



Office of the Secretary General
Human Security Unit



Protecting Civilians A Humanitarian Obligation

Essay Series on the Protection of Civilians, Children
and Armed Conflict and Cultural Property Protection

Protecting Civilians: A Humanitarian Obligation

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of Civilians, Children and Armed
Conflict and Cultural Property
Protection

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Foreword

Civilians in conflict situations must be protected. This may seem obvious today, but it has only been since 1999, with the adoption of United Nations Security Council Resolution 1265, that Protection of Civilians in Armed Conflict has become a requirement for all peace operations.

NATO has long sought to mitigate the impact of its operations on civilians, including through policies and guidelines on Women, Peace and Security, Children and Armed Conflict, Conflict-Related Sexual Violence, Countering Trafficking in Human Beings and Cultural Property Protection. Drawing on lessons from its experience leading the International Security Assistance Force (ISAF) in Afghanistan, NATO recognised the need to formalize its approach to protecting civilians in its missions and operations.

In July 2016 Heads of State and Government adopted the NATO Policy for the Protection of Civilians at the NATO Summit in Warsaw. This endorsement by leaders sent an important political signal of the Alliance's commitment to build protection of civilians into the design of its operations, missions, and Council-mandated activities.

NATO's concept for Protection of Civilians is based on a population-centric perspective of crisis: understanding the human environment within a broad framework relevant to mitigating harm, contributing to a safe and secure environment and facilitating access to basic needs. NATO's recognises that its efforts are an important part of a larger community that includes local authorities, civil society, and other international organisations.

However, changes in the nature and threats of conflicts require new approaches and more tailored responses to mitigating harm. NATO is faced with different realities and must adapt to new ways of working to identify hybrid threats and other emerging security challenges. A holistic approach to a full spectrum of protection is needed to protect women and men in conflict and crisis. This means that protection of civilians must also be underscored by gender analysis.

I would like to extend my sincere thanks to all who contributed to this essay series. I hope the essays, which present a range of views and perspectives on protection of civilians in conflict, can provide some food for thought

By assessing NATO's role in protection of civilians, examining the evolving challenges related to children and armed conflict and recognising the importance of protecting cultural heritage, this essay series clearly illustrates that if peace and security is the goal, human security must be at the core.

Clare Hutchinson

Head, Human Security Unit



Humanizing Security: The Military as a Protection Actor

By Sine Vorland Holen

With the adoption of the Policy for the Protection of Civilians (PoC) in 2016, NATO has committed military means, including the use of deadly force, to prevent and respond to situations in NATO Operations where civilians suffer harm. At the same time, NATO is renewing its focus on collective defence. As NATO continues to develop when and how military force can be used to protect civilians, the conceptual thinking should consider scenarios relevant to all three of the Alliances core tasks. At the same time, the PoC framework provides NATO with an opportunity for evolving the meaning of 'security'.

Setting the scene - the state of global protection. In his 2017 report on the protection of civilians, the UN Secretary-General declared a "global protection crisis". The highlighted protection areas of concern were, amongst others, the increased direct threats to civilians, including the rise of violent extremism, the sexual targeting of women and children, as well as the pervasive lack of compliance with international law in armed conflict. The protection crisis also refers to the staggering 65.6 million people displaced, many of whom have fled urban areas that have increasingly become the normal battlefield. This description is repeated in recent years' global reviews on peace and security, emphasizing the root causes of conflict having changed. Violence amongst humans in the 21st century is more often posed by intra-state and transnational warfare situations than by inter-state conflict. This reflects a multiplicity of security threats, oftentimes being a mixture of both conventional and asymmetric threats, the latter including extremism, terrorism and transnational illegal activities. As opposed to the past, where states and regular armies monopolized warfare, the actors driving conflict today are more varied, as the "adversary" includes irregular groups, networks, proxies and corporations, often operating across national borders. As security has become qualitatively different, the focus on human security has become as important as territorial security.

NATO's commitment to protect civilians. It is against this backdrop that NATO has made a firm commitment to protect civilians through efforts that "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" (NATO Policy 2016). Furthermore, NATO has declared protection of civilians (PoC) as relevant to all three core tasks of NATO: crisis management, collective defence and cooperative security.

The newly developed PoC concept is an important step towards operationalizing the policy, as PoC is not self-explanatory. The global protection framework is elaborate, spanning across all levels from international policy to local community assistance, and involves countless protection mandated actors, all working under the PoC umbrella. As such, NATO has committed itself to a field where other sectors have been operating for decades. PoC emphasizes the ever-changing social dynamics amongst humans, and so effective protection requires continuously posing and re-posing the questions: how do we identify and best protect civilians? From what and whom do they need protection? What sort of protection is needed? Who are the protection actors and how might the various responses affect the operational environment differently? PoC thus requires a thorough understanding and breakdown of the actors, and their wider social environment, facilitating an understanding of the interconnectedness of security threats and security responses.

A renewed focus on collective defence. That NATO has now committed itself to being an active agent in protecting civilians is commendable. As NATO has more recent experience with so-called 'out-of-area' missions, such as the operations in Afghanistan, it is natural that the PoC concept has been developed mostly with these experiences in mind. At the same time, NATO is renewing its focus on collective defence, evoked with Russia's aggressive behaviour in Georgia and, Ukraine and through the annexation of Crimea. This has already raised some questions of whether the concept, and where it stands today, is relevant to the future security architecture of NATO, and hence applicable to all three areas of the alliance's work.

Multidimensional threats requiring multidimensional responses. To aid this discussion, it is worth remembering the complex mix of Russian measures in the three European areas, involving conventional weapons, irregular tactics, criminal behaviour and proxy terrorism that have brought harm to civilian populations, all being referred to as "hybrid warfare". These recent experiences tell us that planning for the invocation of Article 5 of the Washington Treaty may not be so different from planning 'out-of-area' operations, as both situations require well-integrated and multidimensional responses to what may be anticipated as a multidimensional threat.

And herein lies a vital message to the continued developments of NATO's concept in protecting civilians effectively. Yes, the threats will be different, as well as the populations vulnerabilities. But what remains the same is the need to analyse the relation between the threat and the threatened, and to develop multi-stakeholder and multidisciplinary response measures, if to effectively enhance safety for civilians. This is key as security-oriented efforts have been criticised for prohibiting effective protection and even being counter-productive, when conducted without coordination. Operations have taught us some serious lessons of contradiction, for example counterterrorism efforts fuelling recruitment into violent groups, further harming civilian populations. These experiences show us that PoC can never be achieved without a whole-mission approach, and is never an end goal to be reached by one actor or sector alone.

Way forward - An opportunity to humanize security. Given its expertise in enhancing security, NATO has a potential to become an effective player in the global efforts to protect civilians. Within this threat and response analysis, it is crucial that the further developments of NATO's conceptual thinking are carried out within the larger understanding that effective protection is never going to be an activity that NATO can perform on its own. As such, PoC provides NATO with a platform that challenges traditional ways of considering 'security' and the use of military force, and encourages the development of more people-centred approaches. So while NATO can aid civilian safety by becoming a vital protection actor, the global PoC framework and the experience that the framework encapsulates can in turn provide NATO with tools and conceptual thinking that may humanize security in all of the Alliance's work.



A U.S. Perspective on the Protection of Civilians

By Dwight Raymond and Sarah Williamson¹

¹ The views expressed are those of the authors and do not necessarily reflect the official policy or position of the Department of the U.S. Army, Department of Defense, or the U.S. Government.

The U.S. military approach to the Protection of Civilians (PoC) is shaped by several influences including population-centric counterinsurgency and stability actions, peacekeeping missions, prevention and response to mass atrocities, and civilian casualty mitigation during armed conflict. It also takes into account a range of perspectives from the United Nations, NATO, and nongovernmental organisations. The U.S. Army formalized its doctrine on PoC in 2015, and the joint force recently published its own PoC doctrine²

U.S. military doctrine describes PoC as efforts that reduce civilian risks from physical violence, secure their rights to access essential services and resources, and contribute to a secure, stable, and just environment over the long-term. Civilians (that is, persons who are not members of their countries' armed forces or militia) are protected persons under international law, and parties to a conflict have a legal obligation to protect civilians from the conflict's effects.

Civilians are the people most at risk during modern conflict and in fragile environments. PoC is a moral, political, legal, and strategic priority. Communities on the ground expect that they will be protected; failure to do so jeopardizes credibility and legitimacy, and can undermine other military objectives. PoC consists of a layered set of issues, including physical protection from imminent violence, the provision of basic needs, protection of human rights, and broader enabling conditions. PoC has civilian, military, and police dimensions. It must be supplemented by host state efforts to ensure effective and lasting civilian protection. Civilians are protected in two general ways:

- Avoidance of Civilian Harm. Military and other organisations minimize civilian harm during their own operations. Additionally, they avoid undermining efforts by other actors that improve human security.
- Deliberate PoC Actions. Organisations actively safeguard civilians, reduce their vulnerabilities, remove threats, or support an environment conducive to PoC.

PoC includes three dimensions³:

1. **Understand Civilian Risks.** Protection actors⁴ must understand the operational environment and the range of actors for PoC including vulnerable population groups, potential perpetrators, and others that enhance or interfere with civilian protection. They must collect and analyse information from a variety of sources, share relevant information, and conduct accurate assessments of PoC risks including vulnerabilities and threats that civilians face. Potential risks may change over time and include scenarios of armed conflict (major conflict, limited interventions, insurgencies, and civil wars), mass atrocities (genocide and ethnic cleansing), poor governance, and instability resulting in revenge killings, violent power struggles, communal conflict, or

2 U.S. Joint Chiefs of Staff, Joint Publication 3-07.3 Peace Operations (1 March 2018). See Appendix B "Protection of Civilians." U.S. military doctrine is also supplemented by the more detailed Protection of Civilians Military Reference Guide, published by the U.S. Army Peacekeeping and Stability Operations Institute in January 2018.

3 This PoC framework is adapted from and conforms with that in US military doctrine. See Appendix B (Protection of Civilians) to Joint Publication 3-07.3 Peace Operations (1 March 2018) and US Army Techniques Publication (ATP) 3-07.6 Protection of Civilians (October 2015). Also see the Protection of Civilians Military Reference Guide (Peacekeeping and Stability Operations Institute, January 2018).

4 This term is often used to refer to any military, police, or civilian entity that advances the protection of civilians.

predatory violence⁵. During these situations, civilians may be vulnerable to targeted violence, collateral harm during combat, conflict-related sexual violence, human trafficking, impeded access to humanitarian assistance and essential services, actions by terrorist and criminal groups, health risks, and environmental risks. Groups that may be particularly vulnerable include women, children, the elderly, displaced persons, and ethnic minorities.

2. **Conduct Activities that Protect Civilians.** Protection actors should plan, prepare, and conduct activities that mitigate vulnerabilities and reduce threats. Operations should be conducted in a manner that avoids causing unnecessary harm. Military and police should be prepared to respond to reported incidents of civilian harm, safeguard or evacuate vulnerable civilians, support the provision of humanitarian assistance, or neutralize perpetrators who target civilians. It is important for organisations to “mainstream” PoC into their planning and actions, and to anticipate unintended consequences that may threaten human security.
3. **Shape a Protective Environment.** PoC requires more than the effective performance of short-term tasks; it also depends upon the creation of an environment that ensures human security over the long-term. This is achieved with a comprehensive approach that engages and coordinates with numerous actors. Effective information operations are essential to support civilian protection efforts. PoC is a multidimensional endeavour that requires contributions from host state institutions, police forces, civil society, NGOs, international organisations, the media, businesses, and others. They should strive for a safe and secure environment, good governance, rule of law, social well-being, and a sustainable economy. Non-military actors have a primary role in achieving many of these desired outcomes. Security sector reform (SSR), disarmament, demobilization, and reintegration (DDR), transitional justice programs, and community building can help transform the environment. It is also essential to build effective host state institutions to ensure sustainable protection. This may be particularly challenging if these national institutions have previously posed a threat to civilians.

Protection actors will confront many trade-offs, gaps, and challenges while conducting operations to protect civilians. PoC is a complex endeavour and requires that organisations be well-trained, disciplined, properly resourced, proactive, agile, and committed to civilian protection. They must be present in adequate strength with appropriate capabilities. Organisational leaders need to understand PoC considerations, cooperate with other contributors, and act decisively when necessary.

How U.S. forces respond to threats against the civilian population depends on a range of factors, including their specific mission, orders, and rules of engagement. The U.S. response also depends on broader U.S. foreign policy and political objectives. Where the U.S. intervenes across the spectrum of conflict also changes the nature of the response. U.S. actions to shape conditions during peacetime may largely focus on military education and training, while combat operations require more attention to the direct application

5 See Stian Kjeksrud, Alexander W. Beadle, and Petter H.F. Lindqvist, *Protecting Civilians from Violence: A Threat-Based Approach to Protection of Civilians in UN Peace Operations* (FFI and NODEFIC, 2016.)

of force by U.S. personnel, whereas post-conflict operations generally emphasize building partner capacity.

While the U.S. may apply robust force to defeat the enemy, unmitigated force results in unnecessary suffering. The second and third order effects of force include loss of life, destruction of property, physical injury, damage to critical infrastructure, lapses in social services, and impeded access to humanitarian assistance. Strategically, this results in losing “hearts and minds.”

U.S. experience in Iraq and Afghanistan led to the development of counter-insurgency (COIN) doctrine. The COIN doctrine states that to win the war, forces must “protect the people” by providing for their physical safety to win their acceptance. This provision of security then grants the state the legitimate right to govern. Thus, protecting the people is the center of gravity for the legitimate use of force. However, there are limits to what the use of force can achieve. Applying force where democratic principles for the use of force are not inherently applied results in legal, ethical and practical dilemmas. Military power alone cannot produce good governance. Achieving the desired end state depends on the ability of governments to function so they can provide for the security of the people.

Like NATO, the U.S. approach to protecting civilians has been adopted after years of grappling with the question of “how to” protect the population during military operations. These tactical questions have necessitated action beyond the requirements of the Laws of Armed Conflict (LOAC). Technological advancements, the proliferation of social media by negative actors, and urban warfare have also intensified battlespace competition for popular support. Yet, amid complex military operations, humanitarian action depends on the ability of international organisations to maintain neutral and independent space to conduct life-saving operations.

Like NATO, the U.S. is continuously learning how to improve upon current practices to reduce civilian harm caused by its own operations, and how to protect the population from other actors who are intent on perpetuating instability. The U.S. and NATO can learn from each other’s experience to enhance civil-military cooperation, conduct effective strategic communications campaigns, and to strengthen the capabilities of national authorities. Protecting civilians is critical to the desired end state – restoring trust in the capability of a nation.





Matching Policy with Action

By Gilles Hansoul

The North Atlantic Treaty Organization (NATO) has put a framework in place for improving the Protection of Civilians (PoC), comprising the PoC policy adopted in 2016, the associated PoC concept and a plan of action. In order to translate this theoretical framework into practice, significant work lies ahead, both at the operational and tactical levels. In doing so, today's realities and tomorrow's challenges need to be kept in mind. We at the International Committee of the Red Cross (ICRC) believe that three of these are particularly important for 2020 and beyond: preserving the lessons learned in Afghanistan, addressing new technologies and trends in modern warfare, and changing the troops' and commanders' mind-set when it comes to protecting civilians.

International humanitarian law protects anyone who is not, or is no longer, taking part in hostilities. Commanders are therefore required by law to protect civilians when conducting military operations. Protecting civilians may also be a requirement for mission success, as shown by the International Security Assistance Force (ISAF) campaign in Afghanistan: military gains may be compromised if they come at the cost of civilian casualties and losing the support of the local population.

It was in the aftermath of the ISAF campaign that NATO decided to develop a policy on protecting civilians, as part of its efforts to reduce civilian casualties. The ICRC actively supported this initiative from the outset and shared its operational and legal expertise to help develop and draft the concept. These contributions were part of the ICRC's role to protect the dignity and relieve the suffering of people around the world affected by armed conflict and other violence. The ICRC promotes and strengthens humanitarian law and champions universal humanitarian principles through dialogue with all parties to conflict. In 2017, the organisation was engaged in dialogue with weapon bearers in over 80 armed conflicts in more than 40 States.

The ICRC has a well-established, constructive dialogue with NATO, formed over the course of the wars in the former Yugoslavia and the campaigns in Afghanistan and Libya. Protecting civilians is a cornerstone of that dialogue. In March 2016, the ICRC drafted a report on lessons it had drawn from the ISAF campaign with regard to the protection of civilians.

An important next step for NATO would be to get the operational commands to buy in to the concept for the protection of civilians. "We already do PoC!" has been the reaction from several NATO operators: true, a lot is already being done but only in part, and more consistency would be beneficial. Much progress was made on reducing civilian casualties during the ISAF campaign, but how many of these directives and procedures have been effectively made into permanent NATO guidance for future operations?

Putting the concept on the protection of civilians into operation is also an opportunity to deal with new technologies, such as automated weapons and cyber warfare, and new trends in warfare. One such trend is the increase in wars taking place in cities. Urban warfare is not new, but the challenges it presents today are particularly worrying from a humanitarian perspective, as the ICRC has seen first-hand in Syria, Iraq, Yemen, Afghanistan and elsewhere. Defenders of cities are exploiting their proximity to civilians to remain safe from attack, explosive weapons in populated areas are killing civilians and destroying the infrastructure and services they rely on, and the coordination between outside forces and local ground forces on clearing operations is potentially problematic. NATO

should take these challenges into consideration when reflecting on how to better protect civilians and essential civilian infrastructure.

Health care is one of the most essential services being put at risk and at times directly targeted by violence in armed conflicts. UN Security Council Resolution 2286 of 2016 was a significant step towards better implementing existing international humanitarian law on medical care in armed conflict. NATO, following its symbolic pledge at the December 2015 International Conference of the Red Cross and Red Crescent, has added new training modules aimed at minimizing NATO's impact on safe access to and delivery of health care in peace support operations⁶. The Alliance now has a distinctive opportunity to further review its military doctrine, policies, procedures, planning and practices to improve the protection of health-care workers, facilities and vehicles in the conduct of military operations.

Another trend in modern warfare is the provision of outside support for local forces, e.g. in the form of logistical support, training, financing or partnered operations. It is a way for outside forces to minimize their footprint on the ground, but if civilians are to be protected effectively, all weapon bearers need to be held accountable. Such partnerships carry the risk of diluted responsibility and impunity. NATO therefore has a valuable role to play in instilling the fighters on the front lines with the same standards for the protection of civilians, so as to ensure that they too comply with international humanitarian law. NATO's position on the matter ought to be reaffirmed with a clear message: there will be no support for third parties without compliance with IHL.

Most importantly perhaps, and in order for the new PoC policy to have a genuine impact, it needs to be accompanied by a change in mind-set. Implementation cannot be limited to adding yet another adviser to the command group. We share the view of NATO staff that protecting civilians must become a core task for every commander allowed to use force in the vicinity of civilians or civilian objects. It must become a natural reaction for the next generation of fighters, not only in situations where distinguishing between civilians and combatants is relatively easy, such as when attacks are pre-planned, but also when troops come under fire and the fog of war is at its thickest. This is a long-term endeavour that will be achieved by incorporating the protection of civilians into curricula, making it a training discipline and injecting aspects of it into scenarios for military exercises.

NATO has a decisive opportunity to lead by example: to test its new approach for better protecting civilians and upholding international humanitarian law during exercises and in real-life activities. Now is the time when progress in standards and policy should be matched by action.

6 NATO's actual pledge at the International Conference of the Red Cross and Red Crescent went further, as it also included revising operational planning procedures: "In the context of the ICRC Health Care in Danger project, consider the findings of the 2014 ICRC report 'Promoting Military Operational Practice that Ensures Safe Access To and Delivery of Health Care' in the revision of operational planning procedures and training standards" (emphasis added). Available at: <https://rcrcconference.org/pledge/nato-pledge-to-the-32nd-international-conference-of-the-red-cross-and-red-crescent-movements/>



Two Suggestions for Future NATO Work on Protection of Civilians

By Steven Hill⁷

⁷ Steven Hill recently completed a six-year term as chief legal adviser to NATO's Secretary General and Director of the Office of Legal Affairs at NATO HQ in Brussels. This contribution reflects his personal views and does not necessarily represent the position of NATO or its Allies.

NATO has developed a reputation as a leader in the field of Protection of Civilians (PoC). That reputation is well-deserved. After all, the 2016 Protection of Civilians policy⁸ was an important development that has had substantial impact not only within the Alliance but also with other international organisations. As a former NATO colleague and I wrote after the Policy was adopted, the real value of NATO's policy goes beyond any of its specific provisions⁹. Rather, the Policy has an important signaling function. It is evidence of all NATO Allies agreeing to place PoC under one overarching and comprehensive framework. At the same time, we should not forget that an equally important feature of the Policy was that a PoC perspective would be integrated into NATO's current and future work¹⁰.

From my perspective as a NATO legal adviser, this was part of the bargain behind the PoC policy. On the one hand, the Policy was very explicit about not creating any new legal obligations. Rather, it would be implemented in accordance with existing obligations, including "international humanitarian law". Precisely because the Policy reflected existing obligations, it was important for Allies to pay continuous attention to integrating the ideas behind the policy into everything they do. While not without its challenges, this ongoing process of implementing legal obligations through action is an example of what IHL lawyers refer to as the obligation to respect and ensure respect¹¹.

NATO has made good progress in this area, especially in integrating PoC into doctrine and training. This focus is understandable given the reality that NATO does not currently have missions or operations that feature a strong PoC mandate. However, more than three years after the adoption of the Policy, there is a risk of damage to NATO's reputation as a leader in this space if the Alliance does not harness the Policy's signaling power to spur further innovations. The focus should not only be at the multinational level within NATO structures but also with Allies (and even partners) at the national level.

NATO's main strength in this area is based on the Alliance's high level of credibility in presenting a realistic military perspective. It is important to keep the focus on this value added. At the same time, bearing in mind that NATO does not currently have any PoC missions, it is also important to maintain a degree of humility and realism about what NATO can contribute to the debate.

I have two suggestions in how NATO could move multilateral work on PoC forward in the short term. These are based on two of NATO's proven strengths: (1) its ability to gather useful data from Allies and (2) its influence over the "nuts and bolts" operational documents that actually drive military operations.

First, NATO could take a leadership role in gathering data that could help inform future PoC work. It is clear that more data is needed in this space. For example, one question that is increasingly arising is what measures different states are taking in integrating a PoC perspective into their national policies, or even whether such national policies exist.

8 NATO Policy for the Protection of Civilians, 2016 (hereinafter "Policy").

9 See Steven Hill and Andreea Manea, *Protection of Civilians: A NATO Perspective*, Utrecht Journal of International and European Law, pp.146–160, (2018).

10 See, e.g., Policy, para 14 ("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").

11 See, e.g., Geneva Conventions, Common Article 1.

A common feature of many policy areas is a library or inventory of what different states are doing. To my knowledge, this type of compilation is missing in the PoC space. While nothing would prevent an outside research institute from doing such a project, NATO might also be able to leverage its well-established tools for requesting relevant information from Allies. Allies regularly provide information on their defence planning processes or cyber security readiness. In my experience these submissions are taken seriously and are often useful in driving progress at the national level.

Second, NATO could use its considerable authority over what I call the “nuts and bolts” arrangements that power military operations. This includes not only doctrine and training, where NATO has made considerable progress, but also key operational documents. There are a wide variety of such documents, but here I will just focus on rules of engagement (ROE). Current ROE cover a wide range of situations, but to my knowledge, there are no ROE that are specifically geared for PoC situations. For example, NATO’s well-established standing ROE, MC 362/1, which was in place from 2003 until its recent revision in 2019, did not specifically address PoC issues. It would be useful for NATO to promote a conversation to assess whether there is a military requirement for PoC-specific rules of engagement. The recently-concluded expert-level process that led to MC 362/2 could provide a model.

Even if such a discussion concluded that existing ROE would be an appropriate basis for future PoC missions, there would be great value in the process because preparing for the discussion would require Allies to take positions on what type of military actions might be required in a PoC situation. For example, while existing policies may well provide sufficient guidance on the negative or “do no harm” aspect of PoC, there is little multilateral thinking on what positive or proactive PoC measures might be required in a future mission with a strong PoC mandate. Of course, the specific ROE needed would depend on the specific facts and circumstances of the particular mission, a NATO-level discussion might help by defining the nature and scope of questions that might arise in the future.

In conclusion, while there is a need to remain realistic and avoid overselling NATO’s work to date in implementing the Policy, NATO should not underestimate the influence that it has in this space. NATO could contribute to the long-term stability of the multilateral PoC project by using the tools – like obtaining data and refining ROE – that it effectively deploys in other policy areas and applying them to PoC.



Abductions of Children in Armed Conflict

By Bukeni Waruzi

“From north-eastern Nigeria to Iraq, from South Sudan to Syria, we have witnessed a wave of such abductions used to terrorize and humiliate entire communities. How can we forget the images of the girls from Chibok, stolen from their school dormitory and still missing? Our agencies on the ground tell us that they are verifying more and more cases of child abductions. That is why I urge Member States to work with us to strengthen our prevention response mechanisms”

– UN Secretary-General Ban Ki-moon at the March 25, 2015 UN Security Council Open Debate on Children and Armed Conflict

Context:

While abductions are not a new feature of armed conflict, they have appeared to increase in recent years. Between 2002 and 2014, Watchlist surveyed the UN Secretary-General’s annual reports on children and armed conflict and found at least 24,422 children were abducted by parties to armed conflict across all regions. At least 713 of these children were girls. The figure is a conservative estimate; the actual number of children abducted is likely to be much higher. First, Watchlist only included cases of abductions which referred to specific numbers of abductees, excluding those referring to “hundreds” of children abducted. Second, data reported by the UN represents only a percentage of the assumed prevalence of the grave violation, as many cases are never reported. In addition, UN country teams may face difficulties in accessing victims or conflict-affected areas due to insecurity in order to verify reports.

Armed non-State actors accounted for the vast majority—95.8 percent—of all recorded abductions, while ten Government security forces accounted for 3.5 percent of abductions. Forty armed non-State actors are mentioned in the annual reports as perpetrators of abductions.

Purposes of abduction:

Children are abducted for a number of reasons, including exploitation, punishment, ransom, and indoctrination. Often, abductions are a precursor to other violations, such as recruitment and use, rape and other forms of sexual violence, or killing and maiming. In many cases, little, if any, information is known about the fate of the child after he or she is abducted. Abductions are far removed from any plausible legal authority or due process. They are always illegal.

Parties to conflict have various motivations to commit abductions of children. Over the past years, there has been an increase of mass abductions of children as a tactic of war used systematically to terrorize, suppress and humiliate entire communities. In Iraq, ISIS has targeted the Yezidi community, based on their religious beliefs, by committing mass abductions of children. In August 2014, ISIS abducted hundreds of Yezidi women and girls from the Nineveh province and subjected them to rape and other forms of sexual violence. In Syria, ISIS has targeted Kurdish children based on their ethnicity and forced them to undergo lessons in Sharia and jihadist ideology. Similarly Boko Haram has abducted hundreds of children across northeastern Nigeria. Girls, in particular, were abducted by Boko Haram for forced marriage or rape.

The link between abductions and forcible recruitment or use of children and rape and other forms of sexual violence is long-standing. For years, boys and girls have been forcibly taken and used as combatants, porters, spies, or sexual slaves. In 2016, armed groups in the DRC abducted 193 children (56 girls and 137 boys). According to the UN Secretary-General, 114 of “the abductees were for recruitment purposes”. In other cases, the purpose of the abduction was for sexual purposes. Armed forces or groups also target children suspected of involvement with the opposition. In Afghanistan, the Taliban abducted 10 boys in 2013, including two for allegedly spying on behalf of the Afghan national security forces. The two boys were tortured and killed. Another aim of abductions can be to raise funds. In Iraq in 2012, the UN documented 14 cases, seven boys and seven girls, of child abduction for ransom by the Islamic State of Iraq/AI Qaida in Iraq (ISI/AQ-I). Similar cases were also recorded in Afghanistan, Colombia, Haiti, Pakistan, and the Philippines. Lastly, abductions have also been carried out for the purpose of political and religious indoctrination. For example, in 2005, the Communist Party of Nepal–Maoist abducted 3,000 children, mostly for political indoctrination.

Call for action:

All abduction of children is unacceptable. Member states should condemn abductions of children by parties to armed conflict and call on all parties to immediately release all abducted children. Member states should also investigate cases abductions and hold perpetrators to account, including through criminal prosecution.

Abducting children is a despicable practice. The international community should work to end abductions, free these children, and ensure their effective reintegration into society.



Child Soldiers: Progress and Challenges

By Jo Becker

Twenty years ago, it was still legal under international law for child soldiers as young as 15 to be sent to fight on the front lines. Children were actively participating in nearly 30 armed conflicts worldwide, and commanders were rarely, if ever, punished for recruiting children.

Since then, significant progress has been made to curb the recruitment and use of child soldiers. International law now prohibits the use of children under 18 in hostilities and criminalizes the recruitment or use of younger children, under 15. The number of countries where children are engaged in hostilities has dropped, and a growing number of people—including a former head of state, Charles Taylor, have been sentenced to prison for recruiting child soldiers.

Twenty-eight parties to armed conflict have signed action plans to end their use of child soldiers and some have ended the practice and been removed from the United Nations Secretary-General's "list of shame." They include the governments of Chad, the Democratic Republic of Congo, Uganda, Cote d'Ivoire and non-state armed groups, including the Moro Islamic Liberation Front in the Philippines and the Maoists in Nepal. The UN reports that since 2000, over 140,000 child soldiers have been demobilized.

The challenges to eradicating this practice, however, remain considerable. While the number of countries where children fought steadily declined from the mid-1990s until a few years ago, they are again on the rise, as the number of armed conflicts has increased. According to the Peace Research Institute Oslo, the number of armed conflicts in the world rose from 41 to 50 just between 2014 and 2015, mainly due to the spread of armed groups affiliated with the Islamic State.

In some countries, child recruitment has risen as conflicts have intensified. In 2016, the UN documented more than 7,500 new cases of child recruitment across 20 conflict countries, an increase of more than 25 percent from the previous year. In Syria and Somalia the number of cases more than doubled between 2015 and 2016, and in Nigeria they rose dramatically, from 278 to 2,122. In most cases, non-state armed groups such as Nigeria's Boko Haram and Somalia's Al-Shabab were responsible, but some government and allied militias also used children as soldiers.

Unfortunately, there is no easy answer to end the use of child soldiers. One of the biggest predictors of child recruitment is, sadly, armed conflict itself. When conflicts erupt or escalate, children are more likely to be involved. But, there are still ways to reduce the likelihood that children are pulled into conflict.

High-level UN engagement: Sustained high-level engagement from senior UN officials has been instrumental in getting parties to armed conflicts to agree to concrete "action plans" to end their use of child soldiers. For example, in Chad, the UN's Deputy Special Representative raised the issue of child soldiers frequently with high-level government officials and personally travelled with government ministers to areas where child recruitment was taking place. The UN Secretary-General's Special Representative on Children and Armed Conflict also made multiple trips to Chad to secure concrete commitments from the government. As a result, Chad signed an action plan in 2011, and after putting it into practice, was removed from the UN Secretary-General's list in 2014.

Conditionality: In 2015, the Secretary-General announced a new policy that governments using child soldiers would no longer be eligible to provide troops for UN peacekeeping missions. Similarly, in 2008, the US Congress adopted the Child Soldiers Prevention Act, which prohibits certain forms of military assistance to governments using or supporting the use of child soldiers. Although implementation of the law has seen challenges, it has prompted governments including the Democratic Republic of Congo, Chad, and Rwanda to take action to end child soldier use.

Accountability: Only a handful of people have been convicted by international courts, such as the International Criminal Court or the Special Court for Sierra Leone, for recruiting and using child soldiers. As a result of these convictions, though, any commander recruiting children may be stigmatized as a war criminal. Prosecutions by national courts or courts martial – previously extremely rare – have become more common. Myanmar was once believed to have the world’s largest number of child soldiers, but government authorities report they have disciplined dozens of soldiers for underage recruitment, helping to significantly reduce the practice.

Engagement with non-state groups: While some are sceptical that it is possible to engage non-state armed groups about protecting children, the majority of parties that have signed UN action plans to end child recruitment – 17 of 28 – have been non-state actors. Others have actively sought engagement with the UN to sign action plans, but governments have blocked UN access to the groups. The work of the non-governmental organisation Geneva Call also shows the potential of engaging with non-state armed groups. Twenty-seven armed groups have signed Geneva Call’s deed of commitment to protect children in armed conflict (including a pledge not to recruit children as soldiers), and the organisation is currently in dialogue with more than 20 others. Some groups are not interested in such engagement and care little for international norms, but others are eager to gain legitimacy with the international community by complying with international law.

Sanctions: Beginning in 2004, the UN Security Council has repeatedly stated that it is prepared to impose sanctions – including weapons embargoes – on parties to armed conflict that flout international law by using child soldiers. It has progressively added child recruitment to the sanctions criteria for many of its country-specific sanctions committees. In practice, however, the Council has taken action only against a small number of people, imposing travel bans or asset freezes on individual commanders from Cote d’Ivoire and the Democratic Republic of Congo. More systematic use of sanctions could help deter child recruitment by both governments and non-state armed groups.

Over the last 20 years, the international community has developed an impressive set of tools to combat the recruitment and use of children as soldiers, and made demonstrable progress. Nevertheless, the recruitment and use of child soldiers persists in many of the world’s armed conflicts. The international community needs to use all of the tools at its disposal to hold those responsible to account.



NATO and the Evolving Challenge of Children and Armed Conflict

By Virginia Gamba

Since the ground-breaking language on Children and Armed Conflict (CAAC) introduced in the Wales Summit Declaration of 2014, my Office has partnered with NATO to better protect children around the world in its ongoing operations and in the many capacity building and training exercises with Alliance members as well as NATO's wider partnership frameworks. Over the years, my Office has worked intensively to assist NATO and its partners to better face the challenge of protecting children involved in armed conflict, most notably in the context of Afghanistan under the ISAF operation and Resolute Support Mission.

We are in the process of assisting NATO to take stock of these first years of implementation of guidance on children and armed conflict, including Security Council resolutions 1612 (2005) and subsequent resolutions, and hope to see a best practices exercise completed in the coming months. Initial findings suggest that a few key elements of good practice include the designation of expert personnel to assist NATO senior civilian and military staff to bring the CAAC guidance to life in day-to-day operations in the field and the utilization of leverage within capacity-building projects through targeted messaging by NATO advisers. In Afghanistan, NATO dialogue with the UN country task force on children and armed conflict regarding violations committed by parties to conflict as well as prevention of harm to civilians with a focus on children through sharpened attention on elements of NATO operations in the field. Finally the interaction and partnership with the co-chairs of the UN Security Council-mandated Monitoring and Reporting Mechanism on grave rights violations against children has been useful in prioritizing the protection of children in Resolute Support Mission (RSM) training and policy advising tasks.

New Challenges

Though NATO operations in Afghanistan have been a key initial engagement between my mandate and NATO on the ground, new challenges are on the horizon for NATO where children and armed conflict will be a concern. This includes capacity-building in NATO Mission in Iraq (NMI), where several parties have been listed for child recruitment and use as well as other violations, and the Government strives to rebuild and professionalizes its forces. In this context, the use of children by Government allied forces will be a challenge, and also the treatment of children presumed associated with opposing armed groups, such as ISIS, will be a medium to long-term challenge. My Office stands ready to cooperate in ensuring that basic principles and best practice concerning these children are undertaken. Indeed, the Government of Iraq has sought the support of the United Nations in the reintegration of children accused of previous association with ISIS in non-punitive ways. As we work through these challenges, the assistance of NATO in its capacity-building and professionalization of Iraq armed forces, as well as partnership in messaging and best practice to parties on the ground will be crucial in ensuring that post-conflict Iraq pays a peace dividend for Iraq's children.

I would be remiss if I did not mention our preoccupation with groups who utilize terror tactics. Without going into greater detail on specific country-situations, suffice it to say that the proliferation of terror groups and their use of children is and will continue to be a challenge for the international community. These challenges include the online recruitment of children and young people, the use of boys and girls in extreme violence, as well as the detention of hundreds of children accused of association with these groups by Government actors many times with limited or no due process and special protection

for children. This is not a problem that is likely to diminish any time soon, and a policy dialogue on how best to address these challenges should be undertaken as a priority.

Prevention

The United Nations Secretary-General has made prevention a keystone of his policy and I firmly believe in this approach. Key elements of such a policy under our cooperation with NATO would be in two areas, namely training and development of prevention strategies for safeguarding schools and hospitals.

Knowledge is, in many ways, the key to prevention – lighting the way to sensible actions to prevent negative consequences for children in today's conflicts. Our training cooperation is well underway, and an initial basic-level training is being updated and upgraded to reflect some of today's operational challenges in the field. However, this is not enough, and I call upon NATO and its partners to redouble their initial investment and institute crucial commander-level training on CAAC as well as introduce CAAC into the NATO exercises.

A trend of attacks and destruction of schools has been seen over the years, and this trend is accelerating, both in current NATO operations and in conflicts to the east of the Alliance. Prevention through training and guidance to NATO troops and partners on avoiding damage to and attacks on schools through school-sensitive deployment and other preventive measures should be developed. My Office and our partners stand ready to assist.

Going Forward

I believe that NATO has made great strides since the Wales Summit and that Alliance members should demand further practical steps both in its missions such as Resolute Support but also in its training mandates with conflict-affected States. However, to achieve these modest but important goals, we must move forward and update NATO policy based on lessons learned and best practice as well as taking stock of new challenges.

To take a page from our experience with the UN and other regional organisations, in all the lessons we have learned about protecting children in armed conflict, whether it be in peacekeeping or under the regional peace and security umbrella, we know that in order to actually do good for children on the ground, dedicated staff with a child focus must be present in the various operations and at headquarters to fulfill the pledges and intentions of UNSCR 1612 and subsequent Security Council resolutions and broader NATO policy. Leaving it to generalists with the hope that they will prioritize it among their many tasks is a recipe for half-measures.

Peacekeeping and other operations, including Resolute Support, have proven that with minimal but dedicated staffing, words and policies can become actions and genuine protection for children on the ground – and isn't that the crucial element of the peace and security we all want for this and succeeding generations?



Protecting Children in Conflict – a Thinkpiece

By Patrick Watt

“All wars, whether just or unjust, disastrous or victorious, are waged against the child.”

Eglantyne Jebb, Founder of Save the Children

On many measures, the world is becoming a more peaceful place. Twelve fewer countries are in a state of conflict today than in 1990. Yet intra-state conflicts are increasingly taking hold. These are often low intensity, protracted, lack a clear front line and tend to take place in densely populated civilian areas.

These are conflicts in which children are often first and worst affected. According to research by Peace Research Institute Oslo, recently commissioned by Save the Children, over 350 million children live in areas affected by conflict: up 75% on the level in 1990.

In terms of psychological trauma, chronic malnutrition and stunting, the loss of community and family networks, foregone educational and economic opportunities, the effects of conflict on children are long term. In addition, conflict weakens state and civic institutions on which children's welfare often depend. The 2030 United Nations Sustainable Development Goals, will be difficult to achieve unless conflict is reduced. Importantly, continued poverty, inequality and environmental degradation risk feeding further cycles of political instability and armed conflict.

The impact of conflict on children demands particular and urgent attention from armed forces, and from NATO, as an alliance that has the protection of children in its mandate. Children are not simply small civilians, although their protection must be a fundamental part of a protection continuum that extends to all civilians in conflict. Children are often ignored for cultural reasons and lack a political voice, contributing to the neglect of their needs. Children are also more pliable than adults, which makes them vulnerable to abuse and exploitation. Treatment of children embodies society's norms, making exemplary violence against children a highly effective way of terrorising a population. The services on which children depend heavily – schools and medical facilities – are often the most visible symbol of the state in a community, and often have obvious advantages for military use, which leads to them being widely targeted, damaged and destroyed.

The vulnerabilities of children in conflict have been recognised in principles and standards enshrined over the last century, since Save the Children's founder, Eglantyne Jebb penned the Declaration on the Rights of the Child in 1924 – the precursor of the UN Convention on the Rights of the Child. The UN Charter and Declaration of Human Rights, the Geneva Conventions and the wider body of International Humanitarian Law all include specific protections for children in armed conflict. In 2005 the United Nations set out a monitoring and reporting framework that now covers six grave violations against children in armed conflict: the recruitment and use of children as soldiers; killing and maiming; sexual violence against children, attacks against schools and hospitals, abduction; and denial of humanitarian access.

What are the implications for NATO of the framework for the protection of children in conflict? First, as the world's biggest military alliance, and at a time when international rules governing the conduct of war are widely flouted, NATO has the power to protect children by upholding rules consistently and visibly, and by raising the standard for its members and other militaries.

Secondly, NATO's Bi-Strategic Command Directive on Children and Armed Conflict (CAAC), adopted in 2016, provides a framework for the alliance to integrate this issue into the planning and conduct of its operations and missions, as well as its training, monitoring, and reporting. This includes highlighting the steps to report incidents covered by Security Council resolutions and setting a framework to support UN monitoring and reporting mechanisms.

Making this CAAC policy unclassified and publicly available would be an important way of signalling NATO's commitment. Routinely creating focal points for children and armed conflict in NATO operations and missions to help apply these principles and build best practice would also be an important step forward. Taking this experience and applying it to NATO's extensive capacity for training troops of other governments could raise protection standards more widely.

NATO should explore adopting information protocols that cover monitoring of violations against children. Depending on NATO's status in an area of operations, this data collection may carry expectations that witnesses and victims of violations deserve protection and will receive humanitarian assistance – an area that potentially merits further attention in the directive.

Thirdly, protection of schools and hospitals, as part of contributing to a safe and secure environment for civilians, is a particular area where NATO can and should strengthen its practice. The Safe Schools Declaration, already endorsed by 21 of NATO's 30 members, is a strong foundation for progress in this area. By supporting the declaration, states also endorse and commit to use the Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict, which offer practical guidance to reduce the use of educational facilities for military purposes and mitigate the impacts on student safety and learning. NATO should encourage commitments by its members to apply the Guidelines. Slovenia for example, committed to include them in the pre-deployment training of civilian and military personnel for international operations and missions and in NATO Security Sector Reform concepts.

More explicit and sustained NATO support for the framework protecting children in conflict would be a powerful statement of renewed international commitment at a time when these rules and standards are under threat. As such, it would lay the foundation for a more stable and prosperous world, in which the rights of children are consistently respected and realised.



Victims, not Perpetrators - UN Global Study on Children Deprived of Liberty

By Manfred Nowak and Manu Krishan

The United Nations Global Study on the impact of armed conflict on children presented by Graça Machel in 1996 to the United Nations General Assembly described the inexcusable brutality millions of children around the world were exposed to. The study brought an awareness to the international community, established a set of recommendations, and appointed the first Special Representative of the Secretary-General on children and armed conflict to keep the protection of children at the forefront of international agendas. Although significant progress has been made to reduce the recruitment and use of child soldiers in armed conflict, the current situation around the world still tolerates thousands of children to serve as soldiers fighting in armed opposition groups or government forces. Many are recruited by pressure, force or even abducted while others join out of desperation believing that armed groups are their only way out. On the one hand, children are used to act as lookouts, messengers, and spies but on the other hand, they are on the frontlines of armed conflict, including for violent extremism, and some children, knowingly or unknowingly, participate in suicide missions.

Although thousands of children associated with armed forces and armed groups have benefitted from child appropriate Demobilization, Disarmament and Re-integration (DDR) programs, children associated with armed forces or groups run a high risk of arbitrary detention and imprisonment, leading to deep and lasting physical and psychological harm. Children who are placed in detention are often kept in appalling conditions and are confined in overcrowded cells with adults, and with inadequate food and medical care, which do not meet the minimum standards set out in various international legal instruments on juvenile justice. Deprivation of liberty due to national security reasons in armed conflict setting puts children at even more risk than usual, as they are primarily perceived as a threat and perpetrators and not as children and victims.

The UN General Assembly requested the Secretary-General to commission an in-depth study on children deprived of liberty¹², which deals, inter alia, with children deprived of liberty in the context of armed conflict and for national security reasons. The study builds upon the experiences from the two previous UN Studies on children: Graça Machel's on the Impact of Armed Conflict on Children as well as the United Nations Study on Violence against Children, led by Paulo Sérgio Pinheiro. Furthermore, it aims at assessing the magnitude of the phenomenon, documenting good practices such as alternatives and non-custodial measures; promoting a change in stigmatizing attitudes and providing recommendations for law and policy and capturing the views of children.

Under the Convention on the Rights of the Child, governments must ensure that children are only detained as a measure of last resort and for the shortest appropriate period of time. In numerous circumstances States place children in administrative detention, rather than charging them with a criminal offence and bringing them before a court. These children are often detained for long periods without being granted legal safeguards. In many other situations, States prosecute children before national courts or military tribunals, which generally do not apply juvenile justice standards. Consequently, these children are often tried without legal assistance, without the presence of their parents and without a

¹² According to Article 4(2) of the optional protocol of the convention of torture deprivation of liberty means 'any form of detention or imprisonment or the placement of a person in a public or private custodial setting which that person is not permitted to leave at will by order of any judicial, administrative or other authority'

clear comprehension of the charges brought against them. Many States have adopted vague counter-terrorism legislation in response to extremist armed groups such as the Islamic State and Boko Haram which has increased the detention of children perceived to be security threats.

Security forces have tortured children in various ways to yield confessions, extract intelligence information, or merely as punishment. In his former function as UN Special Rapporteur on Torture between 2004 and 2010, Manfred Nowak interviewed child soldiers in countries involved in armed conflicts, such as Nepal and Sri Lanka, who were first involuntarily recruited by armed groups and subjected to some of the most brutal forms of torture, including mutilation. When they managed to escape their tormentors, they were arrested by the military or police on the suspicion of belonging to a terrorist group and were subjected again to various torture methods aimed at extracting information and/or confessions.

During armed conflict and situations of violent extremism, children in detention who are ill-treated may easily become alienated and seek reprisal by joining extremist or armed groups or simply to seek protection within detention. Rather than reducing threats, the practice of detaining children may actually increase them. The UN Secretary-General has said that depriving children of their liberty because of their association with armed groups “is contrary not only to the best interests of the child, but also to the interests of society as a whole,¹³” and proclaims that such detention can lead to the creation of community grievances within a society.

Children are still in a formative stage of their lives and therefore are easily influenced, both in positive and negative ways. Research in juvenile justice finds that children who have been subjected to detention end up with lower educational achievement and lower rates of employment, higher suicide rates, and higher rates of recidivism than children who have committed offenses but are placed in non-custodial community-based alternative programs. Prevention of detention should always be the first option as prison environments are always a breeding ground for negative influences on children, such as drugs, violence, radicalization and recidivism.

The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, with 180 states signatory requires States to provide children who have been illegally recruited and used as child soldiers with all appropriate assistance for their physical and psychological recovery and their social reintegration. Children should be made to understand the consequences of their actions, and victims of their violence must feel that justice has been done. Nevertheless, diversion methods away from the judicial system are more appropriate for children and society at large. Alternatives and non-custodial solutions and measures that promote the reintegration of a child into his or her community include truth-telling and other restorative justice measures.

13 United Nations, Report of the Secretary-General on Children and Armed Conflict, U.N. Security Council, U.N. Doc. S/2016/360, April 20, 2016, para 16



From Legislation
to Implementation - Paradigm-
changes in Cultural Property
Protection through the intentional
destruction of cultural heritage?

By Christian Hanus & Peter Strasser

For many years the history of Cultural Property Protection (CPP) during armed conflict was fixed to year dates like 1863 (Lieber Code), 1907 (IXth Hague Convention), 1935 (Roerich Pact), 1954 (Hague Convention and its first Protocol) and 1999 (Second Protocol). Despite many years in force and therefore applicable, many reasons prevented the effectual implementation of these legal instruments: they were not practically taken into consideration during warfare (e.g. the regulations concerning the bombardment by naval forces of sacred edifices and historic monuments laid down in the IXth Hague Convention 1907); have a limited territorial scope (like the 1935 Roerich Pact as restricted to some states in the Americas); and some regulations are out of touch with reality (like the conditions for granting special protection according to the 1954 Hague Convention).

Although in the 1960s efforts were undertaken on state levels to fill the regulations of the 1954 Hague Convention with life (like the creation of the “Convention’s Office” in Austria and the efforts of Austria, Germany, the Holy See, and the Netherlands to create sites of “special protection”), the global importance of the Convention of 1954 remained somehow weak. This can be demonstrated still now with regard to the number of ratifications. While the World Heritage Convention from 1972 (193 ratifications) and the relatively recent 2003 Convention for the Safeguarding of the Intangible Cultural Heritage (177 state parties) enjoy high popularity among the states (consider that there are 195 member states with UNESCO and 193 with the UN), the number of states which adhered to the 1954 Convention and its two protocols still remains low: 126 (1954 Convention), 108 (first protocol) and 75 (1999 second protocol).

The outbreak of the Balkan wars and especially the shelling of the World Heritage property of the old town of Dubrovnik shook the global community. There was broad agreement that somehow appropriate regulations are in place, however, they have to be sharpened and some recent developments have to be taken into consideration. Patrick J. Boyland’s “Review of the Convention for the Protection of cultural property in the event of armed conflict” (London 1993) highlights not only some weaknesses, but also set important cornerstones for the further development of the stipulations of the 1954 Hague Conventions and beyond: criminal responsibility for crimes set against cultural property, enhanced protection of very important cultural sites, and clarification of “military necessity”, just in order to mention a few.

The crimes against cultural property committed during the Balkan wars led to the 1999 second Protocol to the 1954 Hague Convention, which entered into force in 2004. The shelling of the World Heritage site Old City of Dubrovnik in 1991/92 in particular paved the way for two major developments, which found their way into the second Protocol: enhanced protection for cultural heritage “of the greatest importance of humanity” as well as criminal responsibility and jurisdiction.

The second Protocol incorporated also another concept, which exerted already an important influence on the implementation of the World Heritage Convention of 1972: the role of NGOs as advisory bodies to the Committee of the second Protocol.

However, these regulations could not prevent the destruction and illicit removal of cultural property during and after armed conflicts and civil unrests. Following the destruction of the statues of Bamiyan in Afghanistan, in 2003 the community of states adopted the

“UNESCO Declaration concerning the Intentional Destruction of Cultural Heritage”¹⁴. This act of barbarism was topped, however, during the conflicts in Mali, Iraq and Syria through the consequent destruction of cultural heritage, what the former Director-General of UNESCO, Irina Bokova, called “cultural cleansing”. Aware that international legal instruments alone cannot prevent the loss of cultural heritage, initiatives like UNESCO’s “Unite 4 Heritage” were launched. Unlike legal instruments, new ways of disseminating information and mobilising the public could be used. Consequently, thanks to new distribution channels through social media a broad range of people could be addressed. This public pressure exerted important influence on states and global politics. There is meanwhile broad agreement that the development of new regulations is not necessary; rather the existing legal instruments require a more coherent putting into practise. It became evident that all actors involved in the protection of cultural property are in need of practical training as well as of better coordination. Consequently, organisations like UNESCO which adopted legal texts so far, focus now on the dissemination and proper implementation of its conventions and protocols. The military manual concerning the protection of cultural property was issued in 2016 and widely distributed¹⁵.

This approach has to be seen in the light of the “Civil-Military Cooperation” Doctrine (CIMIC) of NATO, which was adopted in 2003 on the basis of experiences especially gathered during the Balkan wars. CIMIC refers to the interaction between NATO-led forces and civil actors in Alliance-led operations, which includes also issues of CPP. Linking military forces and civilian activities offers opportunities for a better awareness for CPP among the population, too.

Meanwhile the European Union became one of the most important actors for CPP. In 2007 it adopted the “European Agenda for Culture” which stipulates the role of cultural heritage as a pillar of European cooperation on culture policy. It concluded that heritage assets and resources are of great value to society from a cultural, environmental, social and economic point of view. However, pressures of natural hazards, anthropogenic effects and extreme events due to global changes are of paramount importance. The EU’s CPP-activities make reference to the “Sendai Framework for Disaster Risk Reduction 2015-2030”. This instrument represents the global agreement on disaster risk management as adopted by the Member States of the United Nations in March 2015. It refers as a priority to the protection of cultural heritage and it invites national authorities to cooperate in increasing awareness of the impacts in the context of exposure to hazards.

On 17 June 2016 the European Commission published an Action Plan on the Sendai Framework. It stipulates – for a five-year period – a more systematic disaster-risk-informed approach in EU policy making. One of the implementation priorities concerns the development of good practice regarding the essential integration of cultural heritage in national disaster risk reduction strategies which have to be developed by EU Member States.

Contrary to natural disasters like floods and fire, the risk to cultural property through human-made disasters like armed conflicts and terrorism in Europe are regarded as less

14 <http://unesdoc.unesco.org/images/0013/001331/133171e.pdf#page=68>

15 Also as pdf: <http://unesdoc.unesco.org/images/0024/002466/246633e.pdf>

imminent. However, these human-made disasters can cause considerable dangers, too. On the one hand, the risk exposure is more dynamic and more often subject to change (depending on the political situation), and the type of danger does not allow implementation of risk-mitigating techniques, especially as these disasters are characterised by a target-oriented approach.

In conclusion, the EU-projects dealing with CPP serve not only as a tool to bring European CPP-institutions together, but they formulate future research priorities which are based on the deficits which were identified in these projects:

- The CIMIC-structures are not yet fully established.
- There is need to revise the legal framework.
- The importance of the local population has to be brought more in the centre of attention, as they are the bearers of local and essential knowledge concerning disasters. In order to use this information, close cooperation with local authorities as well as with scientist has to be established.
- Awareness raising on the importance of CPP has to be established in school curricula. Furthermore, the local population has to be made aware of the value and typology of the cultural property.

Consequently, CPP is not only an issue for specialists, like military staff, emergency units, and scientists, but concern all of us.





NATO, Cultural Property and the International Protection Gap

By Frederik Rosén

NATO is well-positioned to play an important role in closing the enduring capacity gap on the international level with regard to crafting military approaches to the emerging role of cultural property in armed conflicts and terrorism.

Cultural property has in recent years progressively become an object of both armed attack and the intentional destruction by belligerents, and at the same time an object of attention of the international community efforts to undertake elaborate protection initiatives. The issue has been addressed by the United Nations Security Council, the United Nations General Assembly, UNESCO, the International Criminal Court, states, and further analysed by a growing body of academic literature. However, while there is broad agreement regarding the importance of addressing the challenges related to the risk to cultural property in armed conflict at the international level, response mechanisms are lacking. In fact, we continue to have a protection gap at the international level when it comes to addressing these challenges.

International Organisations, Cultural Property and Armed Conflicts

It is common to encounter defence and security professionals who assume that Cultural Property Protection (CPP) is only relevant for the military in relation to targeting. On an institutional level, it is assumed that UNESCO is in the lead. To be sure, UNESCO has raised awareness, driven international initiatives, developed training materials for defence organisations, and occasionally participated in the training of UN Peacekeeping troops. Yet, we must also recognise the limitations put on UNESCO by its member states, who have always been reluctant to expand UNESCO's work to situations of armed conflict. UNESCO as an organisation never received the mandate and resources necessary to grow and develop an actual operational capacity to work practically with protecting and preserving cultural property during armed conflicts.

When we consider other international organisations working on defence and security related issues, we see that the EU and the UN both lack capacity and doctrine to handle CPP in armed conflict. However, the European External Action Service very recently (in 2019) began to integrate the cultural dimension within the EU's overall security policy. With regard to United Nations Peacekeeping system, CPP remains a low-priority issue of the Environment Protection desk at the Department of Operational Support (DOS), which provides field support to UN Peacekeeping missions. The UN Peacekeeping mission in Mali (MINUSMA) held a mandate to work with CPP and UNESCO until 2018 when the Security Council removed this element. With already overburdened missions, and concerns among lead UN member states, including troop contributing countries, about the increasing number of tasks and obligations included in peacekeeping mandates for missions in ever-more perilous environments, the UN lacks both the prioritisation and the sufficient resources to look at CPP for now.

In recent years, we have seen a number of states (including UK, US, Italy) plan or initiate defence and security related capacities to address the challenges relating to cultural property in armed conflicts. However, these initiatives struggle to mobilise resources, define their roles in their institutional contexts, and achieve formal recognition. In like fashion, member state capacities may improve the readiness of international organisations, but the gap at the international institutional level with regard to policy, doctrine and capacities remains, and the lack of a well-defined and structured multilateral commitment may hamper the realization of such readiness.

This said, cultural property issues are no alien element to NATO, EU, the UN or many individual states. However, the lack of institutional frameworks on the international, and also on the national levels, means that initiatives and expertise tend to follow personal passions and enterprises rather than policy and organisational functions. This renders capacities vulnerable to ebbs and flows in the tide of human resources, including rotation of personnel and internal affairs of the organisations, and may leave the organisations at a disadvantage when it comes to identifying and addressing challenges related to cultural property.

Why the International Capacity Gap Remains

The protection gap on the international institutional level when it comes to handling challenges related to cultural property (including places of worship) in armed conflict mirrors the general lack of implementation of the 1954 Hague Convention and its Protocols among states.

Why do states remain so reluctant to invest in capacities for protecting and preserving cultural property during armed conflict? Why has the demonstrable trend of increasing attacks on cultural property and the outcries from media and member-states in multi-lateral fora, including the UN General Assembly and Security Council, not resulted in the needed capacities, priorities and structures to realise better protection for CP in conflict areas?

While we have developed wide-ranging international norms and laws that emphasise the value of cultural property and the importance of protecting it against the depredations of war, we lack a clear picture of the implications of losing cultural property. For instance, the concept of “cultural cleansing” with its idea that cultures may be destroyed by eradicating their material expressions, rings intuitively true and historical examples of this come to mind. Yet, little empirical research exists to support such a causal effect of groups losing cultural property. Lacking such knowledge, it becomes difficult for states to set priorities. Who wants to take the lead on developing a new thematic area in international organisations without facts underpinning the aims and ambitions?

If states decide to invest in international frameworks and capacities, as set out by, for instance, the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its protocols, a pervasive confusion about the relevant authority for driving forward such a framework needs to be overcome. To be sure, a definite confusion endures among states in determining the relevant authority for implementing the 1954 Hague Convention and its Protocols. The topic continues to fall between the chairs of the ministries of defence, culture, and justice. This apparent misperception about who is the relevant authority to ensure the protection and safeguarding of cultural property in armed conflict and other security related issues is also generic on the international level.

The lack of clarity must, to some extent, be seen in the light of the decision of the international community in the early 1950s to make UNESCO the custodian of the 1954 Hague Convention and its First Protocol thereby making the national ministries and departments of culture its keepers on the national level. In light of the historical lack of structured dialogue and partnerships between defence organisations and ministries of culture, the 1954 Hague-Convention remains an “orphaned” instrument: not really culture, not really warfare.

Finally, it is worth noting that academic defence and security studies only very recently started to take an interest in cultural property in armed conflict. The academic discussions have primarily taken place within humanities. From the Balkans over 9-11 to Syria and Crimea, from Hearts and Minds campaigns to Special Operations Doctrines to Hybrid Warfare concepts, the growing attention to culture and cultural sensitivity during military operations and peace building evidences how culture stands central to the military geography.

Yet a stubborn tradition of viewing culture as something immaterial and purely social appears to hamper the development of an analytical perspective that embraces cultural property, the material expression and physical anchorage of culture, as a material dimension of the military geography. This makes it even more striking that the debates on cultural property in the context of defence and security are owned almost entirely by civilians - and often civilians with weak knowledge of the inner workings of defence and security institutions. The result is that recommendations to defence and security organisations tend to be impractical and therefore carry less weight in defence debates and policy.

Way Forward

Closing the gap on the international level on policy, doctrine and the capacity for addressing cultural property challenges in connection with armed conflicts depends on states' and multi-lateral organisations' willingness to invest in the area. It is clear, that the current capacities at all levels are far below what is required. Civil society initiatives need to be complemented by uniformed capacities aiming also at setting priorities and structuring perspectives. Better facts on why and how cultural property matters to military organisations seems to be a sine qua non for this to happen. Someone needs to blaze a trail.

In this regard, NATO appears as a privileged actor. Privileged because recent years' work on CPP in NATO, evolving from the NATO Science for Peace and Security Project on CPP in NATO-led Operations, has created a crosscutting and weighty knowledge base within NATO. The strategic commands now have the concepts, knowledge, directives, and partnerships to effectively canvass the challenges and benefits of CPP from a NATO perspective – and in a form and language that sit well with military procedures and jargon. The Human Security Unit, which attends to crosscutting issues, including CPP and Protection of Civilians, has the political legitimacy to promote better awareness across the NATO organisations and among Allied nations about the importance and military usefulness of CPP as a military tool - including beyond mere protection. Altogether, NATO's recent work to build a military approach to handling cultural property challenges may catalyse a broader change in attitudes in the defence organisations, including international organisations. To realize the full potential of what is already there, Allied nations would need to furnish CPP in NATO with an overall framework in the form of a NATO policy to enable stakeholders to work on CPP, yoke together CPP-related activities across the NATO organisations, and empower cooperation including information sharing with other international organisations.





NATO and Cultural Property Protection

By Laurie W. Rush

Men and women who are risking their lives to support a military mission deserve accurate and pertinent information that will genuinely contribute to a successful outcome. Laws of Armed Conflict and Treaty Obligations are important, but if the goal is truly the protection of cultural property during the course of armed conflict, it is critical to develop an understanding of how the ability to identify and respond appropriately to cultural property on the battlefield will contribute to mission success. This process requires effective cross-cultural communication between members of the academic community who can provide knowledge, training, and education and the military personnel who need critical information and awareness.

During the course of the NATO Science for Peace and Security (SPS) Cultural Property Protection (CPP) Project, the participants made a compelling case that CPP applies at every phase of a military operation, and they shared those findings in both the final report and in the CPP Best Practices Handbook. In addition, in a comparison of villages in Afghanistan where NATO vehicles avoided cemeteries and roadside shrines versus villages where NATO vehicles parked in cemeteries and damaged roadside shrines, Aronson (2016)¹⁶ discovered a thirty percent increase in attacks with improvised explosive devices (IEDs) in the latter locations. When cultural property issues have a direct effect on the lives of military personnel, the responsibility shifts to the heritage specialists who are responsible for providing the right information to the right people at the right time.

If we think about the information required in terms of phases of a military operation, the importance of a potential CPP contribution becomes increasingly clear. For example, in Phases I-IV, as planners prepare for military intervention, cultural property inventories provide critical components of the non-lethal target or “no strike” list. A key question that NATO should ask in response to Aronson’s findings is whether the soldiers who parked in cemeteries or damaged shrines were even aware of their actions. Many soldiers from the west are unfamiliar with the stone cairns marking graves in Afghanistan and are even less familiar with what a roadside shrine looks like. The thirty percent increase in IED attack is tragic in the extreme, but even more tragic if they could have been prevented by effective pre-deployment training.

In addition, as we consider the cautionary results of Aronson’s research, it is important to recognize that heritage experts could also contribute to nuanced and detailed maps; offering an additional layer of military intelligence that would reflect religious, political and behavioural values expressed at the very local level. This type of mapping and analysis also enables prediction of potential flash point locations in contested spaces as demonstrated by the Lenin Statue example in the Best Practices Handbook. Detailed maps with recognition of human modifications to the landscape like the earthen mounds of Afghan vineyards are also of strategic and tactical value. These fields are extremely difficult to cross and can hide hundreds of adversaries when the vines are in full foliage.

In addition to cultural property inventories, what types of information and forms of education are most useful for military personnel? The nuanced and detailed mapping products mentioned above should offer images of important features like burial markers, shrines,

16 Jacob Aronson, University of Maryland, ‘Identifying the Impact of Heritage Site Damage in Afghanistan’ (Unpublished paper, 25 November 2016).

and sacred features in the landscape. In thinking about offering information to the right people at the right time, imagery analysts need to be able to identify signatures and clues for heritage properties in aerial images. Equally important, when they encounter clearly man-made features of unknown origin in the imagery, they need to know who to ask, and when they ask, and they need prompt and accurate responses. It would be excellent if all military personnel were to receive even a brief introduction to the concept, and that introduction does not necessarily have to be in the form of a classroom setting. In the U.S. military the archaeology awareness playing cards were extremely well received, and in fact the idea has been duplicated in additional NATO countries and by some Blue Shield Committees¹⁷.

The cross-cultural communication skills required when academics work as military partners are challenging but not insurmountable. For heritage professionals, it is important to learn as much as possible about upcoming missions as well as military training methods and priorities. It is helpful to become familiar with acronyms and vocabulary. For example, one military system that is completely mystifying to civilians but used all the time is the numbered system for military functions; 1 = personnel, 2 = intelligence, 3 = operations, up to 9 = civil military cooperation. These numbers are usually prefaced by an alpha numeric as in G1 = general staff, personnel or J3 = joint staff operations. Working with soldiers can be a completely different experience from a typical college classroom or faculty meeting. It is very useful for an academic to pay attention to the style of communication in a military meeting. If everyone around the table is introducing themselves by name, rank, and affiliation, a superfluous story about the first time you met with the military will not augment credibility. Many members of the military are extraordinary and accomplished intellectuals in their own right, and it is important to never underestimate them. However, if the purpose of the heritage professional's participation is to share critical information and insight on a specific area of deployment that would not be the time to discuss theories of cultural discourse or other topics of tangentially related interest. The opportunity to work with the military is an extraordinary privilege for an academic. If a heritage expert is not offering information that could potentially save lives, find an expert who can.

It is also important to make a distinction between cultural awareness training and cultural property protection. Cultural property protection is about military intelligence, accurate maps, detailed information, site survey, identification and documentation of features in the field, and transition of valued property in good condition back to representatives of civil society. Cultural awareness is important and helpful, but often lacks the intelligence and operational contributions that a properly implemented cultural property protection will provide.

Another dimension of cross-cultural communication, from military to academic is to learn about how military personnel train their own forces. With the 10th Mountain Division, a US Army unit based at Fort Drum, NY, we are experiencing increasing success with implementation of "injects" into actual field training experiences. An inject is a special challenge built into a field scenario that works to make the training experience more realistic in ways that hopefully mirror surprise challenges a soldier may encounter in the

17 The Blue Shield, formerly the International Committee of the Blue Shield, is an international organisation founded in 1996 to protect the world's cultural heritage from threats such as armed conflict and natural disasters.

deployed environment. Our CPP injects are designed to involve as many types of soldiers as possible in addition to senior leaders. The Fort Drum inject process is described in detail in Mills and Rush (2017)¹⁸. Fort Drum Officer Cadet Interns also provided cultural property inventory information to LANDCOM Naples for the 2016 NATO Trident Juncture Exercise, and the UK Committee of the Blue Shield provided Cultural Property components to NATO exercises as well.

Another approach to successful implementation of cultural property protection within a military organisation is when military officers are also heritage professionals. An excellent example is the Austrian Donau University Krems CPP Master's Degree Program. The combination of courses and workshops offers hands on training opportunities backed up by in depth scholarly expertise. The fact that the program was developed and is directed by a highly qualified academic archaeologist who is also a successful military officer has solved the cross cultural communication challenges. This program is viewed as a model for cultural property protection professionals from all over the world.

When CPP information is used wisely during the kinetic phases of an operation, the goal is for as much cultural fabric of a community to be left intact in order to enable the final Phase (VI) of Transition. Prepared military personnel will be less likely to inadvertently damage cultural property, reducing the probability of exacerbating conflict unnecessarily. When heritage professionals and academic personnel provide valuable information and training that has direct application to a military operation, military personnel will be extremely receptive and appreciative. When sacred places, agricultural infrastructure, traditional gathering spaces and other elements of cultural life are spared during the course of conflict, a community is far more likely to recover.

18 Mills, Kristoffer and Laurie Rush 2017, *The Integration of Cultural Property Protection into a Decisive Action Training Exercise*, Nov/Dec Military Review, pp. 106-116.





Appetite for Cultural Destruction - A Strategic Analysis

By M.L.R. Smith

The destruction of heritage sites and traditional repositories of custom and tradition has gone on for centuries. To many people, these are random acts of vandalism. The desecration of ancient historical relics is often denounced in terms of cultural barbarism. The blowing up of the Buddhist statues of Bamiyan was described by NBC News as 'one of history's greatest archaeological tragedies', whilst Phillippe de Montebello of the Museum of Metropolitan Art proclaimed it to be 'frontal attack on the cultural history of the rest of the world'. In 2012, the Director General of UNESCO, Irina Bokova, condemned the destruction of ancient Muslim shrines in Timbuktu by Islamist groups as 'wanton destruction' and as 'an attack on all our humanity'.

However, these acts are rarely wanton destruction in the sense that they lack purpose or meaning. Cultural destruction is often carefully conceived political messaging. It is carried out for a reason. Political actors, in other words, enact a conscious strategy of cultural destruction to achieve their objectives. This essay will show why, and how.

So, why would any political entity engage in cultural destruction? To reduce to its core elements, we can posit three rationales for cultural destruction:

- 1) To degrade and delegitimise the existing social order
- 2) To remove all references to a previous society and culture
- 3) To reconstruct society in line with a new ideological vision

Values are important

Cultural destruction and image breaking often stands condemned for its barbarousness, ignorance and philistinism. Plainly, though, in the eyes of its practitioners, cultural destruction is far from a negative action. On the contrary, they see it in highly positive ways. To judge one act as barbaric and another positive, depends entirely on where one sits in terms of one's value judgements. The destruction of the Buddhas of Bamiyan is widely considered barbaric, but would one say the same thing about the toppling of Saddam Hussein's statue in Baghdad's Firdos Square in 2003? Without value judgements, there is no difference between iconoclastic acts: it depends what your values are.

ISIS's Strategy of Cultural Destruction

To demonstrate the point about context dependency and the necessity of understanding strategies of cultural destruction on the part of those who undertake them, let us consider the case of the self-proclaimed Islamic State of Iraq and the Levant (ISIS), which promoted a systematic programme of cultural destruction across the territories it occupied between 2014 and 2018 in Syria and Iraq.

Islamic State's political-religious ideology required that its followers adhere to the scriptural certitudes of the Koran and to emulate the role of the Prophet Mohammad. In particular, it demanded affirmative action to prevent what is called shirk – that is idolatry – the worship of false idols.

Islamic State had an especial hostility to any idolatrous reverence from pre-Islamic eras, known as Jahiliyya: the 'age of ignorance' before the advent of Islam. This informed a highly activist outlook that sought to destroy all tradition, culture, history and ethics not

seen as being in complete alignment with the teachings of the Koran and the life of the Prophet. Thus, if we – that is we in the West – accept the preservation of cultural heritage as a common good because it informs us of our past and binds individuals into a larger national or human story, then Islamic State ideologists, by contrast, encouraged cultural degradation, precisely because they saw it as attacking a value applauded by a secular western aesthetic.

For this reason ISIS therefore revelled in the outpouring of western disgust. Consider this 2015 statement in the ISIS sponsored journal *Dabiq* in the aftermath of the desecration of cultural artefacts in Palmyra:

Last month, the soldiers of the Khilafah (Caliphate), with sledgehammers in hand... laid waste... the shirki legacy of a nation that has long passed from the face of the Earth. They... demolished their statues, sculptures, and engravings of idols and kings. This caused an outcry from the enemies of the Islamic State, who were furious at losing a 'treasured heritage'. The mujahedeen, however, were not in the least bit concerned about the feelings and sentiments of the kuffar (infidel)... With the kuffar up in arms over the large-scale destruction at the hands of the Islamic State, the actions of the mujhideen... served to enrage the kuffar, a deed that in itself is beloved to Allah.

Here we can see that condemnations of Islamic State's cultural destruction provides the rationale for ISIS to engage in that destruction: the logic seems paradoxical, but it is irresistible – the more it is condemned by the secular West, the more Islamic State felt vindicated. It illustrates yet again that the destruction of cultural heritage is, like all violence, a form of political messaging. We can further break down the case study of ISIS's programme of cultural violence to illustrate the underlying strategic logic of its actions, which we can separate into three categories: 1) Performatism, 2) Pragmatism, and 3) Dogmatism. Each of these forms of political communication contains its own distinct strategic purpose.

Performatism

At one level, Islamic State's destruction of cultural heritage functioned as an act performative showmanship. This was clear from the careful crafting and presentation of its desecration of cultural artefacts during the occupations of Palmyra and Mosul.

If ISIS was solely concerned with obliterating everything that was considered shirk, then it could have simply destroyed most of the statues and relics with explosives in one fell swoop. However, it wanted to extract the maximum symbolic value from them in order to maximize media coverage and propaganda messaging. In the case of the exhibits in the Mosul Museum it destroyed artefacts in stages, while Islamic State's film unit depicted ISIS fighters using their hands, rather than power tools, to topple statues or using pick-axes and sledgehammers to deface them.

Hence, there was this performative element to cultural destruction, which was filmed and posted on YouTube in February 2015. This served a number of messaging purposes: a) it reinforced the doctrinal narrative, showing that IS fighters were continuing the work of Mohammad in casting out idols after the conquering Mecca in the 7th century (or what we call the 7th century), and preventing shirk, b) it brandished its anti-western, anti-sec-

ular, anti-cosmopolitan credentials to a wider Muslim audience, c) it goaded western commentators to condemn them, which fuelled its own self-sustaining rationale, and, d) it succeeded in degrading the existing fabric of society, and e) it amplified its political message across the global media.

If violence is political messaging, then, measured by the amount of publicity across numerous media platforms, Islamic State probably gauged its orchestrated campaign of targeted destruction highly effective.

Pragmatism

Of course, in this manner also, Islamic State was demonstrating an underlying pragmatic logic to its strategy. If Islamic State's concern was solely acting in accordance with doctrinal purity, then it would be expected to pay little attention to the material benefits that could be derived from the control and management of cultural heritage.

The capture of Palmyra, for example, was not only of symbolic value, offering ISIS as it did, and the opportunity of disporting its commitment to its ideology through the destruction of cultural artefacts. Palmyra was also pivotal in the wider Syrian civil war. Occupying the city enabled ISIS to accomplish other practical goals, such as dominating the surrounding territories that controlled much of the natural gas supplies for the Syrian regime. Islamic State sought to profit from the looting and trafficking of antiquities, issuing permits to locals to excavate sites and selling artefacts, with IS levying a tax on the proceeds of sales.

But in terms of propaganda messaging, that is, trying to connect action to policy by investing violent actions with political meaning in a manner comprehensible to audiences beyond, we can discern that Islamic State was also operating with certain ideas of strategic pragmatism in mind.

What political meaning did Islamic State hope to convey with its cultural destruction in Palmyra? We can deduce that it was to show that its members were emulating the life of the Prophet Mohammad in demonstrating open enmity and disavowal of shirk. Disseminating iconic acts of violence across the Internet was designed to mobilise its followers by showing that it represented the antithesis of despised western secular liberalism. It was intended to achieve the goal of transforming 'ordinary Muslims' into jihadists, who will understand and act to prevent the spread of shirk. Destroying parts of Palmyra in a stage managed way was therefore logical and strategically pragmatic. It maximized media coverage by gradually increasing the grandeur of destruction over a period of time.

Dogmatism

Ultimately, of course, Islamic State's political messaging, both in its performative and pragmatic manifestations, also illustrates its ultimately dogmatic commitment to its ideological vision, which is rooted in a rigid adherence to scriptural orthodoxy. Islamic State's doctrine was thus focused on eliminating shirk and affirming oneness with God. This outlook informed its relationship to all pre- and non-Islamic cultural heritage. The spiritual leader of Islamic State, Abu 'Umar-al Baghdadi affirmed that: 'The end to which fighting the unbelievers leads is no idolater remaining in the world'. Consequently, al-Baghdadi advocated the desirability of 'destroying and eradicating all manifestations of idolatry

and prohibiting those things that lead to it', and imploring his followers 'That you not leave statue without obliterating it, or a raised grave without leveling'.

Therefore Islamic State's political messaging through cultural destruction was – in the final analysis – an expression of its uncompromising ideological commitment. However, there existed a paradox in ISIS's strategy, in that the two impulses of pragmatism and dogmatism stand in contradiction. The consequence of this contradiction is that its intransigent pursuit of ideology can, and in ISIS's case eventually did, negate the implementation of an effective strategy.

Why so? Because ISIS's implacable adherence to its politico-religious ideology began to alienate people who were not animated by the movement's puritanical vision: it causes people ultimately to resist. Islamic State faced various forms of civil unrest in the territories it controlled arising from its hardline attempt to impose its theocratic vision. It also inspired an international coalition, most notably, that between the Syrian regime and the Russians, but also the Americans and the Iraqi government to crack down hard on Islamic State and run it out of town. Dogmatism is ultimately the enemy of strategy.

Conclusion

This essay has shown that although cultural destruction is frequently denounced as barbaric there is always an underlying rationale for it. In the case of Islamic State we can see how, in the age of the Internet, the global media platforms offer a powerful instrument to amplify the symbolism and political messaging for those engaging in acts of cultural destruction. Although ISIS overreached itself and was eventually defeated, for the reasons outlined, the targeting of cultural heritage will always remain an attractive strategic practice for political actors to advance their goals.



Authors

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As editor of "Archaeology, Cultural Property, and the Military," co-author of "The Carabinieri TPC; Saving the World's Heritage," and author of numerous articles and book chapters, Dr. Rush is internationally recognized as a specialist concerning the importance of military education and operations planning for cultural property protection in crisis areas. Recently she has also been recognized by the media as a modern "Monuments Woman," is featured in the new book, "Lives in Ruins" and is a Board Member of the US Committee of the Blue Shield.

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NATO Policy for the Protection of Civilians

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 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 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' action: 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 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 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 compromise 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 compromise 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 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.



