



Exercise Loyal Leda 2020 Report

Dr Emma Cunliffe
- Blue Shield International -

1. Executive Summary

Context

- 1.1 Exercise Loyal Leda 2020 (LOLE20) was a Headquarters Supreme Allied Commander Transformation scheduled exercise to train and evaluate the Combat Readiness certification of HQ Allied Rapid Reaction Corps (ARRC) as a Warfighting Corps Headquarters. It was a land-domain exercise, based upon a fictitious, Article 5 (collective defence) scenario. *“Collective defence means that an attack against one Ally is considered as an attack against all Allies. The principle of collective defence is enshrined in Article 5 of the Washington Treaty.”*¹
- 1.2 The exercise was designed and delivered by NATO's Joint Force Training Centre (JFTC) in Poland, where the majority of the EXCON (Exercise Command) is located, supported by Cadence Consultancy². They invited Blue Shield International as a subject matter expert (SME) in Cultural Property Protection (CPP), alongside the ICRC, who advised on humanitarian issues.
- 1.3 BSI worked closely with Cadence Consultancy, who supported the scenario in which the exercise took place, and who were responsible for scripting the cultural property protection (CPP) storylines in collaboration with BSI. Cadence's expertise in exercise support enabled us to quickly develop a flexible collaborative working arrangement in which we were able to easily co-develop BSI recommendations for CPP training into appropriate storylines, meeting both the exercise training objectives and wider CPP training goals.
- 1.4 Event organisation was significantly impacted by COVID: BSI was not able to attend scripting or exercise execution in person, but worked remotely with experts in Cadence Consultancy to draw up CPP storylines, and with both Cadence and EXCON to support their implementation, albeit with no access to classified systems.

Training goals

- 1.5 At present, NATO has no CPP doctrine to train against. Therefore, continuing to work out of core NATO publications, BSI takes the approach that the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its two Protocols (1954 and 1999) and its Regulations for Execution provide the core fundamental framework for NATO to realise CPP activities, in both international and non-international armed conflict.
- 1.6 BSI's goal remained to generate just enough cultural heritage content to prompt a small number of HQ-level challenges that would engage the TA with the issues relating to the core structural pillars of the 1954 Hague Convention, recognising the wider context of NATO's training objectives (TOs). CPP was is a NATO cross-cutting theme under NATO's Human Security agenda. In LOLE202, it was explicitly included in the Mission Essential tasks (ST001 and ST002) for the Civil Military Interaction Unit (CMI).

¹ [NATO - Topic: Collective defence - Article 5](#)

² [CADENCE NATO Scenario Team in Support of Exercise LOYAL LEDA 2020 - Cadence Consultancy — Cadence Consultancy](#)

Scenario Development and Exercise

- 1.7 The scenario lacks any cultural property (CP), any state party infrastructure for cultural heritage or its management, or any infrastructure for the execution of the core pillars of the Convention, making it difficult to exercise its obligations.
- 1.8 CPP training objectives must reflect individual training levels. In this case, the prior level of understanding demonstrated by HQ ARRC, outlined in their CIMIC Guidance Note, allowed nuanced exercise play with no mentoring session – a BSI first. Storylines were given close attention by ARRC Command staff, and were handled with thought. However, the Guidance note contains a more detailed level of thinking than is allowed for in the scenario.
- 1.9 Cadence scripted three storylines involving CPP: a targeting challenge at a tentative World Heritage site, a fuel spillage in a natural World Heritage site, and planning challenge to enable a museum evacuation under the Hague Convention’s Special Protection through the combat line. BSI primarily contributed to the third storyline.
- 1.10 BSI had only limited engagement with the storyline involving a fuel spillage in the natural World Heritage Site, and follow ups with Cadence and EXCON, and with the TA gave differing information on the outcome. Cadence scripted the incident to occur in enemy territory, where the TA would need to communicate with enemy authorities via higher level communication through third parties (ICRC./UNSRSG); they also indicated that there was adverse media coverage of the event.
- 1.11 However, the TA reported to BSI after the exercise that the incident occurred in host nation territory, before they crossed into enemy territory. An ARRC reservist works in environmental management in his day job. He guided ARRC in responding proactively and efficiently to clean the site, liaising with the host nation (HN), and recognising what was, and what was not, their responsibility under the MoU with the HN. The reservist also proactively drafted a response to media, preventing reputational loss. Given the quick and correct actions taken in regard to the fuel spillage, there was (apparently) no fallout from either HN relations, or reputational loss in media.
- 1.12 The second storyline involved a request for ARRC to facilitate the evacuation of a museum in the ARRCs AoO, in a transport under special protection, through the combat area. The museum was in a city in HQ ARRC’s AoO. They did not control the town, which contained opponent forces, but it had been encircled and declared a no-combat zone.
- 1.13 In the absence of any infrastructure to activate the Convention in the scenario, Cadence asked BSI to play UNESCO in the exercise, which BSI chose to do as a UNESCO-appointed Commissioner-General for Cultural Property, activating the Regulations for the Execution of the Convention, with responsibility for international oversight of the transport of CP under Special Protection.
- 1.14 ARRC clearly understood both the risk to the convoy and the reputational risk to NATO should it be damaged, regardless of whether the circumstances were in their control. ARRC were forced to confront the task of planning the protection required – undertaking detailed, cross-cutting staff work, leading to the production of a commander’s decision brief, the requirement for the commander to prioritise resource allocation, and to justify the decision reached, and an LCC FRAGO. Numerous security concerns were raised, and extensive planning was undertaken to address them in accordance with international law.

-
- 1.15 BSI was only responsible for the planning exercise in this storyline. The execution of the convoy was handled by EXCON, who scripted that the convoy would be abused by the opponent. Opposing forces took the opportunity to move heavy artillery from the encircled town along with the convoy, presenting an ethical challenge for the TA, as destroying the artillery piece would have destroyed much of the convoy. However, a communication error in storyline execution meant the event was presented as an opponent logistics convoy attaching itself to the transport under special protection, not heavy artillery. The TA chose to let the convoy continue, rather than risk its contents. Had it been correctly reported, the outcome could have been quite different.
- 1.16 This is the first time a full special protection convoy has been activated in BSI training, and (to the best of our knowledge) it has never been attempted with international support in a real conflict (representative of lack of implementation of the Convention, not of the impracticality of the arrangements). This abuse of the convoy is sadly a real possibility in conflict: the storyline played into the legitimate fears regularly expressed by the TA about allowing the convoy to take place.
- 1.17 BSI expresses two concerns in this regard. The first is that – given this was the first time a special protection transport had been successfully exercised – its abuse risked teaching the false lesson that such convoys can never be successfully conducted. Secondly, the TA felt punished, when in fact their actions represented excellent practice. Certainly, in future the ARRC would be even more wary were they to face a real request for a transport, undermining the excellent work done in the planning phase of the exercise. However, BSI believes the level of cross-cutting planning and coordination demonstrated by ARRC in this exercise represents excellent practice, and ARRC are to be commended.
- 1.18 The third storyline was a targeting incident placing a high payoff target next to a high value tentative World Heritage church. BSI had no input into this storyline but notes the excellent intelligence gathering, correctly identifying the World Heritage nature of the church (which was not indicated in the scenario), and the wider risk mitigation employed in the targeting process to protect CP.
- 1.19 Overall, ARRCs cross-cutting planning and coordination in the CPP domain was excellent, including: proactive identification of a branch lead (ECMI – Engineering and Civil Military/CIMIC); proactive CP information gathering, proactive impact assessment, and proactive communication with non-military agencies and media.

Overall Lessons Identified

- 1.20 The lessons are detailed in Section 7, on page 19. However, in summary, the key lessons learned and identified for future action are:
- 1.21 CPP is no less valid during warfighting although the constraints of LOAC may be evaluated differently, and BSI was pleased to be involved in exercising CPP in an Article 5 scenario for the first time, and to witness how seriously NATO takes its obligations.
- 1.22 There is a clear need for NATO CPP doctrine. Such doctrine should work out of the 1954 Hague Convention. It provides an overarching framework for the conduct of CPP within a military mission, against which hard decisions can be made. This in turn enables collective training objectives for NATO to train against, identified at the outset of scenario development.

-
- 1.23 This should influence setting design and exercise realisation: the setting must include a detailed civil environment including a separate Ministry of Culture, which should be engaged with and respected as a stakeholder in its own right.
- 1.24 Early engagement with NGOs constitutes best practice: it enables detailed scripting of events and incidents with expert input that supports the training objectives.
- 1.25 LOLE20, like most NATO exercises, did not contain a prioritised list of cultural property inventory, a situation sadly reflective of the real world. AS BSI could not attend in person, and so had no access to classified systems, it was not possible to assess how comprehensive ARRC's CP data collection was.
- 1.26 NATO must be aware that under the 1954 Hague Convention, failure by an opponent state to identify their cultural property to NATO does not excuse NATO from their obligations to protect CP (article 4.5). In NATO, and especially its Member States, must invest in the collection and provision of CPP data, both real and on exercise, if it wants to train its cross-branch CPP obligations. In this respect, BSI is delighted to see the 2020 NATO NEDP Report: Safeguarding Cultural Property. Creating a NATO Information and Knowledge Management System for Cultural Property, arguing for a NATO CPP information management system which will be of significant benefit on exercise and operations.
- 1.27 Detailed CPP (and environmental management) are specialist activities, requiring specialist training and dedicated staff officers. Although in LOLE20 the TA responded strongly to the scenario challenges, NATO should not take the false lesson that NATO will always handle such challenges so well: they cannot rely on the happenstance of the right reservist or rotation at the right time. NATO should formalize a system to integrate such knowledge into operations.
- 1.28 ARRC took the approach that as they advanced through their AoO they would leave civil authorities in control, in order to avoid the complex responsibilities of becoming an occupying power. Such an approach presents strong risks to CP if security vacuums occur, with no obvious line of responsibility to mitigate them. However, neither the scenario nor the exercise (particularly given the constraints) were detailed enough to explore the repercussions of this approach.
- 1.29 Special and Enhanced Protection, and the Organisation of Control remain underused aspects of the 1954 Hague Convention, but ones that we believe are critical to successful CPP.
- 1.30 The measures in the Convention are clearly intended to maximise the protection granted to CP, and minimise the risk of abuse by creating a system of international and national monitoring. It is worthy of remark that most of the security concerns expressed by the TA when engaging with the specificities of enabling a convoy were foreseen in the Convention, highlighting its clear relevance to armed conflict today.
- 1.31 However, perhaps the most critical measure in the Convention remains the appointment of an internationally monitored system of representatives, delegates and inspectors, answerable not only to the relevant HCPs, but also to the international community via UNESCO and the protecting powers. The lack of implementation of this system remains a critical failure on the part of state parties to effectively realise the Convention, and we commend NATO for engaging with it on exercise and demonstrating its continuing relevance in modern conflict.
-

Acknowledgements

BSI was pleased to support Loyal Leda as a CPP SME. We valued the support received from the EXCON at the Joint Force Training Centre (JFTC) and from Cadence Consultancy, who took a close interest in the CPP learning. Their support was vital and enriched both our participation and the learning outcomes for the TA, and we thank them for it.

2. Contents

1.	Executive Summary	2
	Context	2
	Training goals.....	2
	Scenario Development and Exercise.....	3
	Overall Lessons Identified.....	4
	Acknowledgements.....	6
2.	Contents	7
3.	Context	8
4.	BSI Approach and Goals for CPP Training.....	9
5.	Scenario Framework and CPP Implications	11
6.	Exercise Storyline Realisation	14
	Storyline 1 – Fuel Spillage in Natural World Heritage site (Impact of media on operations).....	15
	Storyline 2 – Museum Evacuation and Transport Under Special Protection.....	15
	Storyline 5 – Targeting	19
7.	Lessons Identified.....	19
	Training Objectives	19
	Scenario Development and Doctrinal implications	22
	The 1954 Hague Convention and the Organisation of Control.....	23
8.	Acknowledgements.....	24

3. Context

- 3.1 Exercise Loyal Leda 2020 (LOLE20) was a Headquarters Supreme Allied Commander Transformation scheduled exercise to train and evaluate the Combat Readiness certification of HQ Allied Rapid Reaction Corps (ARRC) as a Warfighting Corps Headquarters, attended by forces from 21 nations, with 1,400 participants.
- 3.2 LOLE20 was a one-level (tactical) land-domain exercise, based upon a fictitious, Article 5 (collective defence) scenario. “*Collective defence means that an attack against one Ally is considered as an attack against all Allies. The principle of collective defence is enshrined in Article 5 of the Washington Treaty.*”³ The exercise was a Major Joint Operation (Plus) against a peer adversary (i.e. an adversary with similar capabilities to NATO, rather than an insurgent force) contesting NATO within a fictional region. Specifically, it exercised commanding troops and resources during battle operations. The exercise took place between 10-19 November 2020⁴.
- 3.3 All the training objectives were successfully achieved and Allied Rapid Reaction Corps achieved their certification as a Combat Ready HQ.
- 3.4 The exercise was designed and delivered by NATO's Joint Force Training Centre (JFTC) in Poland, where the majority of the EXCON (Exercise Command) is located, together with Cadence Consultancy⁵, who supported the scenario in which the exercise took place, and who were responsible for scripting the cultural property protection (CPP) storylines. They invited Blue Shield International as a subject matter expert (SME) in CPP, alongside ICRC who advised on humanitarian issues⁶.
- 3.5 The organisation of the event was significantly impacted by COVID, and the exercise was largely managed remotely – an immense undertaking. It was not possible to attend Main Events List (MEL)/Main Incidents List (MIL) development or the exercise in person.
- 3.6 For BSI, exercise support consisted of working with Cadence and EXCON to support scripting of three storylines (each made up of incidents) for the Training Audience (TA), designed to exercise specific aspects of CPP. These events are written at Main Events List (MEL)/Main Incidents List (MIL). BSI worked closely with Cadence Consultancy, who supported the scenario in which the exercise took place, and who were responsible for scripting the cultural property protection (CPP) storylines in collaboration with BSI. Cadence's expertise in exercise support enabled us to quickly develop a flexible collaborative working arrangement in which we were able to easily co-develop BSI recommendations for CPP training into appropriate storylines, meeting both the exercise Training Objectives (TOs) and wider CPP training goals.
- 3.7 Ordinarily BSI would attend in person to respond dynamically to the situation, coordinating actions with other EXCON members in daily (or more) planning meetings. However, BSI's exercise participation was limited to one storyline, meeting with the TA online to support storyline execution, and meeting EXCON as required.

³ [NATO - Topic: Collective defence - Article 5](#)

⁴ For more information on LOLE20 see: [Loyal Leda 2020, NATO's biggest 2020 distributed exercise, ends :: JFTC - NATO](#); and [Exercise Loyal Leda 20 Certifies NATO's Warfighting Corps Headquarters :: NATO's ACT](#)

⁵ [CADENCE NATO Scenario Team in Support of Exercise LOYAL LEDA 2020 - Cadence Consultancy — Cadence Consultancy](#)

⁶ Other NGOs were invited, but the COVID situation limited participation.

-
- 3.8 In addition to the COVID difficulties, situational difficulties also limited the amount of information that could be shared over unsecure systems. Exercise systems were classified, and could not be accessed remotely.
- 3.9 BSI has noted previously that exercises are realised via NATO's SECRET HIGH CIS infrastructure, and effective participation is conditional on BSI staff holding clearance to work at NATO SECRET, which is a precondition for access to exercise intranets, including email, dynamic social media spaces, and exercise materials, across the higher controller (HICON) and the training audience domains. Remote support meant that only limited materials could be accessed before the exercise, and no productive exercise support would have been possible under these conditions without NATO SECRET clearance.
- 3.10 Due to the lack of access to systems and unsecure communication, it was not possible to:
- Script our own incidents,
 - Develop cross-cutting storylines (for example, with ICRC) to engage a cross-cutting response
 - View the final injects developed with Cadence (the incidents that made up the storylines)
 - View information about the scenario held on classified systems.
 - Observe the final execution of storylines, and support / advise if required
 - To assess CPP outcomes against TOs for evaluation purposes in any detail
 - Utilise exercise social media to add impact to events via dynamic commentary.
- 3.11 One member of BSI staff supported the MEL/MIL scripting and the exercise in a series of pre-arranged meetings, with a total working time of between 1-2 days.
- 3.12 BSI thanks EXCON and Cadence for their support for CPP as a serious issue in its own right, and for the time taken to invest in CPP storylines.

4. BSI Approach and Goals for CPP Training

- 4.1 The major cultural heritage protection lesson from Exercise Trident Jackal 2018 (TRJR18) and Trident Jaguar 2019 (TRJA19) was that NATO nations must teach and exercise cultural heritage protection as an operational implied task during command and staff training if NATO is to realise its aspiration to develop cultural heritage protection best practice on operations⁷. This lesson has been reiterated during BSI exercise attendance, and continues to inform our approach.
- 4.2 At present, NATO has no CPP doctrine to train against, although CPP is included in:
- NATO Standard AJP-3.19 Allied Joint Doctrine For Civil-Military Cooperation (ANNEX B);
 - NATO BI-Strategic Command Directive 086-005: Implementing Cultural Property Protection in NATO Operations and Missions.
 - In addition, the TA have developed the ARRC CMI Information Note: How the ARRC conducts CIMIC and Human Security in Corps Warfighting (2020).
- 4.3 Continuing to work out of these core NATO publications, BSI takes the approach that the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its two Protocols (1954 and 1999) provides the core fundamental framework for NATO to realise CPP activities, in both international and non-international armed

⁷ Fox 2018, P8. <https://theblueshield.org/new-bsi-report-exercise-trident-jaguar-2018/>; Fox and Cunliffe, 2019. Exercise Trident Jackal report.

conflict.

4.4 NATO had 9 main Training Objectives (TOs) for LOLE20, and 14 Secondary TOs (many of which relate to non-military actors and the civil environment). These included, but were not limited to, the following:

- Effective Command and Control of NATO Forces in a high intensity warfighting situation against a peer adversary in the land domain in a joint environment;
 - Provide timely direction and guidance through all phases of mission planning and execution, with effective decision-making through coordinated staff processes;
- Execute the intelligence cycle, with effective and efficient information management and sharing;
- Communications management, including:
 - Strategic Communications;
 - Establish robust communications with non-military actors in the Area of Operations (AoO);
- Impact assessment of military operations, (integrating inputs from superior and subordinate headquarters and relevant non-military actors);
 - Interact with civil environment, predict and assess the effects on civilian populations of military operations, liaise with Host Nation and government agencies;
- Logistics management, Force Protection, Cyber integration;
- Execution of Corps Rear Area Operations.

4.5 Cultural Property Protection is a NATO cross-cutting theme (that is, one that affects all branches and areas of operation), but is specifically part of NATO's Human Security agenda. In LOLE202, it was explicitly included in the Mission Essential tasks (ST001 and ST002) for the Civil Military Interaction Unit (CMI):

- Interact with the civil environment, assess the effects on civilian populations of military operations, liaise with Host Nation government agencies and IOs and NGOs.
 - GEO Overlays showing critical infrastructure, cultural property and humanitarian locations
 - CMI will integrate CIMIC expertise in the development of operations with regard to Cultural Property Protection, Protection of Civilians and wider Human Security themes, liaising with the host nation and - where required - with non-military actors.
 - CMI will assess the effects of the military operations on the civil environment as well as on the effect of the civil population on military operations.
 - CMI will support integration into the targeting process of CIMIC specific expertise with regard to Humanitarian locations, Cultural Property Protection.
 - MP (Military Police), JFIB (known as Multidomain Operations (MDO) on the exercise), MED (Medical), SOFAD (Special Operations Forces Adviser), POLAD (Political Advisor), GENAD (Gender Advisor), LEGAD (Legal Advisor), G8 (Resource Management and Finance) will inform and collaborate with CIMIC (civil military cooperation) on activities with non-military actors.

4.6 Although CPP is explicitly referred to in the TOs in a largely host nation context, the storylines scripted reflect the reality of the need to establish methods of communication with enemy authorities responsible for CP (via third parties or otherwise), and the need to understand CP in enemy areas.

-
- 4.7 As it was collective training, evaluation was carried out at the HQ level. In addition to various NATO Standards documents⁸, Criteria of Performance included:
1. Ability, in time, to liaise with other actors during planning and execution phases.
 2. Ability to provide reports and returns to stakeholders.
 3. Ability to include relevant HQ actors into HQ processes.
- 4.8 Cultural heritage protection was not built into either the general scenario, or specifically into LOLE20, and therefore did not inform exercise development from the outset. Our goal was to generate just enough cultural heritage content to prompt a small number of HQ-level challenges that would engage the TA with the issues relating to the core structural pillars of the 1954 Hague Convention.
- 4.9 In this context, BSIs TOs, in support of the exercise TOS, were:
- To supplement any CPP Awareness Training NATO staff have received, developing understanding of the legal obligations underlying CPP, framed within LOAC;
 - To develop awareness of, understand, and apply the 1954 Hague Convention's Regulations and Protocols (1954, 1999) in support of CPP activities;
 - To encourage participation in, and complement where necessary, national CPP safeguarding plans, according to the 1954 Hague Convention, including its command and control arrangements;
 - To realise CPP as a cross-cutting activity with relevance and impact across all branches;
 - To develop understanding of and engagement with CPP in the INFO OPS domain.
- 4.10 BSI storyline support therefore revolves largely around the core pillars of the Convention (outlined below), realised through the proactive planning requirements to manage, respond to, and mitigate:
- a) the subordinate relationship of NATO to the nation that owns the cultural property, and the implied obligations therein;
 - b) the ethical dilemmas presented by military necessity in relation to military objectives located near cultural property in an article 5 peer-adversary situation;
 - c) Interaction with civil environment, assessing the effects and impact of military operations.

5. Scenario Framework and CPP Implications

- 5.1 BSI recognises that the training scenario is designed to be of limited complexity, and we acknowledge that CPP is only a minor part of a much wider exercise.
- 5.2 Nonetheless, cultural issues are minimised in the wider scenario: no cultural property considerations are developed in the scenario setting. This has the potential to result in underdeveloped, gestural engagement with CPP.
- 5.3 The core pillars of the 1954 Hague Convention are a set of peacetime obligations to be realised by state parties, creating the circumstances under which the armed conflict obligations are activated.
- 5.4 The core peacetime pillars of the Convention are:

⁸ S1. Reference Doc: 1. AJP 3.19; 2. SOP 3050 (CIMIC); 3. MC 0411/2; 4. ACO CIMIC CFP; 5. ACO 86-1-1 CIMIC TTPs; 6. Coordinate with lead branches on mandated reporting requirements i.e. CivCas, CRSGBV, CAAC Grave Violations

-
- *Designation of competent authorities:* In accordance with the Convention, cultural property (CP) is owned by the nation, and CPP activity is coordinated by its Ministry of Culture (or equivalent). The scenario lacks any state party infrastructure for cultural property or its management in any of the fictional nations, nor does it designate wider competent authorities responsible for safeguarding activities. Although this is extremely problematic in an Article 4 scenario, where NATO works in support of the host nation, it is less so in an article 5 scenario, which can be scripted to require an intermediary. This is a simple solution which may reflect a real world situation, but may also be a simplistic solution that precludes real world complexity (as outlined below).
 - *Inventories:*
 - Inventories are crucial to conduct effective CPP – in order to protect cultural property NATO must know what and where it is. However, this responsibility to protect sites goes far beyond the integration of the inventory into the No Strike List⁹. There is scope for enhancing the J2 contribution to cultural heritage protection exercise activity, and thereby teach important lessons in the future, but this would require early exercise preparation.
 - The scenario does not contain any cultural property in the country handbooks, which would not be reflective of the real world: almost every nation in the world has World Heritage sites and national heritage sites.
 - There is no designation of sites under the Special Protection and Enhanced Protection categories to create a prioritised inventory. World Heritage sites have no greater protection than any other site under the 1954 Hague Convention, although they do carry significantly greater reputational weight. The TA must learn to exercise their obligations around sites varying levels of legal protection and obligations in article 5 scenarios.
 - Nor is there any larger prioritised list of cultural property, a situation sadly reflective of the real world. This limits exercise development, as – for example - manoeuvring would be impacted by a detailed list.
 - *Planning of emergency measures for protection against fire and structural collapse and provision of adequate in situ protection:* The scenario does not detail whether any nation has carried out its appropriate safeguarding measures. It should be stressed that if the competent authorities are unprepared for armed conflict and have not prepared emergency measures, this does not relieve NATO of its obligations relating to CP in armed conflict, but it does complicate them – an eventuality exercised on LOLE20 by BSI.
 - *Preparation for the removal of movable CP:* The scenario also contains no details on preparations to move CP, such as refuges protected under international law.

5.5 These peacetime pillars enable the activation of the core wartime pillars which NATO must execute.

- *Organisation of Control for the Convention:* This is the international system laid out in the Convention for its management and oversight. Of particular relevance to article 5, it lays out the system for dialogue between warring states for the protection of cultural property – including the sharing of an inventory of CP. However, the scenario lacks any detail on the legally mandated participants in the system, such as protecting powers. In the absence of a developed scenario for Control, BSI was asked by Cadence to represent UNESCO to the training audience, and chose to do so in the role of

⁹ As noted in BSI Ex TRJR18 Report, BSI Ex ARRCADe Globe19 Report, BSI Ex TRJA2019 Report, and the NATO (2nd Ed) CCOE 2020 *Cultural Property Protection Makes Sense*, and most recently in NATO NEDP Report: *Safeguarding Cultural Property. Creating a NATO Information and Knowledge Management System for Cultural Property*.

Commissioner-General (as laid down in the Regulations for Control), the implications of which are discussed shortly.

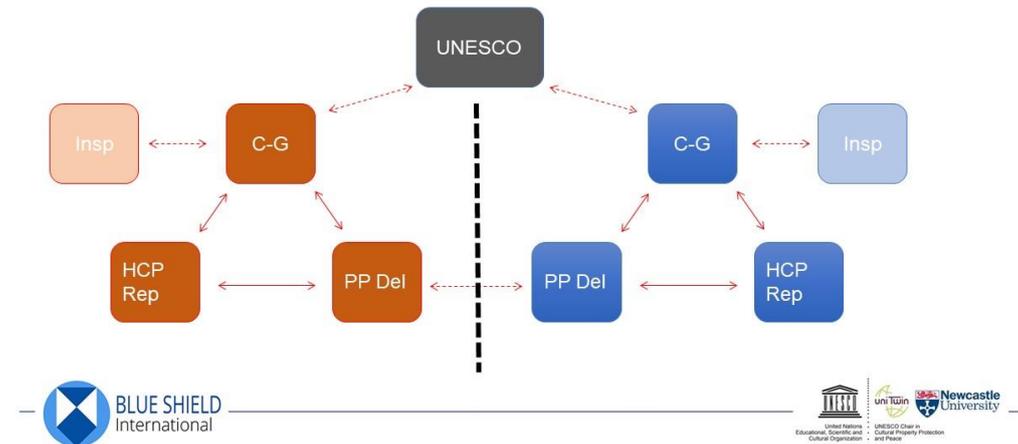
It was not possible to fully play the Regulations (which would have required Delegates of the Protecting Powers, and appointed Inspectors). However, for the purposes of a planning exercise for ARRC, it was unnecessary – such apparatus exists to enable inter-state diplomatic contact across the battlespace. However, in reality, communication between parties should be handled by neutral representatives (the protecting powers, but this system is rarely used). Noting experience from previous exercises, BSI is concerned that an untitled representative of a protecting power, such as a member of staff of the ICRC, would not have gained the requisite traction with Command compared to an internationally appointed UNESCO representative, representing a challenge in activating the convention in training exercises – and in reality.

- *Application of safeguarding measures:* State parties are required to activate the measures planned in peacetime – including placing the blue shield on sites as appropriate. A lack of national planning could seriously impact NATO operations, or lead to a request for support. With no scenario development, CPP SME engagement is necessary to indicate the impact of NATO operations on CP.
- *Transportation of Cultural Property in the Special Protection category:* States are required to transport CP to protected refuges. Both the transport and the refuge should be placed under special protection, a mechanism not easily allowed for in the scenario.
- *Appointment of designated personnel:* The Convention allows for the appointment of designated CPP personnel (on both sides), who must be authorised by the relevant authorities. (In the absence of doctrine, NATO has yet to determine at what level of authority such appointments can be made, and have yet to designate their own personnel). These personnel may fulfil a variety of functions, including guarding and protection of cultural property. This has implications for NATO, which could be exercised.
 - Should they fall into the hands of the opposing Party, authorised personnel shall be allowed to continue to carry out their duties whenever the cultural property for which they are responsible has also fallen into the hands of the opposing Party.
 - Specially empowered armed custodians in the presence or vicinity of cultural property under Special Protection shall not be deemed to be used for military purposes.
 - Duly authorised personnel would be well placed to assist in the protection of transports under special protection.

- 5.6 A core pillar of the 1954 Hague Convention is that no armed force is the owner of the CP. The nation remains the owner, and may need to collaborate with NATO regarding its protection - even in an Article 5 situation. This is extremely difficult to realise in the scenario, and EXCON are to be commended for working with BSI to achieve this.
- 5.7 BSI continues to believe that CPP is specialist field that requires specialist input, an approach agreed by EXCON. Exercising the system of Control in the Convention remains a key goal for BSI.
- 5.8 Under the Convention, a Commissioner-General (C-G) is appointed to each state party from a UNESCO-held list, by joint agreement between the Party to which he/she will be accredited and the Protecting Powers acting on behalf of the opposing state parties. C-Gs oversee the implementation of the Convention in the territory of the state to which they

are accredited, appointing Inspectors where necessary, in liaison with a Representative for the cultural property of that High Contracting Party (HCP), and a Delegate for a Protecting Power, acting as a neutral party for each of the state parties engaged in the conflict.

Organisation of control



- 5.9 Although C-Gs have only ever been appointed in one conflict, and none of the rest of the system has ever been used, BSI believes this is reflective not only of the lack of desire for international monitoring by warring parties, but of the more general lack of uptake of the system.
- 5.10 BSI also notes the detailed preparation and consideration to the role of CP in conflict by the ECMI at the ARRC, evidenced in their Guidance note, most of which cannot be exercised in the scenario, despite being reflective of reality. One example would include co-mingling of resources with CPP, and their integration with wider humanitarian issues, all of which interact, but which cannot be exercised given the limited detail in the scenario.

6. Exercise Storyline Realisation

- 6.1 CPP training objectives must reflect individual training levels. In this case, the prior level of understanding demonstrated by HQ ARRC, outlined in their CIMIC Guidance Note, allowed nuanced exercise play with no mentoring session – a BSI first.
- 6.2 Despite the limitations of the scenario, EXCON and BSI developed several detailed storylines focussing on the TA AoO, creating appropriate CP, which was then fed to the TA. However, future uses of this scenario should recognise the need for greater cultural development.
- 6.3 Through EXCON, CPP storylines also engaged with other TOs to create holistic challenges, particularly involving targeting.
- 6.4 In previous exercises, BSI has found that there was a tendency to “regard non-kinetic issues, such as the protection of civilians, cultural heritage protection, and host nation opinion as picturesque scenery that had to be acknowledged, but must not be allowed to

*present significant challenges demanding close attention by headquarters staff*¹⁰. LOLE20 presented a welcome departure from this norm, perhaps reflective of the greater awareness of CPP amongst the TA. Storylines were given close attention by ARRC Command staff, and were handled with thought.

6.5 Individual storylines and lessons are detailed below.

Storyline 1 – Fuel Spillage in Natural World Heritage site (Impact of media on operations)

6.6 BSI has very limited involvement in this storyline. In moving from friendly territory into their AoO in enemy territory, the TA passed through a natural World Heritage site. However, there was a major fuel spillage in the site.

6.7 Cadence scripted the incident to occur in enemy territory, with adverse media coverage, where the TA would need to communicate with enemy authorities via higher level communication through third parties (ICRC./UNSRSG); they also indicated that there was adverse media coverage of the event. It was expected that this would test ARRC's response to the situation, and provide an opportunity for Strategic Communications management.

6.8 BSI spoke to the TA following the exercise, and they indicated it occurred whilst still in friendly (host nation) territory. An ARRC reservist works in environmental management in his day job, and was able to assist ARRC in responding quickly and efficiently. As a result, ARRC was able to correctly act to clean the site in proactive liaison with the host nation (HN), recognising what was, and what was not, their responsibility under the MoU with the HN. ARRC recognised the incident as a sphere in which they were subordinate to the host nation, whilst retaining responsibility for the damage, and where activity should be coordinated with them. The reservist also proactively drafted a response to media, apparently preventing reputational loss.

6.9 Given the quick and correct actions taken in regard to the fuel spillage, there was (according to the TA) no fallout from either HN relations, or reputational loss in media.

6.10 BSI would like to have been able to review the environmental mitigation measures employed by NATO as they moved through the natural World Heritage site, but understand why this was not possible in the constraints of the exercise.

Storyline 2 – Museum Evacuation and Transport Under Special Protection

6.11 The second storyline, which BSI primarily supported, involved a request for ARRC to facilitate the evacuation of a museum in the ARRCs AoO, in a transport under special protection, through the combat area. The museum was in a city in HQ ARRC's AoO. They did not control the town, which contained opponent forces, but it had been encircled and declared a no-combat zone.

6.12 In an ideal situation, all emergency safeguarding would have been completed in advance of the conflict, and all museum collections moved to designated refuges which had already been internationally identified. It is sadly reflective of the real world, that in the scenario, these measures had not been completed proactively, affecting NATO operations. Uncertain when (and if) they would regain control of the area, and fearful of the risk of

¹⁰ Fox 2018, P7. <https://theblueshield.org/new-bsi-report-exercise-trident-jaguar-2018/>

looting, the Ministry of Culture in opponent territory invoked the Hague Convention Regulations for transport under Special Protection, and asked UNESCO to liaise with the TA to oversee the transport. BSI played the part of a UNESCO appointed Commissioner-General (C-G).

- 6.13 The Convention and its Regulations (Chapter III) requires transports under special protection take place under international supervision, displaying the distinctive emblem, to ensure their legitimacy, prevent abuse, and offer an increased level of protection through such oversight. In order to approve a convoy for Special Protection, the Commissioner-General must determine that the transport is justified and oversee the measures to carry it out, including: the approximate number and the importance of the objects to be transferred, their present location, the location now envisaged, the means of transport to be used, the route to be followed, the date proposed for the transfer, and any other relevant information, notifying all Parties of the information. The Convention also notes that, although such transports are immune to damage and seizure, this does not limit the right of visit and search. Lastly, the Regulations require the Commissioner-General should appoint an inspector to accompany the convoy to ensure legitimacy (for simplicity of training, in the exercise the C-G was to accompany the convoy).
- 6.14 BSI helped Cadence identify appropriate CP to use in the scenario, reviewed the legal obligations, and helped to draft a formal letter to COMM-ARRC, establishing NATO's legal obligations for CPP under the Convention, and requesting a meeting between the UNESCO representative with an appointed delegate. The TA were asked to ensure the safety of the convoy containing the contents of the museum.
- 6.15 When meeting with the UNESCO representative, the TA were initially reluctant to engage, requesting that the museum contents remain in the town, as they could not guarantee the convoy's safety. Indicative of the seriousness with which ARRC treated the storyline, the ECMI Brigadier met the UNESCO representative in all meetings with his staff. It was treated as an ARRC planning task, not a KLE (key leader engagement) serial.
- 6.16 ARRC clearly understood both the risk to the convoy and the reputational risk to NATO should it be damaged, regardless of whether the circumstances were in their control. NATO's chief concern was that they could not guarantee the convoy's safety from actors not under NATO control (militias and enemy action).
- 6.17 They were informed that the evacuation was being conducted at the behest of the opponent MoC, and that UNESCO was not seeking permission, but was the neutral facilitator to plan to facilitate and limit the risk to the convoy. Once they understood it was going ahead regardless and that NATO would have to plan accordingly, ECMI requested time to prepare a plan, to be presented at a second meeting (and follow up calls).
- 6.18 ARRC were forced to confront the task of planning the protection required – undertaking detailed, cross-cutting staff work, leading to the production of a commander's decision brief, the requirement for the commander to prioritise resource allocation, and to justify the decision reached, and an LCC FRAGO.
- 6.19 Numerous security concerns were raised by ARRC, which also required addressing, including: the illegitimate use of the convoy to transport military personnel and contents; difficulties entering the town which they did not control to verify the convoy; abuse of media to damage NATO's reputation; and abuse of the convoy to enable armed enemy personnel from the town to leave the convoy *en route* and enter the ARRC AoO for surveillance purposes. Concerns were raised by the UNESCO representative about the

duration of the no-fire zone in the event of – for example – a breakdown, a medical emergency (e.g. driver heart attack), or a problem with the route (e.g. collapsed bridge).

- 6.20 In order to implement a no-fire zone, a weapons on-hold order, and to deconflict the route (advising on alternative routes if necessary), ARRC required: the proposed route; the timing; the number of trucks (and their license plates); the current location of the trucks (to avoid risk of bringing military supplies into the city); the cultural property to be evacuated in the convoy; the names and number of civilians and opponent military forces (and their IDs) who would be accompanying the convoy.
- 6.21 Those responsible for planning performed excellently: they were clear in their information requirements to UNESCO, and in turn supplied the required information to activate the convoy's Special Protection status to the satisfaction of all concerned in accordance with international law.
- ARRC formally reiterated their concern about conducting the transport in a high-risk situation, and requested that – in the event of a problem, and resulting negative media – UNESCO would recognise that ARRC had cooperated to the best of their ability, and would combat misinformation, which the C-G agreed to.
 - As laid out in the Convention, the C-G agreed to liaise with the opponents to provide all requested information about the convoy, and to oversee all stages of it.
 - ARRC provided a nominated point of contact for making arrangements, and a nominated point of contact while the transport was underway, with authorisation to stop the convoy in the event of problems on the route.
 - All 10 trucks were to be marked with the Triple Blue Shield of Special Protection (on top and on sides).
 - Each truck would have a driver and one member of armed opponent force (side arms only).
 - ARRC ordered a no fire zone and weapons hold order over the convoy for its duration.
 - Both parties agreed communication was essential. Understanding the security difficulties of communication, the C-G was happy to be guided by ARRC, who agreed to meet the C-G outside the town to provide a secure communication device to contact ARRC, and training in its use.
 - ARRC considered sending forces into the city to oversee loading, but in light of security concerns and resource limitations, ARRC instead requested (ideally live) video footage (or photos if not) of the convoy being loaded; the C-G agreed.
 - In the event of a breakdown, the preferred risk mitigation strategy was to try and fix problems *en route*; it was agreed to hire a breakdown truck in the town to accompany the convoy (license plate supplied in advance).
 - ARRC reviewed the proposed route and alternatives to choose the lowest risk option.
 - ARRC chose to meet the convoy on the edge of town at a pre-agreed point and check the contents: the extent of the checks were also agreed with the C-G to minimise risk to the cultural property (an appreciated courtesy).
 - There would be overwatch surveillance of the convoy (the type was TBC, depending on resources available at the time). ARRC used a UAV.
 - ARRC intended to send 2 vehicles to accompany the convoy from the meeting point to the edge of their territory to ensure no opponents left the convoy and entered into NATO territory.
 - ARRC planned to escort the convoy to a pre-agreed point at the edge of their territory where the C-G would hand back the comms unit to the designated person, the ARRC escort would stop and the C-G would accompany the convoy onwards to its destination.

-
- Lack of resources on the day meant NATO could not escort the convoy, and were reliant on the UAV overwatch.
- 6.22 The planning meeting also included proactive and unprompted consideration of whether the proposed refuge at the destination would fall within NATO's AoO as they advanced, recognising that during periods of transition from one operational phase to another, cultural heritage is especially at risk if uncoordinated planning generates unintended security and governance vacuums during transitional operational phases.
- 6.23 BSI was only responsible for the planning exercise in this storyline. The execution of the convoy was handled by EXCON, who scripted that the convoy would be abused by the opponent. Opposing forces took the opportunity to move heavy artillery from the encircled town along with the convoy, presenting an ethical challenge for the TA, as destroying the artillery piece would have destroyed much of the convoy. However, a communication error in storyline execution meant the event was presented as an opponent logistics convoy attaching itself to the transport under special protection, not heavy artillery.
- 6.24 BSI could not be present in person to support execution (and it could not be handled remotely over unclassified systems), the C-G was not contactable either, so what the TA would have advised the convoy to do in the event of heavy artillery presence remains unknown. As it was, the TA chose to let the convoy continue, rather than risk its contents. Had it been correctly reported, the outcome could have been quite different.
- 6.25 In post-exercise conversations with the TA, they expressed the concern that this was a "punishment" for their failure to accompany the convoy. Despite the many precautions the TA took to mitigate risk to the convoy, the potential for NATO to need to destroy it was not an eventuality they anticipated, and there was no plan to deal with it (for example, whether resources could have been allocated to stop the convoy, rather than destroying the artillery piece).
- 6.26 An assessment under LOAC of the proportional gain against the proportional loss would have required an assessment of the cultural value. It was a limit of the exercise that no actual list of museum contents was written, limiting the TA's ability to make any assessment. In addition, it is questionable who in the TA would be appropriately qualified to advise on the matter. The Convention calls for the establishment of "services or specialist personnel" (article 7.2) who would be better placed to advise, in the absence of a developed system to allowed specialist CPP SME engagement in NATO targeting processes.
- 6.27 This is the first time a full special protection convoy has been activated in BSI training, and (to the best of our knowledge) it has never been attempted with international support in a real conflict (representative of lack of implementation of the Convention, not of the impracticality of the arrangements).
- 6.28 This abuse of the convoy is sadly a real possibility in conflict: the storyline played into the legitimate fears regularly expressed by the TA about allowing the convoy to take place. BSI expresses two concerns in this regard. The first is that – given this was the first time a special protection transport had been successfully exercised – its abuse risked teaching the false lesson that such convoys can never be successfully conducted. Secondly, the TA felt punished, when in fact their actions represented excellent practice. Certainly, in future the ARRC would be even more wary were they to face a real request for a transport, undermining the excellent work done in the planning phase of the exercise.
-

-
- 6.29 BSI believes the level of cross-cutting planning and coordination demonstrated by ARRC in this exercise represents excellent practice, and ARRC are to be commended. Although they were ultimately unable to realise all proposed plans (such as accompanying the convoy) this is reflective of the likely reality in the field, where resources are scarce and must be allocated in response to a changing high-intensity battlespace.

Storyline 5 – Targeting

- 6.30 A targeting incident was scripted that would place a high payoff target next to a high value tentative World Heritage church. BSI had no input into this storyline, but notes:
- ARRC correctly identified the site as a World Heritage site on their No Strike List, although this information was not supplied to them, demonstrating successful intelligence gathering;
 - They identified that a church might well be occupied on a Sunday evening, choosing to delay their strike to minimise civilian risk.
 - They also correctly planned to minimise risk to the church via weaponeering choices,
 - However, the decision to strike was ultimately taken out of the TA's hand, so it is unknown if their damage assessment would have been correct.

7. Lessons Identified

- 7.1 BSIs previous exercise support has revolved around Article 4/ non-Article 5 Crisis Response and Stabilisation scenarios. The 1954 Hague Convention remains no less valid during warfighting although the constraints of LOAC may be evaluated differently, and BSI was pleased to be involved in exercising CPP in an Article 5 scenario for the first time, and to witness how seriously NATO takes its obligations.
- 7.2 As BSI could not be present in person, it was not possible to fully assess TA comprehension of the extent and depth of CP obligations in their operational conduct. BSI's TOs, outlined in Section 4 were achieved by the TA. NATO's TOs are discussed in more detail below, as are more general observations on the scenario.

Training Objectives

- 7.3 For simplicity, BSI here combines the NATO TOs and Mission Essential Tasks required to achieve them relating to CPP.
- 7.4 *Provide timely direction and guidance through all phases of mission planning and execution, with effective decision-making through coordinated staff processes*
- i. Without doctrine, it is unclear which branch retains overall responsibility as the CPP lead, resulting in confusion. ARRC proactively addressed this, determined their branch lead for CPP (ECMI – Engineering and Civil Military/CIMIC), and enabling strong and clear engagement at all levels. This also enabled a defined point of contact to coordinate sharing of information, within and cross-branch.
 - ii. ARRCs cross-cutting planning and coordination in the CPP domain was excellent.
 - iii. BSI aimed to develop understanding of the legal obligations underlying CPP, framed within LOAC. Following the abuse of the convoy and the siting of a military target by the church, EXCON were asked for legal guidance relating to CPP, which BSI and Cadence supplied. This indicates, however, that the TA were

unclear on the implementation of CPP legislation in practice, particularly with regards to waivers of protection, collateral damage, and special and enhanced protection.

7.5 *Execute the intelligence cycle, with effective and efficient information management and sharing;*

- *GEO Overlays showing critical infrastructure, cultural property and humanitarian locations*
 - i. AS BSI could not attend in person, and so had no access to classified systems, it was not possible to assess how comprehensive ARRC's CP data collection was (given the lack of any CP data in the scenario).
 - ii. Nor could BSI assess the execution of the proposed CPP OPCEN plan for data collection and information sharing in the ARRCs Guidance Note (P26), which could offer a lesson for NATO.
"CIMIC in the OPCEN will first run a verification stage to cross check with different sources if and what they know about it. This is to prevent jumping to conclusions on false or not mature information. The verification could also provide extra information needed for the understanding stage which focuses on Who, What, How, When, Where and Why, followed by the impact analysis and course of action development or creation of reports⁴⁸, to be shared with other specialists involved, such as Provost Marshal, Policy adviser, Legal adviser, Gender adviser, Public Affairs and Strategic Communication. The handling of CivCas starts in planning⁴⁹. During execution the focus is on mitigation by gathering information, quick analysis and rapid learning by the G3 led cross-functional CivCas mitigation team (SOP C-0038). Information operations will also be needed to refute false claims and rebuild credibility after real incidents".
 - iii. The fictional setting, to some extent, mirrors the real world, if only to aid in data collection. ARRCs list clearly included cultural and natural World Heritage and Tentative World Heritage sites, and these were clearly communicated to cross-branch, including to those with targeting responsibility. However, the museum used in the scenario exists in the real world: it is unknown if it was identified in the AoO by the TA prior to its use by EXCON.
 - iv. Given the scale of ARRCs AoO, it is likely it contained hundreds of nationally significant sites, not all of which were identified. NATO must be aware that under the 1954 Hague Convention, failure by an opponent state to identify their cultural property to NATO does not excuse NATO from their obligations to protect CP (article 4.5). In this respect, BSI is delighted to see the 2020 NATO NEDP Report: *Safeguarding Cultural Property. Creating a NATO Information and Knowledge Management System for Cultural Property*, arguing for a NATO CPP information management system which will be of significant benefit on exercise and operations.

7.6 *Communications management, including: Strategic Communications and Establishing robust communications with non-military actors in the Area of Operations (AoO)*

- i. Remote support meant scripting INFO OPS problem sets was not possible: as a result, BSI realisation of our goal "to develop understanding of and engagement with CPP in the INFO OPS domain" was limited. However, Cadence/EXCON

integrated media to support exercise play.

- ii. ARRC demonstrated they were keenly aware of the significant Information Operations challenge presented by CP, and worked hard to proactively manage it. As a result they avoided reputational damage to NATO in all scenarios as far as possible (recognising that had some of the scenarios played out differently, ARRC may have done everything right, but still not been able to “win” in the information domain).
- iii. ARRC established and maintained lines of communication with the C-G, treating meetings with the appropriate degree of respect, designating points of contact, and providing the most robust military communication methods possible for ARRC support to the cultural property convoy.
- iv. ARRC also proactively contacted the C-G to share information and coordinate.
- v. The TA also noted that – despite the many limitations of the situation, and the dispersed working arrangements – the co-location of branches enabled significantly easier communication, information sharing and cross-branch working.

7.7 *Impact assessment of military operations, (integrating inputs from superior and subordinate headquarters and relevant non-military actors);*

- *Interact with civil environment, predict and assess the effects on civilian populations of military operations, liaise with Host Nation and government agencies;*
 - CMI will integrate CIMIC expertise in the development of operations with regard to CPP, liaising with the host nation and - where - required with non-military actors.
 - MP, JFIB, MED, SOFAD, POLAD, GENAD, LEGAD, G8 will inform and collaborate with CIMIC on activities with non-military actors.
 - CMI will assess the effects of the military operations on the civil environment as well as on the effect of the civil population on military operations.
 - CMI will support integration into the targeting process of CIMIC specific expertise with regard to CPP.
- i. BSI notes the need to protect CP in enemy areas as well as HN areas, and to collaborate with the competent authorities (and their appointed third party representatives) in order to do so.
- ii. ARRC recognised and prepared for CPP as part of NATO's Protection of Civilians agenda, and as a component of the civilian and NGO space, addressing CPP as a cross-cutting topic, despite the high-intensity battlespace.
- iii. ECMI clearly integrated CIMIC expertise and cross-branch support into coordination with the UNESCO C-G, as a non-military actor. The team managing the Convoy for ARRC included members of ECMI (including a member of the Carabinieri Command for the Protection of Cultural Heritage (T.P.C.)) and a LEGAD, and the final plan clearly reflected cross-branch working.
- iv. The ARRC response to the fuel spillage in the natural World Heritage site included an environmental impact assessment and appropriate follow up, demonstrating ARRCs willingness to assess and mitigate the effects of military

operations on the civil environment.

- v. The ARRC weaponeering plan for the high value target at the Tentative World Heritage church included an assessment of potential damage to the site, and to the civilian population (recognizing Sunday would likely have higher civilian traffic).
- vi. The TA noted in the post-exercise brief back to BSI that they felt their pre-planned targeting, conducted during the targeting cycle, was sufficient to adequately capture CP that needed to be taken account of in their AoO. However, they were concerned that their processes for dynamic targeting may not adequately identify and CP and mitigate the impact of NATO operations. BSI hopes the TA are able to follow up on this.
- vii. However, BSI notes that ARRCs excellent response to the fuel spillage was dependent on the specialist knowledge of a reservist, and the convoy planning was supported by the former member of the Carabinieri T. P. C.
- viii. BSI reiterates its belief that CPP (and environmental management) are specialist areas, and NATO must recognize that managing them requires specialist knowledge. Although in LOLE20 the TA responded strongly to the scenario challenges, NATO should not take the false lesson that NATO will always handle such challenges so well: they cannot rely on the happenstance of the right reservist or rotation at the right time. NATO should formalize a system to integrate such knowledge into operations.

Scenario Development and Doctrinal implications

- 7.8 *The identification of CPP collective training objectives:* NATO must identify collective training objectives for CPP at the outset of scenario development, which should influence setting design and exercise realisation. These objectives must recognise the varied levels of experience, training, and roles in relation to CPP across all NATO branches.
- 7.9 Early engagement with NGOs constitutes best practice: it enables detailed scripting of events and incidents with expert input that supports the training objectives.
- 7.10 *Need for Doctrine:* There is a clear need for NATO doctrine in this area:
 - Such doctrine should work out of the 1954 Hague Convention. It provides an overarching framework for the conduct of CPP within a military mission, against which hard decisions can be made.
 - This in turn enables collective training objectives for NATO to train against.
- 7.11 *Civil environment development:* The setting must include a detailed civil environment that goes beyond window dressing to combat events, and it must include a separate Ministry of Culture in order to fully develop engagement with CPP under the 1954 Hague Convention. The Convention dictates that cultural property and its management belong to the nation, and NATO must act within that framework to support them and their activity.
- 7.12 NATO must invest in the collection and provision of CPP data, both real and on exercise, if it wants to train its cross-branch CPP obligations, and then realise them on operations. Effective cultural heritage protection is conditional on dynamic cultural heritage intelligence production that extends beyond issues relating to the targeting function, the

no-strike list, and state party cultural heritage inventories.

- 7.13 A lack of CP data and CP representatives in the scenario enabled ARRC to only deal with CP in the specific challenges presented, rather than learning how to operate in a potentially culturally dense AoO, which may be more reflective of reality. It risks teaching the false lesson that CPP obligations can be 'turned off' when convenient with no consequences.
- 7.14 It is vital to develop and roleplay the organisation of control: true cross cutting engagement by all branches requires the setting to contain appointed representatives for culture at international, national, regional, and local levels. In addition, the absence of the full system caused some confusion for the ARRC LEGAD in assessing the legitimacy of the request for Transport sent to ARRC in storyline execution. The lack of well-defined setting information also led to TA requests for real-world support that was not possible in the exercise (and which would have obviated the need for TA involvement, bypassing the TOs).
- 7.15 *Looting and trafficking:* Both the wider scenario and incident development need a trafficking and looting framework that LEGADS, military police, CIMIC and CPP officers can engage with, and all need to understand their cooperative responsibilities within that framework in relation to other nations. Perhaps more than any other aspect of CPP, looting and trafficking is a cross-cutting issue that reaches across NATO branches, into other NATO areas such as building integrity, and one that reaches back to a similarly wide spectrum of national representatives, to say nothing of the international community, such as INTERPOL. It was not possible to exercise this at all.
- 7.16 ARRC took the approach that as they advanced through their AoO they would leave civil authorities in control, in order to avoid the complex responsibilities of becoming an occupying power. Such an approach presents strong risks to CP if security vacuums occur, with no obvious line of responsibility to mitigate them. However, neither the scenario nor the exercise (particularly given the constraints) were detailed enough to explore the repercussions of this approach.
- 7.17 *Dedicated staff:* Current training scenarios and training goals reflect the moderate level of existing knowledge. However, detailed CPP is a specialist activity, requiring specialist training and dedicated staff officers, with processes that are embedded in staff operational processes. The 1954 HC presents a legal framework for conducting such activity in a military environment.

The 1954 Hague Convention and the Organisation of Control

- 7.18 From our perspective, it was highly valuable to be able to test ideas and processes to enable effective CPP in a NATO context. Special and Enhanced Protection, and the Organisation of Control remain underused aspects of the Convention, but ones that BSI believe are critical to successful CPP.
- 7.19 BSI notes that World Heritage sites that are not under Special or Enhanced Protection have no greater protection than any other site, and carry only increased reputational risk if they are damaged. The international community must utilise the mechanisms for protection provided in the Convention to protect high value CP in conflict.
- 7.20 Having tested various aspects of the Regulations and measures of control on a variety of exercises, the authority granted to positions designated in the Convention and agreed by

the international community demonstrably encourage military cooperation from higher levels of NATO HQ Command, in a way that lower levels of authority may not do.

- 7.21 The Convention and its Regulations detail a system of protection, including for the evacuation of CP. These measures are, of course, open to abuse. BSI does not seek to argue for the primacy of CPP over and above legitimate security concerns, and neither does the Convention, which notes that:
- Authorised personnel engaged in the protection of cultural property shall operate “as far as is consistent with the interests of security” (Convention article 15).
 - Those responsible for executing the Mission of Control “shall take account of the security needs of the High Contracting Party to which they are accredited and shall in all circumstances act in accordance with the requirements of the military situation as communicated to them by that High Contracting Party”. (Regulations Article 8)
- 7.22 However, the measures in the Convention are clearly intended to minimise the risk of abuse by creating a system of international and national monitoring. It is worthy of remark that most of the security concerns expressed by the TA when engaging with the specificities of enabling a convoy were foreseen in the Convention, highlighting its clear relevance to armed conflict today. These include:
- The risk of unintentional damage to the convoy
 - The Convention requires the provision of all relevant information about the convoy, its size, its route, and its final destination.
 - Concerns that the convoy would be used to move military objects rather than, or in addition to, CP.
 - To address this, the Convention insists that the HCP supply an inventory for the transports, and does not limit the right of visit and search
 - The risk of military personnel conducting using the convoy to conduct surveillance in opponent territory
 - The Convention creates a system of CPP personnel who must be authorised in advance to support CPP efforts.
- 7.23 However, perhaps the most critical measure remains the appointment of an internationally monitored system of representatives, delegates and inspectors, answerable not only to the relevant HCPs, but also to the international community via UNESCO and the protecting powers. The lack of implementation of this system remains a critical failure on the part of state parties to effectively realise the Convention, and we commend NATO for engaging with it on exercise and demonstrating its continuing relevance in modern conflict.

8. Acknowledgements

BSI was pleased to support Loyal Leda as a CPP SME. We valued the support received from the EXCON at the Joint Force Training Centre (JFTC) and from Cadence Consultancy, who took a close interest in the CPP learning. Their support was vital and enriched both our participation and the learning outcomes for the TA, and we thank them for it.