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Protection of Civilians: a constant in the changing security environment

 Dr Karolina MacLachlan

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Protecting civilians is an ethical and strategic imperative and a crucial factor in the planning, conduct and assessment of military operations. NATO's strategy and planning for the future needs to reflect that reality.

Protecting civilians: an ethical and strategic imperative

As NATO leaders prepare to meet at their Summit in June 2022, they face a very different security environment from that which shaped the Strategic Concept of the past decade. The 2010 diagnosis - that 'the Euro-Atlantic area is at peace and the threat of a conventional attack against NATO territory is low' – no longer applies. Russia's illegal annexation of Crimea in 2014, its long-lasting hybrid war against Ukraine, and finally the all-out assault in February 2022, have brought the spectre of conventional warfare and potential great power confrontation back into European politics. Hybrid threats, energy shocks, rising food prices and the economic and social fallout of the pandemic further complicate an already complex security environment.



Due to the ongoing Russian invasion of Ukraine, millions of people have fled Ukraine, and many more have been internally displaced. Arbitrary killings, a lack of access to critical infrastructure, and sexual violence have been the lived experience of many. © UN News

In most wars, civilians pay the highest price. The United Nations estimates that 100 civilians die in conflicts every day. Between 2001-2021, 387,000 civilians are thought to have lost their lives as a direct result of hostilities in post-9/11 wars, and many more suffered from indirect effects of warfare such as the destruction of critical infrastructure. In the first 100 days of intense warfare in Ukraine, as the Russian Federation shifted from using indiscriminate weapons to deliberately targeting civilians and civilian infrastructure, 4,339 civilians were killed and 5,246 injured; these numbers do not include the presumably much higher civilian casualties that could not be confirmed. After 100 days of fighting, almost 5 million Ukrainians became refugees in Europe and over 7 million were internally displaced. Arbitrary killings, a lack of access to critical infrastructure, and sexual violence have been the lived experience of many. Protecting civilians is a key aspect of warfare and an ethical and strategic imperative in all types of conflict, from hybrid warfare to counterinsurgency and large-scale military operations where the adversary might be using tactics designed to cause civilian harm. Nearly two decades of military operations and security force assistance in Afghanistan and the Middle East have only confirmed that reducing civilian harm is a necessary condition for the military operations and security partnerships to succeed: when not acknowledged and addressed, civilian harm tends to reinforce negative perceptions of the armed forces, create force protection challenges, and fuel distrust and radicalisation. The war in Ukraine suggests that in Article 5 scenarios for NATO, the stakes would be even higher. Protecting civilians from the actions of others and mitigating harm coming from own operations will be the key to successful defence. The better civilians are protected, the greater their resilience and support for stabilisation and lasting peace. If the armed forces build upon the foundation offered by International Humanitarian Law and adopt robust safeguards in their daily operations, they can mitigate civilian harm coming from their own operations and can protect civilians from the actions of adversaries. During the International Security Assistance Force (ISAF) mission in Afghanistan, Allies implemented innovative solutions to mitigate civilian harm; NATO adopted a Protection of Civilians Policy during the 2016 Warsaw Summit, followed by a military Concept (2018), an implementation Handbook (2020), and a series of exercises aimed at testing NATO forces. As the Policy has primarily been based on experiences in counterinsurgency, however, it is less clear that its relevance to possible Article 5 operations has been well understood or operationalised. The 2022 Strategic Concept is thus a one-of-a-kind opportunity to ensure that commitment to the Protection of Civilians is restated and strong political guidance provided to underpin implementation. Given the unpredictability of the security situation in Europe, it is imperative that NATO and individual Allies flesh out their value-based commitment to protecting civilians with political guidance, military doctrine, standard operating procedures, and training. The end goal is to enable NATO nations, as well as forces earmarked for the Alliance – from the NATO Response Force to the Multinational Corps North-East and elements of Enhanced Forward Presence - to mitigate harm in their own operations and protect civilians from the actions of others. While the Concept is the beginning of the road and much of the Protection work will be done in NATO institutions and national governments following its adoption, the Concept is key to fostering consensus, offering guidance on relevant trends, and identifying priorities and direction for further work.

Current trends in the Protection of Civilians

NATO's planning must consider four key trends that are likely to shape the Protection of Civilians in the next decades. **Resurgence of high-intensity great power warfare** brings with it a threat of overspill and escalation. Conflicts involving great powers are no longer a distant memory; rather, they have become a risk to be contended with. As they prepare to reinforce defences on the Eastern flank, Allies will need to consider PoC as a key element of their strategy and a factor in shaping force posture. They will need to take into account the 'total defence' postures of the Baltic states and the implications for PoC that these may have, account for large-scale movements of people, and apply the PoC knowledge and practices gained in expeditionary operations on their home turf.



NATO adopted a Protection of Civilians Policy during the 2016 Warsaw Summit, followed by a military Concept (2018), an implementation Handbook (2020), and a series of exercises aiming to test NATO forces. Pictured: NATO works to protect civilians in Afghanistan. © VOX

If conflicts escalate, great power confrontation might be exacerbated by **urban warfare**: the war in Ukraine suggests that the strategic value of cities and their role in enabling a country's life are likely to bring fighting into the streets. The complex terrain, including subterrain, the difficulty in distinguishing between civilians and military adversaries, the proximity of military targets to civilian infrastructure, complications in retaining effective command and control and a compressed reaction time make cities challenging territory for militaries. For civilians, harm coming from the use of explosive weapons in populated areas and reverberating effects from the destruction of infrastructure – from hospitals to power plants - can make cities unliveable. This is especially the case if an adversary conducts indiscriminate attacks or deliberately targets civilians: in Ukraine, Russian Federation forces have reportedly shelled civilian objects, endangered nuclear sites, and denied civilians safe passage out of conflict areas. Below the threshold of full-on kinetic operations, **hybrid warfare** has become an integral part of the great power arsenal. Used to sow distrust and create conditions where conflicts are more difficult to end, it often includes a significant element of informational warfare as civilian casualties can be manipulated, weaponised and used to dominate the information space. Initial research into the Ukraine war also indicates that disinformation tactics may result in physical harm as they shape responses and individual decisions.

Finally, **civil wars** are likely to remain the most prominent form of conflict globally. Heavy-handed behaviour of security forces and non-state actors can result in cycles of violence against civilians, prolonging conflict and pushing back development by decades. Frequent involvement of outside actors – whether through security assistance or the use of Private Military Companies (PMCs) that carry out military and security-related tasks in conflict and fragile contexts – can complicate the battlefield and make accountability more difficult to establish. PMC activity can exacerbate risks to civilians and, due to the presence of multiple actors with unclear command-and-control chains, makes it more difficult to hold anyone accountable for abuses in war.

How to prioritise the Protection of Civilians

Given the increasing risks and acute vulnerabilities of civilians to the effects of conflict within and beyond NATO territory, NATO now has a unique opportunity to **reiterate political commitment to the Protection of Civilians, and to issue a strong mandate and guidance for implementation that will lead to Protection being prioritised in NATO and national institutions.** This should lead to member countries and Alliance institutions prioritising Protection in three key dimensions:

- As a value-based imperative for an Alliance aiming to protect the Allied countries and people;
- As an indispensable component of effective strategy enabling the armed forces to support political objectives while shielding civilians from the worst effects of conflict; and
- As a key component of a country's resilience.

The political commitment, however, should be only the beginning of the road and a mandate for implementation. On the practical side, there are a few key actions that NATO forces can undertake to prepare themselves for potential hostilities on home turf, and emerging processes that can help translate the political commitment into military procedures and assets. NATO has an opportunity to flag them for implementation.

In Ukraine, Russian Federation forces have reportedly shelled civilian infrastructure, endangered nuclear sites, and denied civilians safe passage out of conflict areas. © Energy Connects

First of all, in order to effectively protect and to mitigate harm coming from its own actions, NATO and Allied governments need **to talk to civilians, in a routine and meaningful manner.** This should include developing capabilities, procedures, communication channels and proactive habits of community and civil society engagement in warfare, all of which can help the armed forces understand their operational environment and the effect of military presence and operations on civilians, and to better anticipate their behaviour in conflict. Community engagement – conducted out of sight where such links could endanger civilians - is also essential if armed forces hope to secure and maintain the support of civilians in their areas of operation. In peacetime, non-NATO entities, including civilian authorities and civil society organisations, can be valuable partners in ongoing dialogue, planning and exercises, especially for NATO institutions and Allies who are likely to be most affected by the evolving security situation, including the Baltic states, Poland, and Allies contributing to the Enhanced Forward Presence.

Second, the Alliance needs to **make maximum use of the processes it has at its disposal** - the NATO Defence Planning Process (NDPP), the Graduated Response Plans (GRPs), and the extensive exercise architecture – to ensure that capabilities needed to protect civilians (intelligence assets, training for troops, resources for CMI units) are taken as seriously as those enabling warfighting, and that robust standards are adopted across the Alliance. Those processes could help promote the **uptake of emerging good practices** in protection, including Civilian Harm Tracking (CHT) cells developed and tested by the ISAF in Afghanistan. Embedded in planning, well-resourced, and tested in exercises, CHTs can track and analyse instances of civilian harm and recommend tactical and operational modification to reduce, prevent, and mitigate civilian incidents. Nations should also consider establishing procedures enabling responses to civilian harm - from medical assistance to amends mechanisms -which can not only help mitigate harm, but also help nurture better civil-military relations.

Third, Allies will need to **develop and communicate approaches to conflicts where civilians and civilian infrastructure might be deliberately targeted**; experiences from Syria and Ukraine suggest that this is a likely scenario. This will require Allied forces to prepare themselves for situations in which protecting civilians from the actions of others becomes a priority, and be able to shape military operations, intelligence gathering and liaison with non-NATO entities in ways that enable early warning and robust civil-military coordination.

Fourth, the increased significance of preparedness for Article 5 operations does not mean that Allies should lose sight of **security force assistance, including in counter-terrorism contexts**. NATO's cooperative security partnerships have already provided avenues to promote the adoption of robust Protection standards among partner nations. Recent experiences and innovative solutions implemented by partners, as well as lessons from the war in Ukraine – both on types and responses to civilian harm - need to be incorporated into NATO's partnership packages to benefit others' preparedness.



Among other initiatives, NATO needs to make maximum use of the processes it has at its disposal, such as the NATO Defence Planning Process. © Royal Air Force

As the security environment evolves and NATO faces new challenges, the importance of the Protection of Civilians in conflict remains constant. A set of new circumstances brings with it the temptation to respond in new ways, and preparations for territorial defence might seem very different from those for expeditionary crisis management. But the main principle is the same: the Protection of Civilians is not simply something the armed forces do alongside their main business of warfighting, but rather a crucial component of military planning and operations, and a key capability that NATO needs to prioritise. The last two decades of Allied operations provide a wealth of practices and approaches that NATO can build on as it reorients its posture toward Europe, and the ongoing processes within the Alliance – from the new Strategic Concept to work on approaches to human security and next steps in the implementation of Protection of Civilians – are opportunities to integrate Protection considerations in all avenues of NATO activity. Protection is not something that can be incorporated at the last moment: rather, it needs well-tested approaches, supportive mindsets, and standing capabilities that will allow NATO forces to understand how to best protect and support civilians. This is an investment that will not only help fulfil the forces’ ethical obligations, but also strengthen resilience and make civil-military cooperation more effective. In an insecure age, it is all the more important that this investment is prioritised.

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ABOUT THE AUTHOR

 Dr Karolina MacLachlan is Senior Advisor, Policy and Advocacy at the Center for Civilians in Conflict. This article is based on her extensive work with NATO bodies and national defence establishments, including participation in NATO exercises.

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