

NATO Policy for the Protection of Civilians

Endorsed by the Heads of State and Government participating in the meeting of the North Atlantic Council in Warsaw 8-9 July 2016

I. INTRODUCTION

1. In the past decade, the commitment of NATO and its partner nations to the protection of civilians in the planning and conduct of operations and missions has been underpinned by the development of a diverse body of policies and guidelines, in areas such as Children and Armed Conflict, Women Peace and Security, and Conflict-related Sexual and Gender-based Violence. Furthermore, NATO and its operational partners have learned important lessons from the effort to mitigate civilian casualties during the ISAF operation.

2. Allies and partner nations have acknowledged the need to bring together such policies, guidelines and lessons learned under one overarching policy that would address, in a more coherent way, the protection of civilians in relevant NATO operations, missions and activities. Therefore, in November 2015, Council tasked the Operations Policy Committee to proceed with the development of a NATO Policy for the Protection of Civilians (PoC) to be completed in time for the Warsaw Summit.

3. Protection of civilians is a cross-cutting concept, be it when the Alliance defends its borders, enhances security through capacity building and partnerships, or engages in crisis management through operations, missions or other Council-mandated activities. Therefore, PoC is relevant to all three core tasks of NATO set out in its Strategic Concept. Furthermore, the growing strategic and operational significance of the successful implementation of PoC-related measures in operations and missions shows that a sound approach to PoC by NATO is important for its continued credibility and legitimacy.

II. GUIDING PRINCIPLES

4. NATO's approach to the protection of civilians is based on legal, moral and political imperatives.

5. NATO's approach to PoC is consistent with applicable legal frameworks. All NATO and NATO-led operations, missions and other Council-mandated activities are conducted in accordance with applicable international law, which may include international human rights law and international humanitarian law, as applicable.

6. NATO's fulfilment of its responsibilities under this policy is subject to the legal basis for the specific NATO operation, mission or activity, and to the specific Council-approved mandate, without prejudice to force protection and collective defence obligations.

7. NATO recognizes that all feasible measures must be taken to avoid, minimize and mitigate harm to civilians. When planning and implementing such measures, NATO should give consideration to those groups most vulnerable to violence within the local context. NATO recognizes that, in general, children constitute a particularly vulnerable group during conflict and women are often disproportionately affected by violence.

III. AIM AND SCOPE

8. The aim of an overarching Policy for the Protection of Civilians is to instil a coherent, consistent and integrated approach to PoC in NATO and NATO-led operations, missions and other Council-mandated activities. This includes the planning and conducting of operations and missions, training, education and exercises, lessons learned, as well as defence and security-related capacity building activities. The NATO Policy for the Protection of Civilians in NATO and NATO-led operations, missions and other Council-mandated activities (henceforth the PoC Policy) brings together several strands of work through which NATO and partner nations have already successfully addressed different aspects of PoC.

IV. NATO PROTECTION OF CIVILIANS CONCEPTUAL FRAMEWORK

9. In this policy, in accordance with paragraphs 5 and 6 above, Protection of Civilians (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.

10. Promoting long-term, self-sustained peace, security and stability is best achieved in cooperation with the local authorities, population and civil society, for example relevant organizations working for human rights, including gender equality. Avoiding, minimizing and mitigating harm to civilians is an indispensable element of this approach.

11. The protection of civilians, where applicable, includes a range of activities up to and including the use of force, as appropriate, to prevent, deter, pre-empt, and respond to situations in which civilians suffer physical violence or are under threat of physical violence.

12. NATO has a robust framework of policies and guidelines to guide its objectives on Women, Peace and Security, Children and Armed Conflict, and conflict-related Sexual Gender-Based Violence. The integration of PoC in NATO and NATO-led operations, missions and other Council-mandated activities will complement and reinforce these existing efforts.

13. To be effective in integrating PoC, NATO efforts need to take into account the roles and activities of other international actors. Such a need was reflected through the Comprehensive Approach Action Plan. Interaction with other actors and understanding how they perform their mission can ensure complementarity and boost objectives in NATO and NATO-led

operations, missions and other Council-mandated activities. Some international organisations may also be interested in assistance from NATO in building their own institutional capacity.

V. INTEGRATING THE PROTECTION OF CIVILIANS

14. Drawing on the experience and tools at its disposal, NATO and its partner nations, shall, as appropriate, integrate the protection of civilians from the outset of NATO and NATO-led operations, missions and other Council-mandated activities. As such, a PoC perspective should be included in the planning and conduct of operations and missions, training, education and exercises, lessons learned, as well as defence and security-related capacity building activities. The elements listed below form the basis of NATO's approach to PoC and should be considered in NATO's current and future operations, missions and other Council-mandated activities.

15. *Civilian harm mitigation from own actions*: In the planning and conduct of military operations and missions, NATO will continue to take measures, including institutionalizing civilian harm mitigation measures, based on lessons learned and best practices. NATO will also continue to engage local authorities, populations and civil society, for example relevant organizations working for human rights, including gender equality, as to the most suitable and effective harm mitigation activities in the local context. Civilian harm mitigation measures should be developed and incorporated in NATO Command Structure and NATO Force Structure processes.

16. *Protection of civilians from others' actions*: Understanding the nature of the threat against civilians is critical for identifying if the use of military force, including a Stability Policing dimension, can protect the civilian population. By identifying the threats, including type of perpetrators, their motivation, strategies and tactics, capabilities, and the expected outcome for civilians, including through a gender-sensitive approach, NATO planners at all levels would recommend military response options for NATO and NATO-led operations, missions and other Council-mandated activities. In line with the mandate of the mission, and in accordance with NATO operations planning procedures, political guidance for the protection of civilians should be developed. Such guidance and planning on PoC should be fully integrated into the conduct of NATO and NATO-led operations, missions and other Council-mandated activities. PoC can be more effectively implemented by engaging local authorities, populations, and civil society, as appropriate.

17. *Support to Humanitarian Action*: Threats to the physical safety of humanitarian workers can negatively impact the provision of humanitarian aid and imperil civilian populations. The NATO or NATO-led force, in accordance with its mandate, can play an important role by contributing to the provision of a safe and secure environment. In exceptional circumstances, and based on humanitarian considerations, NATO may also respond to requests for assistance by humanitarian actors. NATO recognizes that all feasible measures must be taken to avoid, minimize and mitigate harm to humanitarian actors, in line with paragraph 7 above.

18. ***Lessons Learned on PoC***: NATO shall identify and implement lessons learned on protection of civilians, including through a gender-sensitive approach, in all relevant areas of operations and missions, as well as in training and education. NATO should continue to discuss PoC lessons learned and best practices with operational partner nations, as appropriate. Furthermore, NATO may seek to engage with other relevant partner nations, and international organizations in line with paragraph 13 above, on PoC lessons learned and best practices, as this contributes to NATO-partner interoperability.

19. ***Strategic communications***: Establishing a clear communications and public information strategy to address PoC is critical for the credibility of an operation or mission. NATO will make every effort to communicate known civilian casualties to the host nation authorities, local population, and media. In addition, NATO should communicate measures it is taking to protect civilians, as appropriate, to the host nation authorities, local population and civil society. By being first with the facts, NATO can counter false information, demonstrate transparency and strengthen its credibility.

20. ***NATO Headquarters-level and joint exercises***: During NATO HQ-level and joint exercises, Allies and NATO Military Authorities are encouraged to continue to include, as appropriate, PoC elements as part of the greater exercise scenario. This will serve to raise awareness at the highest levels of the Alliance of the potential risks posed to civilians in conflict to enhance a PoC mind-set among the NATO civilian and military leadership.

21. ***Training of forces participating in NATO and NATO-led Operations and Missions***: NATO Education and Training Facilities (NETFs) should continue to develop specific PoC-related modules in strategic- and operational-level curricula that will take into account the differential impact of conflict on women, men, girls and boys. The implementation of specific NATO Education, Training, Exercises and Evaluation (ETEE) programmes, plans, activities and events will consider the optimal usage of the available resources. NATO will continue utilizing NETFs, NATO-accredited Centres of Excellence (CoEs) and NATO-recognized Partnership Training and Education Centres (PTECs) in accordance with their capabilities and potential within the scope of their mandates, their Military Committee/ North Atlantic Council (MC/NAC) approved concepts and policies and within their respective area of excellence. NATO will also utilize National/Multinational training institutions from NATO nations, and other education and training facilities from partner nations and NON NATO Entities (NNEs) that are in compliance with NATO procedures and standards, as complementary training assets to fulfil recognized NATO ETEE requirements.

22. ***Training of local forces***: When training local security forces is part of the Council-agreed mandate, NATO should share best practices and experiences on PoC, particularly civilian harm mitigation, including and in line with existing NATO policies and guidelines on Women, Peace and Security, Children and Armed Conflict and Conflict-related Sexual and Gender-based Violence, as well as on the implementation of international human rights law and international humanitarian law, as applicable. If so directed by the Council, the training of

the local security forces can comprise the training of local police forces, through Stability Policing (SP), which can be critical to protect the civilian population during or after a conflict.

23. ***Defence and Related Security Capacity Building***: In line with the needs of the requesting nation, advice, assistance, support, training and education included as part of a Defence and Related Security Capacity Building package could comprise elements on PoC, in particular, existing NATO policies and guidelines on Women, Peace and Security, Children and Armed Conflict and Conflict-related Sexual and Gender-based Violence, as well as the implementation of international human rights law and international humanitarian law, as applicable.

24. ***Partnership tools and programmes***: PoC capabilities are of common interest to Allies and partner nations. Partner nations with an interest in developing interoperability on PoC with NATO are encouraged to make use of partner programmes, tools and mechanisms and include PoC-related objectives as part of their partnership goals and objectives. Contributors to the Partnership Cooperation Menu should consider widening their PoC-related training offer in this field, including on such issues as civilian harm mitigation and casualty tracking.

Source: http://nato.int/cps/en/natohq/official_texts_133945.htm?selectedLocale=en