### **c. Military Necessity**

A State engaged in an armed conflict may use that degree and kind of force, not otherwise prohibited by LOAC, to achieve the complete or partial submission of the enemy at the

earliest possible moment with the minimum expenditure of life and resources. However, it is important to note that the principle of military necessity does not justify acts that are otherwise prohibited by LOAC and is not a criminal defence for such acts, even if they hasten the surrender of the enemy.

#### **d. Humanity**

The principle of humanity forbids the infliction of suffering, injury or destruction not actually necessary for the accomplishment of legitimate military purposes. It prohibits the intentional causing of unnecessary suffering, once the military purpose has been achieved.

#### **e. Precautions in Attack**

In the conduct of military operations, constant care shall be taken to spare the civilian population, civilians and civilian objects.

Those who plan or decide upon an attack shall do everything feasible<sup>102</sup> to verify that the objectives to be attacked are neither civilians nor civilian objects and are not subject to special protection but are military objectives and that it is not prohibited to attack them.

Each party to the conflict shall take all feasible precautions in the choice of means and methods of warfare with a view to avoiding, and in any event to minimising, incidental loss of civilian life, injury to civilians and damage to civilian objects.

Each party to the conflict must refrain from deciding to launch any attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.

An attack shall be cancelled or suspended if it becomes apparent that the objective is not a military one or is subject to special protection (or the attack violates the rule of proportionality).

Each party to the conflict shall give effective advance warning of attacks which may affect the

civilian population, unless circumstances do not permit.

Where a choice is possible between several military objectives for obtaining a similar military advantage, the one whose attack is expected to cause the least incidental damage should be chosen.

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<sup>102</sup>Some nations would use the term “practicable” rather than feasible.



## TERMINOLOGY/LEXICON

The following is a list of key terms that are related to Protection of Civilians.

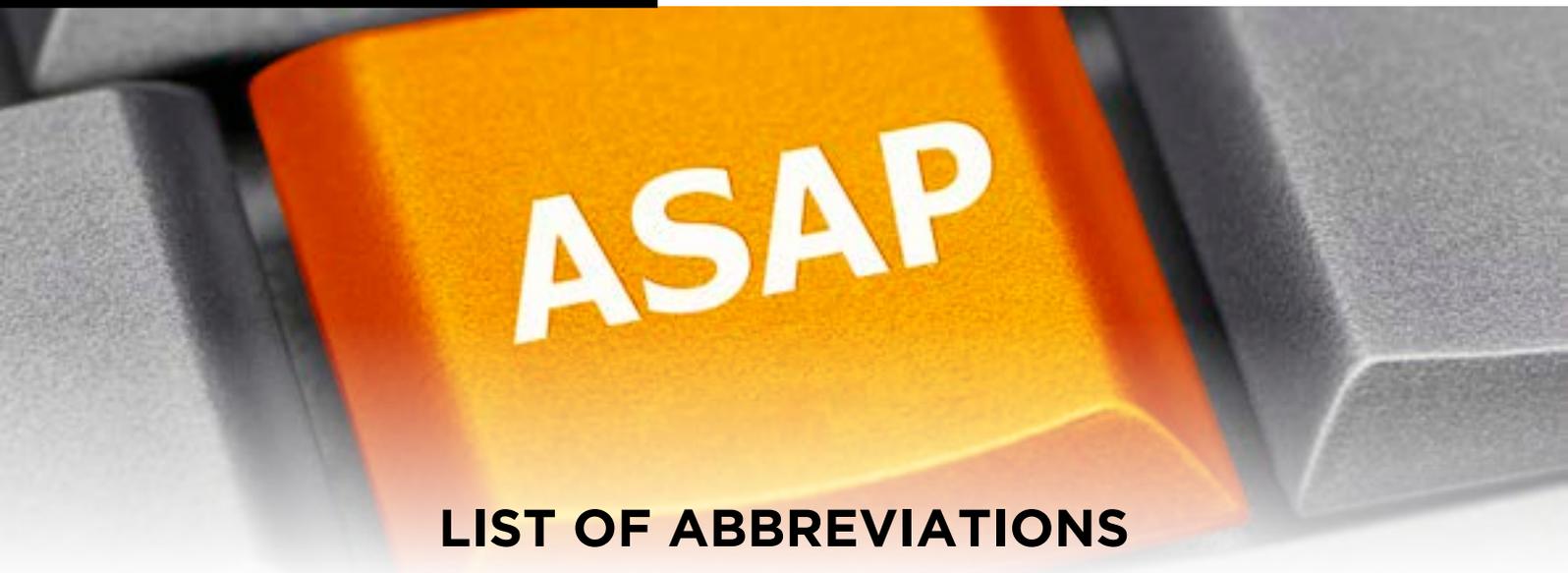
<b>Terminology</b>	<b>Description/Definition</b>
Centre of Gravity (CoG)	The primary source of power that provides an actor its strength, freedom of action and/or will to fight.
Civil-Military Cooperation (CIMIC)	CIMIC is a joint function comprising a set of capabilities integral to supporting the achievement of mission objectives and enabling NATO commands to participate effectively in a broad spectrum of civil-military interaction with diverse non-military actors.
Civil-Military Interaction (CMI)	CMI is a group of activities, founded on communication, planning and coordination, that all NATO military bodies share and conduct with international and local non-military actors, both during NATO operations and in preparation for them, which mutually increases the effectiveness and efficiency of their respective actions in response to crises.
Conflict-Related Sexual Violence (CRSV)	Any sexual violence against an individual or group of individuals, used or commissioned in relation to a crisis or an armed conflict.
Cyberspace	The global domain consisting of all interconnected communication, information technology and other electronic systems, networks and their data, including those which are separated or independent, which process, store or transmit data.
Host Nation (HN)	A nation which, by agreement: a) receives forces and material of NATO or other nations operating on/from or transiting through its territory; b) allows material and/or NATO organisations to be located on its territory; and/or c) provides support for these purposes.

Host Nation Support	Civil and military assistance rendered in peace, crisis or war by a HN to NATO and/or other forces and NATO organisations that are located on, operating on/from, or in transit through the HN territory.
Humanitarian Aid	The resources needed to directly alleviate human suffering.
Humanitarian Assistance <sup>103</sup>	As part of an operation, the use of available military resources to assist or complement the efforts of responsible civil actors in the operational area or specialised civil humanitarian organisations in fulfilling their primary responsibility to alleviate human suffering.
Internally Displaced Person (IDP)	A person who, as part of a mass movement, has been forced to flee his or her home or place of habitual residence suddenly or unexpectedly as a result of armed conflict, internal strife, systematic violation of human rights, fear of such violation, or natural or man-made disasters, and who has not crossed an internationally recognised State border.
International Organisation (IO)	An intergovernmental, regional or global organisation governed by international law and established by a group of states, with international juridical personality given by international agreement, however characterised, creating enforceable rights and obligations for the purposes of fulfilling a given function and pursuing common aims. Note: Exceptionally, the International Committee of the Red Cross, although a non-governmental organisation formed under the Swiss Civil Code, is mandated by the international community of states and is founded on international law, specifically the Geneva Conventions, has an international legal personality or status on its own, and enjoys some immunities and privileges for the fulfilment of its humanitarian mandate.
Governmental Organisation (GO)	An organization controlled and financed by its national government.
Non-Governmental Organisation (NGO)	A private, not for profit, voluntary organisation with no governmental or intergovernmental affiliation, established for the purpose of fulfilling a range of activities, in particular development related projects or the promotion of a specific cause, and organised at local, national, regional or international level. Note: 1. A non-governmental organisation does not necessarily have an official status or mandate for its existence or activities. 2. NATO may or may not support or cooperate with a given non-governmental organisation.

<sup>103</sup>UN OCHA defines Humanitarian Assistance as follows: “Humanitarian assistance seeks to save lives and alleviate suffering of people-in-need as a result of a humanitarian crisis. It focuses on short-term emergency relief, providing basic life-saving services that are disrupted because of the humanitarian crisis. Humanitarian assistance is needs-based and provided in adherence to humanitarian principles of humanity, impartiality, neutrality and operational independence”, United Nations Humanitarian Civil-Military Coordination (UN-CMCoord) Field Handbook, v1.0, September 2015, p. 15.

Refugee	Any person who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.
Rules of Engagement (RoE)	Directives issued by competent military authority which specify the circumstances and limitations under which forces will initiate and/or continue combat engagement with other forces encountered.
Stability Policing (SP)	Police-related activities intended to reinforce or temporarily replace the indigenous police in order to contribute the restoration and/or upholding of the public order and security, RoL, and the protection of human rights.

# ANNEX F



**ASAP**

## LIST OF ABBREVIATIONS

ABBREVIATION	KEY TERM
<b>ANA</b>	Afghan National Army
<b>ANDSF</b>	Afghan National Defence and Security Forces
<b>AOR</b>	Area of Responsibility
<b>AMISOM</b>	African Union Mission in Somalia
<b>BI</b>	Building Integrity
<b>C2</b>	Command and Control
<b>C3</b>	Communication, Command and Control
<b>CAAC</b>	Children And Armed Conflict
<b>CCTs</b>	Cross-Cutting Topics
<b>CDEM</b>	Collateral Damage Estimate Methodology
<b>CE</b>	Civil Environment
<b>CENTCOM</b>	United States Central Command
<b>C-IED</b>	Counter-Improvised Explosive Device
<b>CIMIC</b>	Civil-Military Cooperation
<b>CIVCAS</b>	Civilian Casualties
<b>CMI</b>	Civil-Military Interaction
<b>CRSV</b>	Conflict Related Sexual Violence
<b>COA</b>	Course of Action
<b>CoG</b>	Centre of Gravity
<b>COP</b>	Common Operational Picture
<b>CPOE</b>	Comprehensive Preparation of the Operational Environment
<b>CPP</b>	Cultural Property Protection
<b>C-SASE</b>	Contribute to a Safe and Secure Environment
<b>DCB</b>	Defence Capacity Building

<b>DDR</b>	Disarmament, Demobilisation and Reintegration
<b>DoD</b>	Department of Defence
<b>DPH</b>	Direct Part in Hostilities
<b>EADRCC</b>	Euro-Atlantic Disaster Response Coordination Centre
<b>EBS</b>	Environmental Baseline Study
<b>ERW</b>	Explosive Remnants of War
<b>FABN</b>	Facilitate Access to Basic Needs
<b>FOM</b>	Freedom of Movement
<b>FMA</b>	Foreign Military Assets
<b>GOTEAM</b>	Generate, Organise, Train, Enable, Advise and Mentor
<b>GVHR</b>	Gross Violation of Human Rights
<b>HE</b>	Human Environment
<b>HN</b>	Host Nation
<b>HNS</b>	Host Nation Support
<b>HRW</b>	Human Rights Watch
<b>HUMINT</b>	Human Intelligence
<b>I&amp;IS</b>	Information and Intelligence Sharing
<b>IASC</b>	Inter-Agency Standing Committee
<b>ICRC</b>	International Committee of the Red Cross
<b>IDPs</b>	Internally Displaced Persons
<b>IED</b>	Improvised Explosive Device
<b>IFOR</b>	Implementation Force
<b>IHL</b>	International Humanitarian Law
<b>IHRL</b>	International Human Rights Law
<b>IKM</b>	Information and Knowledge Management
<b>IOs</b>	International Organisations
<b>IRL</b>	International Refugee Law
<b>ISAF</b>	International Security Force Assistance
<b>ISR</b>	Intelligence Surveillance and Reconnaissance
<b>JFC</b>	Joint Force Command
<b>KD</b>	Knowledge Development
<b>KFOR</b>	Kosovo Force
<b>LEA</b>	Law Enforcement Agencies
<b>LOAC</b>	Law of Armed Conflict
<b>LOC</b>	Lines of Communication
<b>M&amp;E</b>	Monitoring and Evaluation
<b>MH</b>	Mitigate Harm
<b>MILENG</b>	Military Engineering
<b>MINUSCA</b>	United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic
<b>MoD</b>	Ministry of Defence
<b>MoUs</b>	Memorandums of Understanding
<b>MSE</b>	Military Strategic Effect

<b>MSF</b>	Médecins Sans Frontières
<b>MSO</b>	Military Strategic Objective
<b>MSR</b>	Main Supply Route
<b>MSU</b>	Multinational Specialised Unit
<b>NAC</b>	North Atlantic Council
<b>NA5CRO</b>	Non-Article 5 Crisis Response Operations
<b>NATO</b>	North Atlantic Treaty Organization
<b>NGOs</b>	Non-Governmental Organisations
<b>NLW</b>	Non-Lethal Weapons
<b>NNEs</b>	Non-NATO Entities
<b>NRC</b>	Norwegian Refugee Council
<b>NROLFSM</b>	Rule of Law Field Support Mission
<b>OpsA</b>	Operations Assessment
<b>OPP</b>	Operations Planning Process
<b>OPLAN</b>	Operation Plan
<b>PCB</b>	Police Capacity Building
<b>PDSS</b>	Persons/Places of Designated Special Status
<b>PIR</b>	Priority Intelligence Requirement
<b>PKSOI</b>	Peacekeeping and Stability Operations Institute
<b>PMESII</b>	Political, Military, Economic, Social, Infrastructure, Information
<b>PMR</b>	Periodic Mission Review
<b>PoC</b>	Protection of Civilians
<b>PRT</b>	Provincial Reconstruction Team
<b>ROE</b>	Rules of Engagement
<b>ROEREQ</b>	Rules of Engagement Request
<b>RoL</b>	Rule of Law
<b>RS</b>	Resolute Support
<b>SA</b>	Situational Awareness
<b>SASE</b>	Safe and Secure Environment
<b>SFA</b>	Security Force Assistance
<b>SFOR</b>	Stabilization Force
<b>SOC</b>	Strategic Operation Centre
<b>SP</b>	Stability Policing
<b>SSR</b>	Security Sector Reform
<b>StratCom</b>	Strategic Communications
<b>TAA</b>	Training, Advising and Assistance
<b>TOO</b>	Theatre of Operation
<b>TSA</b>	Target System Analysis
<b>UHE</b>	Understanding the Human Environment
<b>UNAMA</b>	United Nations Assistance Mission in Afghanistan
<b>UN-CMCoord</b>	United Nations Humanitarian Civil-Military Coordination
<b>UN DPO</b>	United Nations Department for Peace Operations

<b>UNFPA</b>	United Nations Populations Fund
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>UNICEF</b>	United Nations Children’s Fund
<b>UNMAS</b>	United Nations Mine Action Service
<b>UN OCHA</b>	United Nations Office for the Coordination of Humanitarian Affairs
<b>UNODC</b>	United Nations Office on Drug and Crime
<b>UNOSOM [I &amp; II]</b>	United Nations Operation in Somalia [I &II]
<b>USAID</b>	United States Agency for International Development
<b>USFOR-A</b>	United States Forces Afghanistan
<b>UXO</b>	Unexploded Ordnance
<b>WPS</b>	Women, Peace and Security

