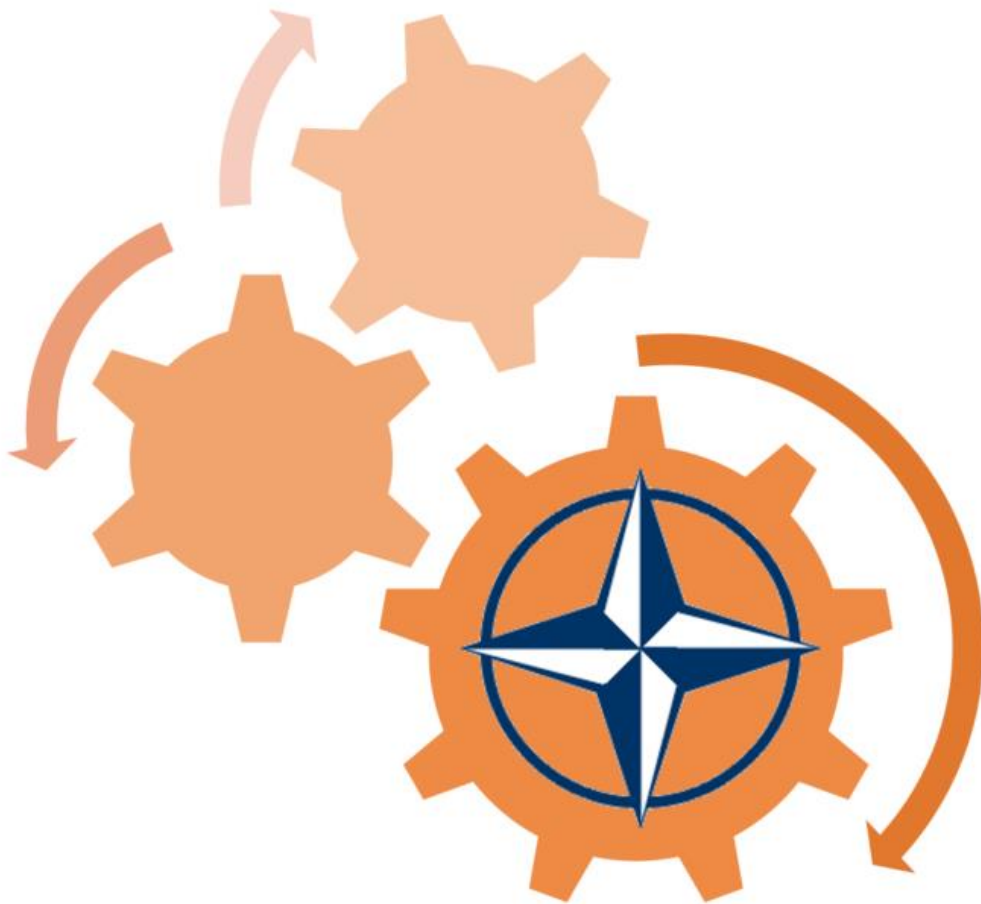


From paper to practice:

**A study on the implementation of NATO's Protection
of Civilians policy**



MA-Thesis

Double Degree Master European Governance

Felisha Aakster

From paper to practice: a study on the implementation of NATO's Protection of Civilians policy

Student F.C.S. (Felisha) Aakster
f.c.s.aakster@students.uu.nl | felisha.aakster@gmail.com

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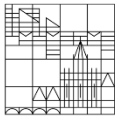


Universiteit Utrecht

Utrecht University

Supervisor: Dr. G.J. (Gijs Jan) Brandsma | g.j.brandsma@uu.nl
Faculty of Law, Economics & Governance / Utrecht School of Governance
Bijlhouwerstraat 6, NL-3511 ZC Utrecht, The Netherlands

Universität
Konstanz



University of Konstanz

Supervisor: Prof Dr. K. (Katharina) Holzinger | katharina.holzinger@uni-konstanz.de
Faculty of Law, Economics & Politics / Department of Politics & Public Administration
Universitätsstraße 10, D-78457 Konstanz, Germany



PAX

Supervisor: Drs. W. (Wilbert) van der Zeijden | vanderzeijden@paxforpeace.nl
Protection of Civilians Team | Defence and Security Policy
Sint Jacobsstraat 12, 3511 BS Utrecht, The Netherlands

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Executive Summary

During the 2016 Warsaw Summit NATO member states for the first time adopted a policy on the Protection of Civilians in armed conflict. Although the policy aimed to codify already existing PoC practices at NATO, it also revealed a shift in NATO's approach towards the Protection of Civilians. Whereas previously its main protection actions included preventing civilian casualties caused by its *own* attacks, the new policy included a full paragraph on how NATO should also pro-actively protect civilians attacked by *other's* actions. With the adoption of an action plan at the start of 2017, NATO commenced the implementation of the policy. However, so far little is known about policy implementation processes at NATO. Policy implementation studies on international organisations have mainly focused on the European Union, but NATO has not yet been subject to a theoretically supported study on its policy implementation. This thesis aims to provide insight in how NATO implements its Protection of Civilians policy. In addition, it describes how the implementation process will most likely unfold and which challenges could arise, using Matland's (1995) ambiguity-conflict model.

The outcome of the research suggested that the Protection of Civilians policy is not seen as a controversial policy at NATO. As a consequence, the implementation process is relatively accessible for outside parties. Results also revealed that the involved actors *think* the policy is clear and unambiguous in its language. However, implicitly can be derived from the answers that there are considerable differences between actors' understanding of Protection of Civilians policy. This most likely leads to differentiated implementation at the micro level in member states and at military headquarters. Identified challenges to the implementation process are a lack of political support for the implementation, a lack of common understanding of what Protection of Civilians is and insufficient (human) resources to implement the policy. Matland's (1995) ambiguity-conflict model proved to be a useful tool to predict implementation processes, but it had difficulties explaining mechanisms in multilevel governance systems such as the intergovernmental structure of NATO.

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List of Abbreviations

| | |
|----------|-----------------------------------------------------------------------------|
| 1GNC | First German-Netherlands Corps |
| AMISOM | African Union Mission in Somalia |
| AP | Action Plan |
| AU | African Union |
| CAAC | Children and Armed Conflict |
| CCTC | Civilian Casualty Tracking Cell |
| CCOE | CIMIC Centre of Excellence |
| CD&E | Concept Development and Experimentation |
| CIMIC | Civilian-Military Cooperation |
| CIVIC | Center for Civilians in Conflict |
| CIVMIL | Civil-Military Cooperation |
| CoE | Centre of Excellence |
| DDR | Disarmament, Demobilization and Reintegration |
| DRC | Democratic Republic of the Congo |
| EU | European Union |
| FAO | Food and Agriculture Organisation of the United Nations |
| FFI | Norwegian Defence Research Establishment |
| HQ | Headquarter(s) |
| ICRC | International Committee of the Red Cross |
| IO | International Organisation |
| ISAF | International Security Assistance Force |
| J3 | Joint Operations |
| J5 | Joint Planning |
| J9 | Joint CIVMIL-Cooperation |
| JFTC | Joint Force Training Centre |
| JOG | Joint Operational Guidelines |
| JWC | Joint Warfare Centre |
| KFOR | Kosovo Force |
| MFA | Ministry of Foreign Affairs |
| MNJHQ | Multinational Joint Headquarter Ulm |
| MOD | Ministry of Defence |
| MONUC | United Nations Organisation Mission in the Democratic Republic of the Congo |
| NAC | North Atlantic Council |
| NATO | North Atlantic Treaty Organisation |
| NATO ACO | North Atlantic Treaty Organisation Allied Command Operations |
| NATO ACT | North Atlantic Treaty Organisation Allied Command Transformation |
| NATO IMS | North Atlantic Treaty Organisation International Military Staff |
| NATO IS | North Atlantic Treaty Organisation International Staff |
| NGO | Non-governmental Organisation |
| OPC | Operational Policy Committee |
| PoC | Protection of Civilians |
| R2P | Responsibility to Protect |
| SACT | Supreme Allied Command Transformation |
| SHAPE | Supreme Headquarters Allied Powers Europe |
| SSR | Security Sector Reform |

| | |
|---------|------------------------------------------------------|
| UN | United Nations |
| UNAMID | United Nations Missions in Darfur |
| UNAMSIL | United Nations Mission in Sierra Leone |
| UNMIS | United Nations Mission in Sudan |
| UN DFS | United Nations Department of Field Support |
| UN DPKO | United Nations Department of Peacekeeping Operations |
| WHO | World Health Organisation |
| WPS | Women, Peace and Security |
| WTO | World Trade Organisation |

1. Introduction

“Protection of Civilians is not only a necessity to make military operations more popular and to be the good guys, it is a necessity in modern conflict”.

Civil-Military Interaction Officer, Multinational Joint Headquarters Ulm

Since the mass atrocities in the 1990s in Rwanda, Srebrenica and Somalia, the world has been searching for a way to effectively protect civilians in armed conflicts. As a response, the Protection of Civilians (PoC) increasingly became a task or a main goal in international military missions and operations (Beadle and Keenan 2015). Due to the changed nature of modern warfare, conflicts are now mainly fought amongst the people. Civilians do not only risk to become accidentally part of a conflict, they are more and more purposefully attacked by perpetrators (Beadle 2011). In Mosul, Iraq the Islamic State uses civilians as human shields against Coalition attacks and in South-Sudan civilians are trapped in a civil war. These conflict situations ask for a strategic approach by a military force to protect civilians.

So far, the United Nations (UN) has been the major protector in the field. Fourteen missions were mandated with PoC-tasks (Sheeran and Kent 2016). After several (partly) failed missions, the UN started to develop a military concept of Protection of Civilians, aimed to provide its military forces with guidance during conflict situations in which civilians must be protected (Kjeksrud et al. 2011). From all international protection actors (North Atlantic Treaty Organisation (NATO), European Union (EU) and the African Union (AU)), the UN is the most advanced in strategies, planning and training in PoC conflict situations (Kjeksrud et al. 2016).

NATO has considerably less experience with the Protection of Civilians. The missions in Kosovo, Libya and Afghanistan contained some PoC-elements, but these were not grounded in a coherent doctrine or policy on PoC (Gordon 2013). Furthermore, NATO's approach towards PoC was mainly an attempt to minimize civilian casualties, and prevent harm caused by its own actions (Beadle 2010b). The considerations behind this approach were mainly strategic. During the ISAF mission in Afghanistan NATO learned that civilian casualties undermine NATO's legitimacy as an intervening force and popular support has become an important instrument in modern conflicts (Beadle 2010b). Popular support largely depends on an actor's ability to protect the civilian population from other perpetrators. The need for NATO to develop a comprehensive policy and military concept on the Protection of Civilians thus increased.

After a relatively short drafting period, NATO adopted its PoC policy during the 2016 Warsaw Summit. This was the first time that NATO officially took a stance on the matter. Although the policy aims to codify already existing PoC practices at NATO, it also reveals a shift in NATO's approach towards PoC. Whereas previously its main protection actions included preventing civilian casualties caused by its own attacks, the policy included a full paragraph on how NATO should also pro-actively protect civilians attacked by *other's* actions. Including this second element into the policy, presupposes that NATO also will develop strategies and military planning guidelines that should assist the forces in dealing with such conflict situations. Protecting civilians from harm by own actions, requires a different approach and different strategies than protecting civilians from harm by others.

Therefore, immediately after the member states had endorsed the new policy, NATO started preparing its implementation by drafting an action plan. This action plan, the PoC action plan, was adopted by the member states in the Operations Policy Committee at the start of 2017. Much more information on the implementation of NATO's new PoC policy could not easily be found. What is known to the public, is that NATO adopted a PoC policy, but what is unknown, is how and to what extent NATO is seriously trying to implement this policy, and which factors might support or inhibit the ongoing implementation process.

A model that can answer these questions, and that can predict how the implementation process of a policy might unfold, is Richard E. Matland's (1995) ambiguity-conflict model. This model looks at a policy's level of ambiguity and policy conflict. It categorizes a policy and determines which factors are essential influences on the implementation outcome. Since NATO is only at the start of the implementation process of the PoC policy, this model fits nicely into the timing of the research. Results of this research could lead to practical recommendations for the implementation process. The main research question is therefore:

To what extent does the nature of Protection of Civilians policy affect its implementation process at NATO?

To answer this question, I developed three sub-questions:

1. How can PoC policy within NATO be typified? What is the nature of PoC policy following Matland's (1995) ambiguity-conflict model?
2. How does NATO currently implement PoC policy and how can the PoC implementation process be typified and explained? Does this correspond with Matland's (1995) model?
3. What are the factors that might determine the successful implementation of PoC policy at NATO?

Besides finding the answers to these questions, this study has additional, though related purposes. During the conduct of this study I was a research intern at the Dutch peace organisation PAX. Within the Protections of Civilians team, the Defence and Security Policy program aims to translate the work of PAX on the ground in conflict affected areas, to policy recommendations for policy makers at national governments and international organisations such as the EU, NATO and the UN. This study falls within a project that aims to explore policy making and implementation at NATO. Therefore, additional aims of this study were to get insight into NATO's policy implementation processes and to discover whether there is role to play for an NGO in the implementation process, and if so what this role could be. In addition, the study seeks to uncover which (new) position NATO wants to take in the field of Protection of Civilians, and how this relates to other protection actors such as the UN. However, the opinions and recommendations expressed in this thesis, solely reflect the author's opinions, and not those of PAX.

Since this is a study on NATO's PoC policy, I decided for this thesis to adopt the definition of Protection of Civilians as described in paragraph nine of NATO's PoC policy. In addition, I also included my definition of implementation, as well as explanation of the concepts 'perpetrators' and 'civilians', for matters of clarification.

Protection of Civilians: “includes all efforts taken to avoid, minimize, and mitigate the negative effects on civilians arising from NATO and NATO-led military operations and, when applicable, to protect civilians from conflict-related physical violence or threats of physical violence by other actors” (NATO 2016).

Implementation: a process put in motion after a policy has been decided upon, existing of all actions aimed at achieving results by bringing policy into practice.

Perpetrators: “refer to any state or non-state group that deliberately uses violence against civilians, for whatever reason” (Beadle 2011, 8).

Civilians: “are non-combatants that are not to be intentionally attacked according to international humanitarian law, regardless of whether they may have been perpetrators themselves before” (Beadle 2011, 8).

1.1. Relevance

Academic relevance

Considering the academic field of implementation studies, relatively few scholars have applied and tested Matland’s (1995) ambiguity-conflict model. It is interesting to see whether his model is still applicable, or whether adjustments are needed. Second, with the increasing authority of supranational and intergovernmental organisations, even more policies are drafted at an international level. Where public policy implementation has been extensively researched on a national level, and increasingly at EU level (for instance by Versluis 2007) and in multi-level governance (Hill and Hupe 2003), international organisations such as NATO have not been a topic of study so far. This thesis might lead to some interesting first insights on implementation dynamics in an implementation process lead by an international military organisation such as NATO. Looking more specifically to the concept of Protection of Civilians, some studies have been conducted on its implementation, but these were all related to the UN and investigated a specific case (Paddon 2014; Schütte 2015). There is literature published on NATO’s PoC concept, but the articles mainly focus on concept, theory and policy development, whereas this thesis focusses on the implementation phase (Beadle 2010a; Willmot et al. 2016b; Wynn-Pope 2014b).

Societal relevance

NATO has not always been very open about how it tries to protect civilians during its missions and operations. During the ISAF mission in Afghanistan it installed a Civilian Casualty Tracking Cell (CCTC) for the first time (Keene 2014). The current NATO PoC policy is partly based on the experiences gained during this mission. Possibly NATO realized that protecting civilians is also in its own interest, since civilian casualties and a failure to protect civilians, when they expect to receive protection because of the presence of a military force, might also lead to increasing civilian support for the opposing party (Keenan & Beadle, 2015). Still many people caught in armed conflicts are in danger and without protection against violence, therefore it is important that PoC policy is developed and adopted, as well as implemented and executed properly. This thesis aims to attribute to this last point.

Policy relevance

Everything that has been published on NATO's PoC policy was before NATO endorsed its new PoC policy (Beadle and Keenan 2015; Kjeksrud et al. 2016). Therefore, it could be interesting to study how NATO progresses with the implementation and which determinants are likely to contribute to successful implementation. This gives insight into how an international organisation implements such a concept, which could also be relevant for research on UN, EU and AU PoC policy implementation. Also for other parties, such as NGOs and governments it could be useful to have an overview of NATO's current implementation of the PoC policy.

1.2. Reader's guide

The topic of my research consists of three components: 1) the subject I am interested in, which is (the implementation of) Protection of Civilians policy 2) the theoretical framework which I use to explain the subject under scrutiny, existing of Matland's (1995) ambiguity-conflict model 3) the case to which I apply it, which is NATO. Together they form a unique combination. However, to answer the research question described above, especially the theoretical framework is important, which is described in chapter three. The subject itself is discussed in the second chapter, which mainly serves to provide context on the topic and to enable the reader to better interpret and place the results. Although the concepts and theories described in this chapter do contribute to the thesis as a whole, they do not directly contribute to answering the main research question. This as to prevent any confusion while reading these chapters.

Chapter two starts by defining the concept of Protection of Civilians. One of the challenges in the field of Protection of Civilians is the lack of common understanding of PoC by the different protection actors. Since this also leads to problems in the implementation (Kjeksrud et al. 2016), it is relevant to understand the different perspectives on PoC and how they originated. The concept of PoC is often mentioned in the same realms as the Responsibility to Protect (R2P) and Human Security. I shortly elaborate on these related concepts, to clarify their similarities and differences with PoC. This is followed by a section on the approaches of the UN, EU, AU and NATO towards PoC. Since NATO is one of the last of these actors to adopt a policy and develop a PoC concept, influences of especially the UN can be observed in NATO's new PoC approach. In the second half of the chapter my focus shifts to PoC at NATO in particular. Recently, NATO also adopted and implemented policies on Women, Peace and Security (WPS) and Children and Armed Conflict (CAAC). These two policies provide some insight into how previous implementation processes were shaped. For that reason, it is relevant to discuss them. This discussion is followed by the current state of affairs of PoC policy at NATO. Here I also outline the content of the PoC policy, the subject of this thesis. As explained above, NATO included in its new policy the protection of civilians from harm caused by *other's* actions. To a certain extent this shift is influenced by the work of Alexander Beadle and Stian Kjeksrud, two scholars from the Norwegian Defence Research Establishment (FFI). They developed a theory on how NATO forces could protect civilians during operations, based on a threat assessment of the perpetrators (Beadle 2011; 2014; Beadle and Kjeksrud 2014). Considering the importance of their work for NATO's new policy, a discussion of their work is crucial for understanding what implementation of NATO's new PoC policy really contains.

Chapter three contains the theoretical framework of this thesis. Within the field of Public Administration I apply implementation studies. I start the chapter by defining what policy

implementation is, and how it can be placed in the policy cycle. The first studies on policy implementation were conducted around the 1960s. The research conducted since then on policy implementation can be distinguished into three approaches: top-down, bottom-up and synthesizers. The model chosen for this research, Matland's (1995) ambiguity-conflict model, attempts to synthesize top-down and bottom-up approaches by describing in which situations they have most explanatory value. Because I use this model to answer my research question, I extensively discuss the model and its components in this chapter. I explain how Matland views policy conflict and ambiguity and I give an overview of the four types of implementation processes he developed. I end the chapter with a section on the hypotheses and the operationalization. To measure the different variables, I created several indicators per variable and described what those indicators are supposed to measure.

Chapter four contains the methodology applied in this research. To answer the research questions, I conducted semi-structured interviews with sixteen individuals. These individuals worked at NATO, military headquarters, national ministries and NGOs and were categorized into three groups: insiders, implementers and outsiders. The interviews were transcribed and analysed using qualitative content analysis. This is "a method for systematically describing the meaning of qualitative material" by creating codes and references in texts (Schreier 2012, 1). The chapter also includes a section on the selection of NATO as the case under scrutiny in this study as well as considerations made choosing a qualitative approach. Lastly, I discuss the expected and encountered difficulties in the research process and how I solved these issues.

Chapter five includes the results of this study and consists of two parts. In the first part I describe the current implementation process at NATO. As a guide for the implementation process an action plan has been drafted and adopted. The first activity on this action plan is the development of a military PoC concept. Several interviewees emphasized the importance of the military concept for the creation of a common understanding of NATO's PoC policy. In addition, also training activities and conducting exercises are mentioned as essential elements in the implementation process. Lastly, I discuss the role of the actors involved in the implementation, which I tried to visualize by making an organisation chart.

In the second part of the chapter I test the four hypotheses, that I formulated in chapter three. I present results that show that the level of policy conflict of PoC policy is low, but the level of ambiguity is high. This leads to experimental implementation in which differences arise in the implementation of the PoC policy at the micro level. Challenges to the implementation process identified by the interviewees are amongst others: the lack of political support, a lack of common understanding of the PoC policy and insufficient (human) resources to implement the policy. I conclude the chapter by analysing the conditions for successful implementation of the PoC policy at NATO.

Chapter six is my discussion. In this chapter I answer the sub-questions and the main research questions. Subsequently, I discuss the implications of this study for theory and society, added by the surprising findings. I also include a reflection on the research question with an analysis of the strengths and weaknesses and insights gained during the conduct of this research. Since the implementation process of PoC policy is still ongoing, I also provide some policy recommendations and I share my opinion on the current implementation process and the expectations I have for its success. I end my thesis with several proposals for future research on this topic.

2. Protection of Civilians

2.1. Defining Protection of Civilians

When it comes to defining the meaning of PoC, there seems to be an agreement to disagree. There are many understandings of PoC and depending on the understanding an organisation or actor has, it defines its obligations, tasks or activities to protect civilians differently. To understand which activities to protect civilians are undertaken by whom and for what reason, it is important to consider the different views of what PoC entails.

In addition, the lack of common understanding of what PoC entails does not only lead to conceptual confusion. It can also lead to serious implementation problems in practice. If it is not clear what PoC actually means and what a PoC-mandate entails, international organisations or troop contributing countries cannot inform and train their troops on how to respond to situations in which there is a threat to civilians (Schutte 2011). Therefore, adopting a common PoC definition and (operational) concept, is essential for (successful) implementation.

Harston (2016) categorizes the different views to PoC in three approaches: the rights-based approach, the developmental approach and physical violence approach. The rights-based approach is held by mostly humanitarian and human rights organisations and views PoC as an obligation to adhere to international humanitarian and human rights law. An example of such a definition is the perception of the International Committee of the Red Cross (ICRC):

“For the ICRC, protection, in the broadest sense, aims to ensure that authorities and other actors respect their obligations and the rights of individuals in order to preserve the lives, security, physical and moral integrity, and dignity of those affected by armed conflicts and/or other situations of violence. Protection includes efforts that strive to prevent or put a stop to actual or potential violations of international humanitarian law (IHL) and other relevant bodies of law or norms that protect human beings” (ICRC 2012, 9).

The second approach, used mostly by development organisations, is a very broad understanding of PoC. Besides consideration for humanitarian law, PoC also means providing a safe and secure environment with good governance structures and access to basic needs. This approach almost resembles a related topic, namely human security.

Human security, as defined by the UN General Assembly, contains: “the right of people to live in freedom and dignity, free from poverty and despair. All individuals, in particular vulnerable people, are entitled to freedom from fear and freedom from want, with an equal opportunity to enjoy all their rights and fully develop their human potential” (UN General Assembly 2012, 1). The difference between PoC and human security is that the focus in PoC is securing people’s safety and security during armed conflicts, whereas human security is applied in times of peace as well. In addition, what is unique to the concept of human security is that it takes the perspective of how to provide security for the individual, related to seven types of threats (also including for instance environmental security and economic security). Whereas PoC is more concentrated on matters of state security or situations in which a population is in danger

(communal security, personal security). However, there remains a thin line between the two concepts.

The third approach to PoC is the narrowest. It defines PoC as protection from physical harm, if necessary by the use of force. The original NATO definition of PoC, can be categorized within this approach. Although there are differences between the approaches to PoC, one can also find similarities and a basic agreement on the meaning and scope of PoC in these approaches. A study executed by Oxfam Australia on the perception of PoC found that there is agreement on PoC applying to contexts of armed conflict or other situations of violence involving both military and civilian parties. In addition, essential to PoC is the protection from physical violence, while recognizing there are also humanitarian as well as human rights issues related to this (Wynn-Pope 2014b).

A third concept, also close to PoC, is the Responsibility to Protect (R2P). This concept was officially adopted by the UN General Assembly in 2005 and contains that: “if national authorities are manifestly failing to protect their populations from mass atrocities, states have the responsibility to respond in a timely and decisive manner through the UN Security Council (UNSC)” (Kuwali 2013, 8). Although adopted unanimously in 2005 by the UN General Assembly, R2P has lost support among states after the critique that the R2P mandate for the 2011 Libya mission was misused for regime change (Kuwali 2013). PoC on the other hand, still has much wider support, also among states from the global south (Sheeran and Kent 2016). Another difference between R2P and PoC is the scope. R2P is a military response to a situation in which mass atrocities (genocide, crimes against humanity, war crimes) are committed, while PoC has a broader range of threats to which it can apply (AIV 2016; Kuwali 2013). Beadle (2015, 197) described the distinction as follows:

“R2P is more about ‘when’ and ‘under what conditions’ it is right to intervene to save civilians from the four gravest violations of human rights (genocide, war crimes, ethnic cleansing and crimes against humanity); while protection of civilians concerns ‘how’ civilians on the ground can actually be made safer and better protected, regardless of the reasons for launching an operation”.

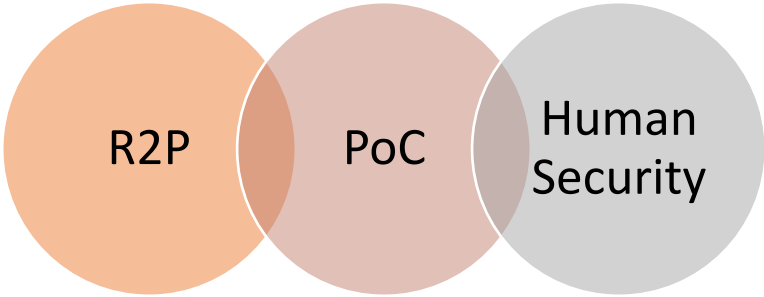


Figure 1 - Relationship between R2P, PoC and Human Security

2.2. The historical development of PoC

The concept of Protection of Civilians has its roots already in the 19th century in the Lieber code. This code was established by President Lincoln during the US Civil War. Following the Lieber Code populations residing in occupied territory had to be treated humanely (Williamson 2017). In Europe, the first Geneva Convention in 1864 and the The Hague Conventions of 1899 and

1907 were aimed to regulate the conduct in armed conflict and to secure the position of wounded soldiers and safety of civilians (Williamson 2017).

In the 1949 Geneva Conventions and the 1977 Additional Protocols, states set the limits to the conduct of war and the methods and means applied in armed conflict (Wynn-Pope 2014a). Essential for international humanitarian law is the distinction between combatants and non-combatants. Civilians who are not taking part in an armed conflict, cannot be targeted and have positive and negative rights (AIV 2016). For instance there are rules limiting and prohibiting certain use of force to protect civilians from harm as well as rules that include the obligation to guarantee the wellbeing and welfare of citizens in occupied territory (Mamiya 2016).

However, in the 1990s it became evident that a framework of international humanitarian and human rights law was insufficient in protecting civilians. Mass atrocities committed in Rwanda, Srebrenica, Somalia led to a discussion among states at the UN on the question whether firmer instruments, involving the use of force by third parties, should be developed to effectively protect civilians. These debates were the start of the R2P, as well as the PoC concept (Mamiya 2016). In 1999 the UN Mission in Sierra Leone (UNAMSIL) was the first UN mission with a PoC-mandate that received authorization to “take the necessary action [...] to afford protection to civilians under imminent threat of physical violence” (Sheeran and Kent 2016; UN Security Council 1999, 14). After this mission, fourteen UN missions received a PoC-mandate (Sheeran and Kent 2016). For a long time, the development of the PoC concept has been taking place in a UN-setting. Especially the UN Department of Peacekeeping Operations (DPKO) was central in drafting the PoC policy and the operational concept. After NATO was confronted with PoC-related issues during its missions in Bosnia, Afghanistan and Libya, PoC became more important for NATO. Based on lessons learned during these missions it started to integrate PoC activities in its missions. Only in 2013, the first efforts to develop a NATO PoC Policy and Concept were made.

2.3. Different approaches to PoC at UN, EU, NATO

UN

Since many of the current UN missions have a PoC-mandate, the UN is highly engaged in civilian protection. (Kjeksrud et al. 2016) even argued that the legitimacy of the UN is (indirectly) linked to the ability of the UN to protect civilians. PoC in UN missions is thus not only a task in UN missions, it often becomes an aim in itself. Therefore, the concept developed by the UN is a comprehensive one, based on three tiers. The first tier is protection through a political process, the second is protection from physical violence and the third is the establishment of a protective environment (Kjeksrud et al. 2016). In the operationalization of the concept by the DPKO, four roles for the military are distinguished that they could perform to provide protection from physical violence. These are (1) assurance and prevention, including monitoring and early-warning systems (2) pre-emption, such as exercising political pressure and actively patrolling by military forces (3) response, by deterring aggressors and using force as a last resort and (4) consolidation, aimed at post-conflict stabilization (Kjeksrud et al. 2016; UN DPKO/DFS 2010).

Despite the UN being a frontrunner in the development of a PoC policy and an operational concept, the implementation of its policy during missions has not been very successful. According to (Holt 2006) this has been because of a lack of guidance by the UN on the

implementation during missions, which was mostly in the hands of troop contributing countries. In addition, the capabilities of UN troops to effectively protect civilians are questioned because of a lack of resources, good material and personnel trained to protect civilians (Beadle 2010b). In sum, on paper the UN is perhaps the most advanced actor in protecting civilians, however in practice UN troops face major challenges because they lack the capabilities and often respond 'too little & too late' (Berg et al. 2010; Kjeksrud et al. 2011).

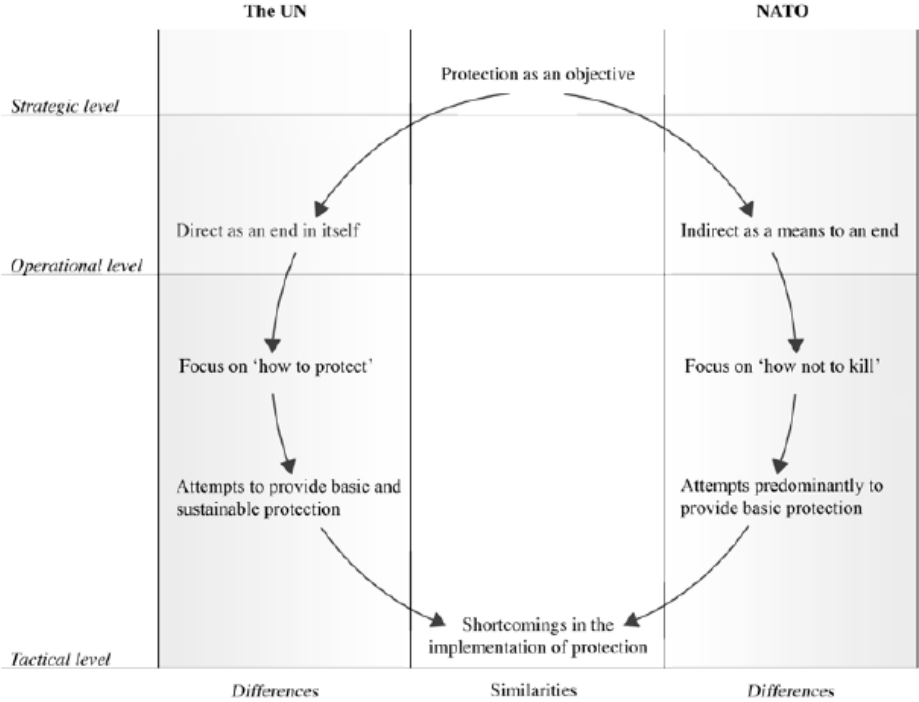


Figure 2 – Differences and similarities between UN and NATO PoC approach (Beadle 2010)

EU

The PoC approach of the EU is primarily based on the UN PoC concept. In the EU policy documents there are many references to the UN concept, including the three tiers. Following the most recent EU concept, PoC includes efforts to: “ protect civilians from physical violence, protect human rights, contribute to securing the rights of access to essential services and resources, and contribute to a secure, stable and just environment as well as contribution in all areas of life” (European External Action Service 2015, 8). Similar to the UN the EU adopted a comprehensive approach to PoC, but the only mission so far in which EU forces had to actually protect civilians, was the 2003 DRC Operation Artemis, in which it applied more a protection from physical violence approach, then a comprehensive approach. The military capabilities of the EU forces to execute protective tasks are sufficient, however the political will to deploy EU troops is often lacking. For that reason the EU is a somewhat unreliable partner when it comes to PoC. A supporting role, in which the EU collaborates with the UN could be a solution to combine the PoC (conceptual) experience of the UN with the military capabilities of the EU (Kjeksrud et al. 2011).

AU

The AU has a combination of a rights-based approach and a protection from physical violence approach to PoC. In practice however, its PoC efforts so far involved more the latter than the former. During the AMISOM mission against Al-Shabaab in Somalia, the major PoC focus was on preventing civilian casualties, but due to changing circumstances in the conflict situation,

the AU had to apply a more pro-active strategy to protect civilians. And within this transformation it is, similar to NATO, struggling with the operationalization of protection of civilians from harm done by others (Kjeksrud et al. 2011).

NATO

Being a defence alliance, NATO's incentives to engage in protection activities are based on its existential goal to protect its own territory and population. Missions and operations that are executed outside NATO's borders, are to prevent spill-overs. For NATO PoC has thus been more of a military-strategic means to reach an end (Beadle 2010b). This was also the case during the ISAF missions in Afghanistan, during which PoC was put on NATO's agenda for the first time. The notion of protecting civilians was introduced through American counterinsurgency doctrine, that stressed the importance of avoiding collateral damage since this would undermine the support for and legitimacy of the mission. Therefore, the US -military Counterinsurgency Field Manual 3-24 introduced a population-centric approach. This doctrine was copied by the NATO and later adapted into its own Joint Operational Guidelines (JOG) for Counterinsurgency 10/01 (Kjeksrud et al. 2016). Again, NATO's approach to PoC was an indirect one, focussed on minimizing harm done by its own actions. However, the ISAF mission also included some activities, that were beyond mere civilian harm mitigation, such as teams served to assist in the reconstruction of governance, economic and healthcare systems. Besides, the JOG also listed tasks such as: "protecting civilians from local bandits in refugee camps, escorting humanitarian convoys, patrolling in villages, and the importance of protecting civilians from attacks at night" (Gordon 2013, 8). However, these tasks were not part of a comprehensive PoC policy. The development of such a policy was considered one of the challenges awaiting NATO. It had the military capabilities to perform PoC tasks, but a policy, concept and proper operationalization into doctrines and guidelines missed. Furthermore, the tasks that it performed as PoC-tasks in Afghanistan and Libya, were mainly preventing collateral damage by their own actions, whereas the majority of the civilian casualties in Afghanistan was not caused by NATO, but by insurgencies. To be a successful protection actor, NATO therefore needed to focus more on pro-active protection from physical violence by other perpetrators (Beadle 2010b; Kjeksrud et al. 2011). This is where NATO's current developments on PoC can be placed.

2.4. PoC at NATO: current state of affairs

NATO's efforts in developing and implementing a PoC policy should be seen in a wider framework of policies aimed at protection and enhancing the position of vulnerable groups in armed conflicts. In 2007 NATO adopted a policy on Women, Peace and Security (WPS) after the UN had adopted resolutions 1325 on this theme in 2000 (NATO 2016e). More recently, in 2015, NATO adopted policies on Children and Armed Conflict (CAAC), again after a UN Security Council Resolution (1612) (NATO 2016b). Since the nature of the Women, Peace and Security and Children in Armed Conflict policy resembles the PoC policy – they all focus on vulnerable groups in conflict, and they are all backed up by a UN resolution or policy – it is relevant to discuss these policies and their implementation at NATO. This serves as a reference for the implementation processes at NATO as it provides information on previous implementation process.

Women, Peace and Security

The aim of the NATO policy on WPS is to "promote the role of women in peace and security" and to institutionalize a gender perspective into all the activities NATO undertakes in

operations that fall within its security tasks in the field of crisis management, collective defence and cooperative security (NATO 2016e). The policy is based on the pillars of the UN Resolution which are: participation of women in the prevention, management and the resolution of conflict; participation in decision-making and peace-building processes; protection against and prevention of sexual and gender-based violence related to conflict; and the protection and promotion of women's and girls' rights (Chinkin 2017; NATO 2016e).

After the policy was adopted in 2007, a first action plan was drafted and agreed upon by the NATO allies and partners in 2010, but the action plan as well as the policy were revised again in 2014. The action plan is as a guidance for the implementation process. In the action plan fourteen outcomes are described, organised by topic (such as cooperative security, human resources, NATO-led operations, implementation). For each outcome, detailed activities are determined that must lead to achievement of the outcome. In addition, a responsible implementing entity is attached to an outcomes, as well as indicators that enable measurement and evaluation of the activities (NATO 2014). After two years, this action plan was reviewed and revised in 2016, that resulted in a new action plan with a timespan 2016-2018 (NATO 2016d). The revision of the action plan is based on the progress reports on implementation of the policy, issued by NATO's Secretary General to the heads of states roughly every year (NATO 2016e). To support and ensure the implementation of the policy, multiple mechanisms were established such as the position of a special representative for WPS, gender advisors at different levels of the military command structure, but also a Gender office, a special task force, working groups and committees. Not only NATO itself but also NATO member states have committed to the implementation of the policy. Therefore, the action plan called upon the nations to draft a National Action Plan for the implementation process in their own countries. The nations submitted these action plan and they were also reviewed (NATO 2015). The implementation of the WPS thus is still ongoing process, in which not only NATO, its allies and partners are included, but also NGOs, IOs and other parties.

Children and Armed Conflict

The implementation process of the policy on CAAC is less extensive than WPS and has a somewhat different nature, since it almost solely focuses on integration of the policy into training, exercises, planning and operations. Successful implementation of the policy should lead to better recognition of violations against children in armed conflict, and subsequently, better protection. In 2012 the topic was discussed for the first time at the Chicago Summit, where the heads of states decided to lay down military guidelines that were practical and oriented on field operations and also addressed training and education. To emphasize the importance of the topic being further developed, NATO also appointed a focal point on children in armed conflicts, to explore and promote the topic. This led to a formal policy on the protection of children in armed conflict, that was adopted by the North Atlantic Council in 2015 (NATO 2016b).

The implementation process of the CAAC policy is less transparent than the WPS implementation. The policy itself has so far been untraceable for me, as well as an action plan, of which I do not know whether one was drafted. However, NATO did report on several implementation results, such as an E-learning module, incorporation of the policy into military training and exercises, the appointment of more focal points within NATO's Command Structure and the deployment of a specialized Children in Armed Conflict Adviser during a NATO-led operation (NATO 2016b).

Protection of Civilians

Following the development and adoption of PoC policy at other international organisations, NATO started drafting its PoC policy in early 2016. The lessons learned during the ISAF mission in Afghanistan, input from PoC scholars and experts, and the UN policy and concept amongst others served as inspiration for the policy (interview with R1, 9 May 2017). The policy was endorsed by the Heads of States at the Warsaw Summit on 7-8 July 2016. Already in November 2016 a draft action plan was submitted and finally adopted in January/February 2017 by the NATO Operational Policy Committee (OPC). Since the action plan is part of the implementation process, I will discuss the document later in this thesis.

Since the implementation of the PoC policy is the subject under scrutiny in this research, a short elaboration on the content of this policy serves to provide some context on the matter. The PoC policy is divided into different sections, including guiding principles with guidelines underlying the policy such as legal, moral and political obligations. Another section determines the aim and the scope of the policy, which is to “instil a coherent, consistent and integrated approach to PoC in NATO and NATO-led operations, missions and other Council-mandates activities” (NATO 2016c, 8). Subsequently, in the section on the conceptual framework NATO’s definition of PoC is described, as well as which activities it could apply to protect civilians. The last section is the biggest and contains a description of the different methods and mechanisms that could be used to protect civilians and to integrate the policy into NATO’s actions (NATO 2016c). These include (summarized on the basis of the policy (NATO 2016c, 3–4):

Civilian Harm Mitigation from own actions: this involves measures aimed at minimizing harm to civilians, caused by NATO’s own actions during an operation. For instance, in the planning of an operation procedures could be adapted to prevent civilian casualties during attacks.

Protection of civilians from others’ actions: armed conflict is increasingly taking place amongst the people, with civilians being purposefully targeted or used as human shields (Kelly and Giffen 2011). To protect civilians against perpetrators of these acts, it is crucial that the military use of force is adapted to the nature of the threat. The strategy and planning of an operation to prevent genocide from taking place, is different from combatting an insurgency. Therefore, it is important to understand the perpetrators’ motivations, its capabilities and its strategies. This thinking needs to be operationalized and integrated into NATO’s planning and conduct of operations.

Support to Humanitarian Action: the provision of humanitarian aid is important in conflict areas. Hence, there should be a safe and secure environment in which humanitarian workers can deliver goods and services to those in need. NATO can contribute to the creation of such an environment by deploying its means to prevent humanitarian actors from being harmed.

Lessons Learned on PoC: the experiences from NATO, as well as from its partners and other international organisations on civilian protection are important for improving its efforts in this fields. The lessons learned mechanism at NATO can be used to determine areas of improvement but also identify best practices that could be shared with partners.

Strategic communications: for the legitimacy and credibility of an operation, it is better if NATO is open and transparent about its efforts to protect civilians, but also about the instances it fails

to do so, causing civilian casualties. Efforts to supply information to the host state, the local population and media constitute strategic communication.

NATO Headquarters-level and joint exercises: NATO practices on different (combat) scenarios that occur during missions and operations. Exercises are part of the training cycle and relevant for the institutionalization of practices. To achieve this also on the military levels, exercises at NATO HQ-level are important.

Training of forces participating in NATO and NATO-led Operations and Missions: to educate its forces on the protection of civilians in armed conflict, NATO develops courses and modules together with its schooling institutions and Centres of Excellence.

Training local forces: a part of NATO's efforts during a mission could also be to train local forces. PoC should also be part of their curricula, especially civilian harm mitigation and obligations under international humanitarian law.

Defence and Related Security Capacity Building: when NATO involves in capacity building of a nation/military, PoC, as well as WPS and CAAC policies will be integrated into the programme developed for a nation.

Partnership tools and programmes: training and institutionalizing PoC is not only relevant for NATO Allies, but also for its partner nations. For instance, NATO cooperation with these partner nations during missions is more stable when there is interoperability also in the field of PoC. Partnership tools and programmes could facilitate this.

The tools described in this last section of NATO's PoC policy can be divided into three categories. The first category exists of tools that merely integrate PoC thinking, standards and procedure into existing NATO structures. An example is the *partnership tools and programmes*. Alongside other programmes and activities, NATO will also offer PoC programmes to its partner nations. Efforts that were already a part of NATO's practices, but that were never formalized by policy belong to the second category of tools. Civilian harm mitigation from own actions is an example of this. During the ISAF mission, civilian casualty tracking cells were established (Keene 2014). However, efforts in this field have never been mentioned in a formal policy document. The third category consists of new approaches and practices NATO has not been involved in so far. *Protection of civilians from others' actions* and the underlying tactical shift, is part of this category. It involves a new approach to the military use of force, NATO has not worked with before (interview with R3, 12 May 2017). This approach was developed by military scholars like Rupert Smith and Alexander Beadle, who focus in their work on the utility of force in modern warfare. Since NATO's PoC policy is partially based on these works and since the shift to protection from *other's* actions, constitutes a major shift in NATO's stance, the next section is relevant to understand the context of the policy implementation process and to interpret the results.

2.5. The utility of force to protect

The focus so far in NATO's approach to PoC has been on civilian harm mitigation. And more specifically, the prevention of civilian casualties caused by its own actions, although as described above, NATO had some elements included in its doctrine that were aimed at

protecting civilians from other perpetrators (Gordon 2013). However, by mentioning protection from harm done by others so explicitly in its new policy, NATO is also expected to provide clear guidance on *how* this should be achieved. The UN, with a longer involvement in missions mandated to protect civilians from other perpetrators, struggled (and is still struggling) with this issue for a considerable time now (Gordon 2013; Kelly and Giffen 2011). At the centre of this this issue is the question how the military can best employ its forces for civilian protection and how this should be transposed or operationalised into clear doctrine, guidelines and procedures that military on the ground can work with. Multiple scholars identified this flaw (Beadle 2011; Gordon 2013; Kelly and Giffen 2011). In addition to the UN's own efforts to address this flaw, Kelly and Giffen started developing instructions for integration of PoC into military planning processes in UN military operations, concentrating on understanding a perpetrator's strategic aim to attack civilians. This line of thinking was continued in publications of scholars at the Norwegian Defence Research Establishment (FFI), Beadle, Kjeksrud and Lindqvist, who developed a theory on the utility of force to protect, and applied it in a NATO context. For this reason, their work was identified by NATO as relevant for their development of a PoC policy, after which they became involved in the policy development process (interview with R3, 12 May 2017).

The theory of the utility of force to protect is built on the ideas of General Rupert Smith. In his book *The utility of force – the art of war in the modern world* Smith argues that the nature of modern conflict has changed (Smith 2008). Instead of two armies fighting over territory, conflicts are nowadays fought amongst civilians. As a consequence, civilians have become targets more often, but are also the 'objectives to be won', both physically as well as for their support (Beadle 2014). This should determine the strategy a military uses and how it balances its use of force or the use of other means of power. The use of military power is only a method to establish a condition in which other aims, such as achieving (political) stability, can be realized with different means and by different actors (Beadle 2011).

As shown by figure 3, an equilibrium can be determined by weighting the type of protection that is required, against which actor can best deliver such protection. When a basic type of protection is needed, like physical protection from violence because the level of civilian security is very low, the military is best suited to provide this protection. However, when the level of civilian security rises, and a more sustainable protection is needed, this is more a task for civilian or humanitarian actors (Beadle 2011).

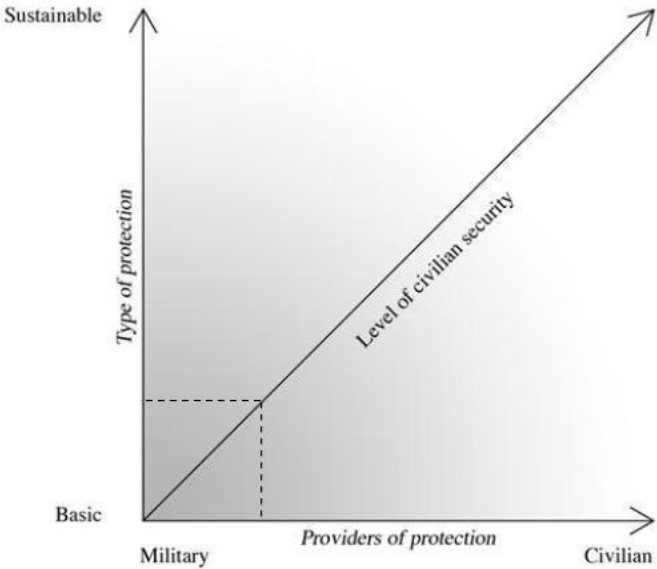


Figure 3 - The military role in protection operations (Beadle, 2011)

When the role for the military force is determined, the next question is *how* the military should employ its force. Smith determined four functions a military can have (Beadle 2014):

- 1) Ameliorate: no military force is used in this function, only in cases of self-defence. A military can however, provide assistance to humanitarian aid work, build infrastructure or report on the situation
- 2) Contain: a function used to prevent the outbreak of violence, for instance by regularly patrolling, enforcing no-fly zones with a limited use of force
- 3) Deter or coerce: the military is ready to use force, to threaten a perpetrator from using violence. In case a perpetrator uses violence, the military can coerce a party to stop by using force
- 4) Destroy: the use of force to destroy all perpetrator's ways and means that it employs for violent actions.

The same functions of the use of force also apply to perpetrators of violence, namely: *destruction* of civilians during mass killings, *coercion* of civilians in order to control them, *incitement* to spread insecurity amongst civilians and *impairment* of civilian security because of the mere presence of armed groups (Beadle 2014). Beadle (2011) argues that to find the best utility of force, one has to reverse the perpetrator's aim to attack civilians. A perpetrator can attack civilians directly, as an 'end' in its strategy, or indirectly, using civilians as a 'means' to its strategy. If a perpetrator's strategy is the first, for instance in the case of genocide and ethnic cleansing, then it will probably maximize its use of violence, to reach its end. If however, civilians are only a means to achieve a different goal, as in cases of insurgencies, perpetrators will minimize their use of force, because they prefer achieving their ends by other means. According to Beadle a military could best utilize its force by mirroring the perpetrator's utility of force. If an armed group conducts mass killings, a military should destroy them. However, if an insurgency only uses minimal force, then a military should also minimize its own use of force (Beadle 2011)(See figure 4).

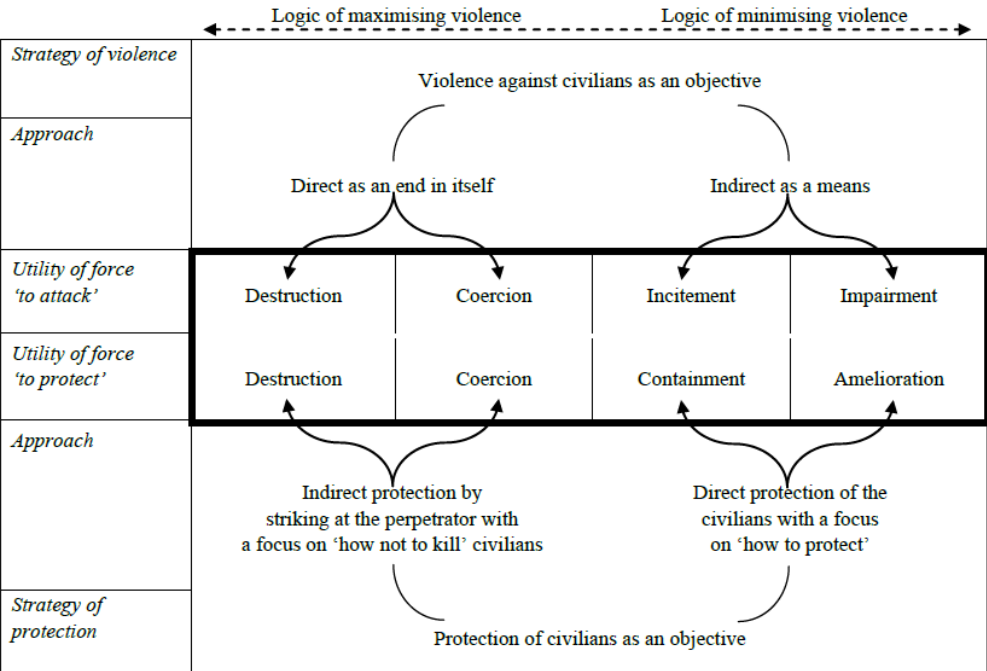


Figure 4 - Theoretical framework of the utility of force to protect (Beadle, 2011)

In 2014 Beadle and Kjeksrud published two reports that explained how a military force like NATO could apply this theory. The first being a paper on military planning scenarios and implications of those scenarios on the use of force. The second being a military planning and assessment guide on how to operationalize and integrate PoC (Beadle 2014; Beadle and Kjeksrud 2014). Beadle developed seven different scenarios: genocide, ethnic cleansing, regime crackdown, post-conflict revenge, communal conflict, predatory violence and insurgencies. Subsequently, he described them based on their rationale, the type of actor, strategies applied, the required capabilities and the outcome when perpetrators succeed. In this way he provides practical guidance on how to assess a threat (Beadle 2014). The military planning and assessment guide specifies which questions should be asked to make a thorough threat assessment during the planning of an operation. In addition, it provides possible military responses based on the threat assessment. For example: in case of a genocide, the military should respond fast and be decisive (Beadle and Kjeksrud 2014).

These reports handed NATO on a silver platter how and what it should undertake to operationalize its new element of PoC policy, protection from harm done by others, into military practice. In a later article, Beadle and Keenan (Beadle and Keenan 2015) made specific recommendations to NATO on how to address the operationalization of PoC. These recommendations were based on the different phases in operations. Suggestions for 'before operations' were made to adopt a formal PoC policy and to prioritize PoC in strategic planning and to integrate it into the military decision-making process. But also to train forces with a PoC mindset and to establish rules of engagement that limit civilian harm. During operations NATO should create civilian harm mitigation teams that assist and advise commanders on civilian protection, in addition NATO should adopt guidelines for compensating relatives of civilian casualties. Lastly, after operations it is important to evaluate the past conflict and implement lessons learned into following operations (Beadle and Keenan 2015).

After (but not necessarily as a result of) the publication of this article, NATO started drafting its PoC policy and half a year ago the implementation process commenced. But compared to the years between 2010-2015 it has been relatively silent on NATO's PoC policy. Therefore, the question arises to what extent the recommendations made by Keenan & Beadle in 2015, as well as those in the earlier reports are being implemented.

Concluding, there is sufficient literature available about the concept of PoC itself, its historical development and the different approaches by international organisations (Kjeksrud et al. 2016; Willmot et al. 2016a). Besides, multiple scholars have contributed to literature on the operationalization of PoC into military operations on the ground (Beadle 2011; Kelly and Giffen 2011). Also specified recommendations have been given to NATO on how to operationalize PoC policy into missions (Beadle and Keenan 2015).

Although limited, there are studies available on the implementation of PoC policy during missions. Paddon (2014) and Schütte (2015) for instance discuss the implementation of the PoC norm in MONUC, the UN peacekeeping mission in Congo. Carvalho and Sending (2013) give a comprehensive overview of other missions such as UNMIS and UNAMID. However, all these studies are case studies at the UN, without a theoretical analysis based on implementation studies. So instead of focussing on implementation of PoC during missions, this study takes one step back by examining PoC implementation at NATO itself. In this way, the subject implementation of PoC policy is applied in a new context, contributing to new

knowledge creation. Theory on policy implementation, discussed in chapter two, will shape the process of finding explanations for NATO's PoC implementation process.

3. Theoretical framework

3.1. Defining policy implementation

Policy implementation is situated in the policy cycle between policy development and adoption and the evaluation phase. During policy implementation, the policy is translated into actions and results in practice. However, it is difficult to separate the different phases strictly from another. Decisions during the policy development phase, can affect the way in which a policy is implemented. Likewise, decisions made in the implementation phase can influence the policy development process of a new policy, because certain lessons were learned. In addition, often the policy development process proceeds while implementing, for instance because the implementation process involves the design of more specified policies (Birkland 2010).

Broadly defined, policy implementation is “what happens between policy expectations and (perceived) policy results”, as Ferman phrased it (DeLeon 1999, 314–15) or “all that is part of the process between initial statement of policy and ultimate impact in the world” (O’Toole 1986, 183). However, more concisely defined by Mazmanian & Sabatier (1983, 20–21):

“Implementation is the carrying out of a basic policy decision, usually incorporated in a statute but which can also take the form of important executive orders or court decisions. Ideally, that decision identifies the problem(s) to be addressed, stipulates the objective(s) to be pursued, and in a variety of ways, ‘structures’ the implementation process. The process normally runs through a number of stages beginning with passage of the basic statute, followed by the policy outputs (decisions) of the implementing agencies, the compliance of target groups with those decisions, the actual impacts – both intended and unintended – of those outputs, the perceived impacts of agency decisions, and finally, important revisions (or attempted revisions) in the basic statute.”

How implementation is defined, very much depends on the underlying approach an author takes. The definition by Mazmanian & Sabatier corresponds with a top-down approach, because it describes implementation as a (linear) process that starts at the top with a statute that should be followed by *compliance* of target groups down the line. From a bottom-up perspective, implementation is not seen as compliance from low-level implementers with decisions made by higher-level implementers, but, following Barrett & Fudge (1981), “as a process of interaction and negotiation, taking place over time, between those seeking to put policy into effect and those upon whom action depends” (Hill and Hupe, 7). It thus grants more importance to those in charge of executing the policy ‘on the ground’.

For the purpose of this this thesis I define implementation as a process put in motion after a policy has been decided upon, existing of all actions aimed at achieving results by bringing policy into practice.

3.2. Bottom-up & Top-down approaches

Beginning in the 1960s the academic field started scrutinizing implementation processes, first mainly in case study research but later on also through large-n studies, seeking to make generalizable statements (Birkland 2010). In the literature three approaches to implementation

studies can be distinguished: top-down theories of implementation, bottom-up theories and synthesizers (Hill and Hupe 2002). These approaches roughly correspond with the three generations that are often described in the development of implementation studies. The first generation of studies is typified by the classic work of (Pressman and Wildavsky 1973), that explained how the lack cooperation of a chain of actors in an implementation process leads to an implementation deficit (Hill and Hupe 2002). The second generation of studies consists of both top-down studies as well bottom-up studies, where the latter one can be seen as a response to the first. In top-down studies scholars (such as (Sabatier and Mazmanian 1979); (van Meter and van Horn 1975) administration is or is not 'correctly' or 'successfully' implemented by officials or organisations lower at the chain (Matland 1995). Whereas in bottom-up studies researchers (Hjern 1982; Lipsky 1980) try to explain variation in implementation or the degree of successful implementation by looking at the interests and means the street level bureaucrat or lowest-level official has (Birkland 2010; DeLeon and deLeon 2002). The third approach corresponds with the third generation of implementation research, namely those researchers who tried to integrate top-down and bottom-up approaches into one model, the so-called synthesizers (Elmore 1980; Ripley and Franklin 1982). I will briefly elaborate on each of these three approaches.

Top-down approach

The context in which top-down approaches have been applied are characterized by a classic division between the political sphere, in which a decision is agreed upon and the administrative sphere, where the policy is implemented. The division between these two spheres also reflects a hierarchy, the political decision-makers authorize the implementers and control the process, those at the top of the hierarchy decide and the agents on the ground are obliged to comply with that (Barrett 2004). According to scholars following this approach, this process should lead to successful implementation. If there is a failure in the implementation, this means that there is a flaw in the chain, an implementation gap or deficit. These flaws could for instance be due to failed communication, or a lack of control over agents (Barrett 2004).

The top-down approach is criticized for several reasons. First, the approach mainly is a rational approach, assuming rational behaviour of all actors in the chain. Therefore it fails to take into account irrational behaviour or politically motivated actions (Schofield 2001). A second problem of top-down approaches is its strong focus on clear policy goals and objectives. By assuming goal clarity, it leaves outside consideration the often ambiguous or multiples goals of a policy, causing possible conflicts, confusion or differentiated implementation further in the chain (Birkland 2010). Third, the top-down approach assumes all power and policy making rights are in the hand of a central government. Often this is not the case, because lower level governments or executing agencies enjoy certain discretion as well to develop policies. Therefore, they could be more protective or hesitant concerning 'orders' from higher-level decision-making bodies (Birkland 2010). The last point of critique, at the same time a bridge to the bottom-up approach, is that top-down approaches fail to take into account street-level bureaucrats, who sometimes implement policy differently, because they adapt to the situation on the ground (Schofield 2001).

Bottom-up approach

Several assumptions are underlying the bottom-up approach. First, goals and objectives are considered to be ambiguous. As a result, they may disturb the achievement of certain other goals in similar as well as different policy areas. Because the bottom-up approach does not presume a policy to exist of a single document or statute, but to be: "a set of laws, rules,

practices, and norms, such as “energy policy” or “criminal procedure,” that shape the ways in which government and interest groups address these problems” (Birkland 2010, 268). As already mentioned above, it is also possible that the goals conflict with the objectives or norms street-level bureaucrats have (Birkland 2010). Second, instead of viewing implementation as a chain, the bottom-up approach considers the environment in which policy is implemented to be of importance. Implementation is seen as a process in which networks of different implementing actors cooperate.

Criticizers of the bottom-up approach argue that the role of street-level bureaucrats is overstated. Although street-level bureaucrats might have some level of discretion, their actions and behaviour are still determined by regulations and policies adopted at a higher level (Birkland 2010). In addition, bottom-up approaches presuppose that street-level bureaucrats want to ignore policies made at the top, whereas they sometimes also agree with those policies. Third, bottom-up approaches ignore the effect of power and influence in implementation processes. Actors and groups involved in an implementation process have different levels of leverage, sometimes superseding the leverage of street-level bureaucrats (Birkland 2010). Lastly, Matland mentions that implementation by street-level bureaucrats is not democratic, since they are not elected for making policy decisions (Matland 1995).

Synthesizers

In an attempt to combine the advantages and disadvantages of each approach, the synthesizers try to integrate both approaches in their models. Unlike the previous two approaches, this is the only element that they share because each scholar addressed it differently. The most relevant synthesizer for this thesis is Matland’s (1995) ambiguity-conflict model. This is the most suitable model to study NATO PoC implementation because it can predict the implementation process and the factors necessary for successful implementation. Since NATO has only recently started to implement the PoC policy, a theory evaluating the implementation process, is not yet relevant. A model that can anticipate on which factors might become important during implementation, has therefore more added value.

3.3. Matland’s ambiguity-conflict model

Instead of merging the two approaches in one model, Matland attempted to synthesize the approaches by developing a model that determines which approach is most appropriate, given certain circumstances. The factors on which such classification is based, are a policy’s characteristics, an aspect in policy implementation that has been given insufficient attention according to Matland (1995). The characteristics used in Matland’s model are conflict and ambiguity, leading to a matrix in which four implementation perspectives are depicted.

Policy Conflict

Policy conflict is the disagreement between involved actors over the goals and means of a policy. Policy conflict exists when certain conditions are met. First, there can only be conflict, when there are multiple organisations or departments involved. Second, these organisations are interdependent and both have an interest at stake in the policy. Third, these interests or views are incongruent. The higher the interests for a party, or the more important or controversial a policy is, the higher the conflict level (Matland 1995). The level of policy conflict affects the implementation process in three different ways. To start, policy implementation processes with a low level of conflict, are more accessible and open than high level processes. Besides, the intensity of an implementation process also rises with the level of conflict. Lastly,

problem solving methods change depending on the conflict level. In low level conflict implementation processes, conflicts can be resolved through dialogue and bargaining, however when the level of conflict is high, problems are more often resolved through the exertion of power and coercion (Matland 1995).

Policy ambiguity

According to Matland (1995) policy ambiguity can arise from two different sources, ambiguity of policy goals and ambiguity of policy means, the activities aimed at achieving a policy goal. Whether policy ambiguity is beneficial for an implementation process depends on the perspective one takes. It can be argued that unclear policy goals lead to confusion and misunderstanding and can cause problems in the implementation process. On the other hand, a high level of policy ambiguity leaves room for different interpretation, which decreases the likelihood that parties disagree on a policy because its goals are so explicit, and increases the likelihood that they implement the policy. Similar arguments can be made for ambiguity of policy means. Unclear could lead to chaos on which strategies to pursue, however, it could also give the opportunity to test and experiment with different strategies and to compare them to find the best one. Policy ambiguity influences the implementation process in various forms. Namely: "It influences the ability of superiors to monitor activities, the likelihood that the policy is uniformly understood across the many implementation sites, the probability that local contextual factors play a significant role, and the degree to which relevant actors vary sharply across implementation sites" (Matland 1995, 195).

| | | | |
|------------------|-------------|-------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|
| | | CONFLICT | |
| | | Low | High |
| AMBIGUITY | Low | <i>Administrative Implementation</i> Resources Example: Smallpox eradication | <i>Political Implementation</i> Power Example: Busing |
| | High | <i>Experimental Implementation</i> Contextual Conditions Example: Headstart | <i>Symbolic Implementation</i> Coalition Strength Example: Community action agencies |

Figure 5 - Ambiguity-conflict model (Matland, 1995. p.160)

Based on the level of these two factors Matland (1995) distinguishes four types of implementation processes. *Administrative implementation* is characterized by low conflict and low ambiguity, implementation success is mostly determined by the availability of sufficient resources and a top-down approach can best describe most administrative implementation processes. In *Political implementation* processes with a high conflict level but a low ambiguity level, implementation outcomes are mainly decided by power (e.g. influential actors or

coalitions). In *Experimental implementation* processes, there is a low level of political conflict about the goals of a policy but high ambiguity about the means. In these types of implementation processes contextual factors determine implementation outcomes and success. *Symbolic implementation* processes are both characterized by high conflict and high ambiguity, meaning that there is no congruence about the policy goals and means between the involved actors. Often the strength of coalitions decides the outcome of such implementation processes (Matland 1995). In the tables below I have summarized the features of each type of implementation process based on Matland's (1995, 160–70) descriptions.

| | |
|-------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | Administrative implementation <i>Low conflict & low ambiguity</i> |
| Factor with greatest influence on outcome | Implementation outcomes are determined by resources |
| Description of implementation process | Implementation process like a machine. There is a strong hierarchy in the implementation process and at each level of the process actors know what is expected of them. Therefore, they develop procedures, which makes the process relatively isolated and difficult to influence. However, at the micro level, this leads to homogenous practices, independent of the setting. Compliance is assured through dialogue about norms. |
| Expected pitfalls | "Problems occur because of misunderstanding, poor coordination, insufficient resources, insufficient time to use the correct technology, or lack of an effective monitoring strategy to control and sanction deviant behaviour" (Matland 1995, 161) |
| Top-down or bottom-up approach? | Traditional top-down approach |

Table 1 - Administrative implementation (Matland 1995)

| | |
|-------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | Political implementation <i>High conflict & low ambiguity</i> |
| Factor with greatest influence on outcome | Implementation outcomes are determined by power of certain actors or coalitions over others. |
| Description of implementation process | The process is characterized by conflict over the proposed policy's goals and means. Actors on whom implementation depends do not automatically comply. The success of implementation thus depends on whether other actors have enough power or can create enough incentives and leverage to convince or coerce other actors to cooperate. |
| Expected pitfalls | Actors who must implement the policy on the ground, often have their own power base and cannot be directly influenced by higher level implementers. |
| Top-down or bottom-up approach? | Newer top-down approach, with a focus on political factors |

Table 2 - Political implementation (Matland 1995)

| | |
|-------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | Experimental implementation <i>Low conflict & high ambiguity</i> |
| Factor with greatest influence on outcome | Contextual conditions, such as the actors most involved, or sufficient resources determine the outcome. |
| Description of implementation process | In an experimental implementation process the outcome is difficult to predict because there are different channels of actors with their own resources, challenges and solutions. For this reason and because of ambiguity, there is considerable variation in implementation at the micro level. Actors perceive the policy differently, they feel different pressure to implement and they all have a different infrastructure for implementation. Due to the low level of conflict and controversy surrounding the policy, the implementation process is very accessible for outside parties. In addition: "This process is more open to environmental influences than are other forms of implementation. Program mutations arise as different organisations implement different policies in different environments" (Matland 1995, 166). |
| Expected pitfalls | There is not much accountability in experimental implementation. Also the actors at the micro level might pursue their own self-interest in the matter. But demanding uniformity and compliance will be counterproductive. Instead of emphasizing uniform implementation, the process should be used to learn from differentiated implementation. Feedback and evaluation are crucial here. |
| Top-down or bottom-up approach? | Bottom-up approach |

Table 3 - Experimental implementation (Matland 1995)

| | |
|-------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | Symbolic implementation <i>High conflict & high ambiguity</i> |
| Factor with greatest influence on outcome | Local level coalition strength determines the outcome. |
| Description of implementation process | As a result of the ambiguity, differing interpretations of the policy arise at the micro level. Due to the controversy over the policy, and different professional background of the actors try to push their interpretation by forming coalitions. This may lead to differing results between the various implementation sites. Conflicts are resolved mostly through trough bargaining and coercion. |
| Expected pitfalls | It is important to recognize competing actors at the local level, and not at the macro level, as in political implementation. |
| Top-down or bottom-up approach? | Neither Bottom-up nor top-down approach |

Table 4 - Symbolic implementation (Matland 1995)

The ambiguity-conflict model is a tool to determine or even predict how an implementation process will develop and which factors are most likely to contribute to successful implementation, but also which challenges are to expected and what could be possible solutions. It thus helps to both build 'stronger' implementation processes, but also to analyse implementation processes more specifically.

Given the phase of the current implementation process of PoC policy at NATO, it is too early to investigate whether NATO has implemented its PoC policy successfully. However, it is possible to make assertions on how the implementation process could unfold and which factors might have an influence on the outcome. Predictions of these kind can be made by looking at a policy's characteristics. The sub-strand of research within the field of implementation studies that deals with these questions focuses on 'policy typologies'.

The first and most influential scholar who developed policy typologies was Lowi. He created a system of three types of policy: distributive, regulatory and redistributive policies (Birkland 2010). However, for the purpose of this study, these typologies are not very suitable because PoC policy cannot be logically categorized into one of these typologies. The typologies applied in implementation research are often very much focussed on public policies at the national level, whereas PoC policy is not aimed at the public within a nation, but to protect a specified public, namely civilians in armed conflict, within an international setting. The strength of Matland's ambiguity-conflict model, is that the model is based on characteristics that are naturally part of *every* policy. Therefore, it can also be applied to PoC policy. Whereas Matland's model has received positive comments and is considered to be a strong model (Hill and Hupe 2002; Schofield 2001; Smith and Larimer 2017) it has only been applied in a few cases, which makes it worthwhile to integrate this model in this thesis.

There is a big variance in the themes of the cases that applied Matland's (1995) model. Some concern health care policies (McCreadie et al. 2008; Veronesi and Keasey 2015; Yarbrough 2017), others land policy (Mortimer and McLeod 2006), local accounting policies (Arnaboldi and Lapsley 2009), workforce policies (Cohen, Timmons, and Fesko 2005) and a policy for reorganisation of a school district (Howard, Wrobel, and Nitta 2010). However, what they all have in common, is that the policy implementation takes place at a local or national level. This study tests whether Matland's model also applies to implementation processes at an international level. Yet, it is not so surprising that this model has not been applied on an international level on international organisations. In general, the focus in policy implementation studies has been mainly on the national/federal level and the local level, with exception of the EU. Given the timing of the research, few prior studies applying Matland's ambiguity-conflict model and the so far national focus of these studies, I expect that selecting this model can generate new and insightful results.

3.4. Hypotheses

Based on the theory and the available literature on PoC and policy implementation at NATO, several hypotheses can be made to test my research question. The first concerns the level of policy conflict. There is a high level of policy conflict when the involved actors disagree about the aims and the means of a policy, and there is a low conflict level when all parties adopt and adhere to the aims and means of a policy. Although NATO missions and operations have never received a formal PoC mandate, UN missions did. Up until now the UN Security Council has (unanimously) mandated thirteen missions with an official PoC mandate. At NATO, the PoC policy has been endorsed by the member states at the Warsaw Summit, and the action plan has been adopted in the OPC. My first hypothesis would therefore be that:

H1: PoC policy at NATO is characterized by a low level of policy conflict

Since the PoC policy will be both implemented within the NATO military structure itself, as well as by member states, one could narrow this hypothesis further down to these two 'implementation paths'. Nevertheless, I still expect the level of policy conflict to be low, not only amongst member states, but also within NATO itself. As already mentioned above, parts of the PoC policy were already common practice, but never have been formalized. Another part of the policy is a result of lessons learned during previous missions such as ISAF. Therefore, I do not expect a different level of policy conflict between member states and NATO itself.

The second hypothesis involves the ambiguity of the policy. The level of ambiguity is high when there is unclarity as to the goals and means of a policy. The level of ambiguity is low when the policy objectives and activities are clear to each party. In my discussion of the concept, I stated that there are different understandings of PoC, depending on the type of protection actor. Wynn-Pope (2014b) found that there are considerable difference between what actors (military vs. humanitarians vs. civilians such as government representatives) understand of how PoC should be translated into operations. This leads to my second hypothesis:

H2: PoC policy at NATO is characterized by a high level of ambiguity

Again, this could also be divided into the level of ambiguity perceived by member states, as well as by NATO departments, commands and military headquarters. But similar to policy conflict, I do not expect there to be a difference between these two. In former NATO operations there have been PoC elements integrated into procedures. Still I would argue that the experiences gained by different troops vary considerably. Based on these experiences and on the different expertise some headquarters have, I think the understanding of PoC diverges.

The third hypothesis is related to the implementation process. Matland (1995) described four types of implementation processes: administrative implementation, political implementation, experimental implementation and symbolic implementation. These types can be identified by the level of accessibility, or by differences at the micro level, compliance mechanisms and the smoothness of the process. Since experts were involved in the drafting of the policy (Alexander Beadle, FFI & Marla Keenan, CIVIC), I would argue this is the first sign that NATO is relatively open to input from outside parties. Considering the differences at the micro level, Rotmann (2010), in his study on the implementation of the comprehensive approach at NATO, found that there is national-level fragmentation of the implementation. No prior data is available for NATO's compliance mechanisms, but since NATO is an intergovernmental organisation, it is less likely, or almost impossible, that NATO will coerce its member state to comply. More likely will be dialogue based on normative compliance. However, within the NATO military structure this might be different. The military is known for its hierarchical order, this could possibly affect the implementation process within NATO. Lastly, NATO has drafted a policy, endorsed it and adopted an action plan all within two years. So far, it thus appears to be a smooth and swift process. Recognizing these factors, my third hypothesis is:

H3: The policy implementation process of PoC policy at NATO is best characterized by experimental implementation

Although I expect there to be bigger differences between policy implementation at NATO itself and in the member states, I still argue that both paths are most similar to experimental

implementation. These differences could be regarding the compliance mechanisms and the smoothness of the process.

The fourth hypothesis concerns the factors that have the biggest influence on the the implementation outcome. Following Matland (1995), contextual factors such as the intensity in which actors are involved, as well as the availability of sufficient resources are crucial for experimental implementation. Acknowledging the recommendations made by Wynn-Pope (2014b), I also believe that creating a common understanding of PoC in the context of NATO is critical for the success of the implementation. Therefore, my fourth hypothesis is:

H4: The role of actors most involved, the availability of resources and creating a common understanding of NATO's PoC policy are essential factors for the outcome of the implementation.

Since the PoC policy will be implemented at different levels and in different settings, I anticipate that there might be a difference emphasis in the importance of these factors, or that some factors appear to be more important. However, due to the variety of implementation settings, that is difficult to foresee.

3.5. Operationalization

Based on Matland's theory I created several indicators for the four variables and factors I am interested in. These are depicted in the table below:

| Variable/Factor | Indicator | What does the indicator measure? |
|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Conflict | <ul style="list-style-type: none"> - Controversy of the policy - Attitude towards the policy | <ul style="list-style-type: none"> - The extent to which the policy is considered to be controversial - Whether actors have a positive or negative stance towards the policy. |
| Ambiguity | <ul style="list-style-type: none"> - Clarity of the policy - Understanding of PoC - Interpretation of the policy | <ul style="list-style-type: none"> - Whether actors perceive the policy to be unambiguous in its language, goals and means - How actors would define PoC and what they think PoC is - Actors' perceived aim and content of NATO's PoC policy |
| Implementation process | <ul style="list-style-type: none"> - Accessibility of the process | <ul style="list-style-type: none"> - Involvement of outside parties in the implementation process |

| Variable/Factor | Indicator | What does the indicator measure? |
|--------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <ul style="list-style-type: none"> - (Expected) Differences in implementation at micro level - Compliance mechanisms - Smoothness of the process | <ul style="list-style-type: none"> - Differences between member states and between military HQs in implementation - NATO's and member states efforts to ensure implementation of the policy - The progress of the implementation and actors' impression of the smoothness of the progress |
| Factors influencing implementation outcome | <ul style="list-style-type: none"> - Interpretation of successful implementation - Measurement of successful implementation - Challenges for the implementation process - Conditions for successful implementation | <ul style="list-style-type: none"> - How actors would define the ideal implementation outcome - How actors would measure implementation results and outcomes - Challenges that could affect implementation outcome - Factors that are required to achieve the ideal implementation outcome |

Table 5 - Operationalization, variables and indicators

4. Methodology

In his chapter I elaborate on the methods to conduct my research and to analyse my data. I will discuss the considerations made in choosing the methods as well as the strengths and weaknesses of these methods.

4.1. Case selection

In the field of International Relations, as well as in Public Administration research, implementation of policies by international organisations is an area without much research or theory development (Joachim and Verbeek 2004). This is unfortunate because of the role international organisations play nowadays in policy making and implementation in various issue fields (such as the WTO for trade, FAO for food, WHO for health etc.) Policy-making powers in certain areas are increasingly transferred to the international level (Joachim, Reinalda, and Verbeek 2014). However, there is not much insight into how international organisations make and implement policies and how they ensure compliance from member states. So far, most research has been conducted on the EU. For instance Hill & Hupe (2003) provided a theory on the multi-layer problem in multilevel governance, Knill & Lenschow (2003) on different modes of regulation and Mastenbroek (2005) on EU compliance. In their work on *Implementation and International Organisations* Verbeek et. Al. (2014) collected studies on the several other IOs. Nonetheless, NATO has not yet been a subject of thorough implementation research so far. The NATO Defence College investigated implementation and operationalization of the comprehensive approach (Rotmann 2010; Schnaubelt 2009). Especially the article by Rotmann (2010) is relevant for this thesis, since it provides possible obstacles that could hinder effective implementation, but still the research is very practically oriented and lacks theoretical support. This thus leaves a gap for implementation research on NATO. Furthermore, NATO constitutes a rather unique case compared to the wider population of international organisations. NATO is an international defence and military alliance with both a supranational as well as an intergovernmental component. As soon as Article 5 of the Washington Treaty, the principle of collective defence, is invoked, NATO takes over and member states must cooperate. In addition, NATO has its own Command and Force structure with military headquarters employing persons from all NATO member states. On the other hand, the North-Atlantic Council (NAC) is the primary political decision-making body, in which the member states are seated. Here major decisions about (new) policies, missions and operations are made. Outside NATO or NATO led-operations, the member states are thus in charge. All these characteristics make NATO into an interesting case to explore how policy implementation is taking place at such an international organisation, contributing to the wider strand of research on implementation at international organisations.

4.2. Data collection: interviews & policy documents

The data collected for this research is based on interviews and (insight into un- and declassified) policy documents. I conducted fourteen semi-structured interviews with sixteen individuals. I followed a topic list of which some topics were raised during almost each interview, whereas others were raised depending on the function of the interviewee and his/her relationship to NATO. This as to gain more in-depth information on specific issues of interest (Gill et al. 2008). The topics included amongst other: the clarity of the policy, the controversy of the policy, the policy process and involved actors, challenges to the implementation process

and successful implementation. The interviews were conducted in a time-period of three weeks, between the 11th and 30th of May 2017. Each interview lasted between 30 and 60 minutes and was either recorded upon permission, or notes were taken. Due to security instructions at NATO HQ it was for instance impossible to take recording devices inside. Interviews were either conducted via telephone or in person. To prepare the data for data analysis, the recordings and notes were processed into transcripts.

In the research period, I was an intern at the Dutch peace organisation PAX. The research was conducted under supervision of the project leader on Defence and Security Policy in the Protection of Civilians team. Due to his broad network in the field, he could facilitate in the contact between me and the interviewees. Also, some of the interviews were conducted together. In addition, I used a snowballing technique to identify relevant people to interview, by asking the people I already interviewed for recommendations on other relevant actors. The interviewees are listed in the table below, with a description of their job title and the organisation they work for.

| Number of Respondent¹ | Job title | Organisation |
|-----------------------------------------|--------------------------------------------------------------------|---------------------------------------------------------------------------|
| 1 | Senior Director Program | Center for Civilians in Conflict (CIVIC) |
| 2 | Director peacekeeping program | Center for Civilians in Conflict (CIVIC) |
| 3 | Senior policy advisor | Dutch Ministry of Foreign Affairs |
| 4 | Scripter | First German-Netherlands Corps (1GNC) |
| 5 | Former Commander (Lieutenant-General) | First German-Netherlands Corps (1GNC) |
| 6 | Civil-Military coordinator (J9) (Colonel) | First German-Netherlands Corps (1GNC) |
| 7 | Scripter | First German-Netherlands Corps (1GNC) |
| 8 | Civil Strategic Advisor | First German-Netherlands Corps (1GNC) & Dutch Ministry of Foreign Affairs |
| 9 | Civil-military interaction officer (J9) – (Lieutenant-Colonel) | Multinational Joint Headquarter Ulm (MNJHQ Ulm) |
| 10 | Policy advisor | NATO HQ International Staff |
| 11 | Civilian Liaison Officer to the UN | NATO International Staff |
| 12 | Project lead Protection of Civilians | NATO Supreme Allied Command Transformation (HQ SACT) |
| 13 | Program coordinator Protection of Civilians – (Lieutenant-Colonel) | NATO Supreme Allied Command Transformation (HQ SACT) |
| 14 | Governance advisor and PoC point of Contact at (J9) | NATO Supreme Headquarters Allied Powers Europe (SHAPE) |
| 15 | Research fellow | Norwegian Defence Research Establishment (FFI) |
| 16 | Research fellow and military advisor (Colonel) | Norwegian Defence Research Establishment (FFI) |

¹ The interviews are anonymised. This number does not correspond with the numbers in the references list.

Table 6 - Description of the respondents

The organisations are all at different levels involved in the implementation process. The staff at the different NATO Commands and at NATO HQ is currently coordinating and executing the PoC policy. 1GNC and MNJHQ Ulm are a corps and a headquarter (partly) within NATO's force structure. They will implement the policy 'on the ground' during missions and operations. The Dutch Ministry of Foreign Affairs, is together with the Dutch Ministry of Defence responsible for the implementation of the policy in the Netherlands and the Dutch armed forces. CIVIC and FFI are an NGO and research establishment that were and still are involved in the policy development and implementation of the policy as experts invited by NATO.

I also used the PoC policy, a draft of the action plan and a draft of the PoC Concept for my analysis. The first document is publicly available. The action plan is already adopted, but is still unclassified which means that it has not yet been released to the public. The PoC Concept is only planned to be finalized at the end of the year. The version I have seen is a draft copy. Viewing of the two documents combined with detailed descriptions of the content by interviewees provided sufficient insight in the structure and content of these documents for use in this research.

4.3. Analytical method: qualitative content analysis

The research I conducted was a qualitative single-case study that aimed to understand the implementation process of PoC policy at NATO by applying Matland's ambiguity-conflict model. It served to generate new insight into the mechanisms of policy implementation processes and to test whether Matland's ambiguity-conflict would also be applicable to implementation processes in international organisations.

I used qualitative content analysis to analyse my data: "a method for systematically describing the meaning of qualitative material" by creating codes and references in texts (Schreier 2012, 1). The codes serve to classify and categorize phrases, which facilitates the discovery of patterns in the data (Saldaña 2011). Coding categories and themes can be determined before the coding process, but they can also be based on and deduced from the data (Saldaña 2011). I used a combination of both techniques. I based my codes on the indicators established in the operationalization but when these could not cover the content of a phrase, I created a new code. The first step in the coding process was to make notes alongside the transcripts with first comments. These were later formed into a definitive coding system (Burnard 1991). The coding itself has been conducted by two persons, to ensure the reliability of the coding. The qualitative data processing program Nvivo 11 was used to code and analyse the data. Besides coding the text, I also coded the interviewee as cases. This allowed me to put the statements of the interviewees into perspective. The interviewees were classified based on the following categories:

| | |
|-------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Relation to NATO | <ul style="list-style-type: none"> ○ Insider: a person who currently works at NATO on the implementation of the PoC policy ○ Implementer: a person who is or will be involved in the national implementation |
|-------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

| | |
|--------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <ul style="list-style-type: none"> ○ process, or the implementation on the ground at military headquarters ○ Outsider: someone who is an expert on PoC policy and for that matter involved in the implementation process, but who will not implement the policy |
| Knowledge about action plan (as a basis for the knowledge a person has on the exact implementation process) | <ul style="list-style-type: none"> ○ Knows AP: a person who has seen the action plan ○ Does not know AP: a person who has not seen the action plan |
| Occupation | <ul style="list-style-type: none"> ○ Job title |
| Organisation | <ul style="list-style-type: none"> ○ Name of the organisation and department a person works for |
| Nationality | <ul style="list-style-type: none"> ○ Dutch ○ Non-Dutch |
| Gender | <ul style="list-style-type: none"> ○ Male ○ Female |

Table 7 - Categorization of the respondents

The persons interviewed are from six different organisations. Five interviewees were Dutch and eleven non-Dutch. Ten persons were male and six persons were female. Figure 6 gives an impression of the division into the three different groups of relation to NATO. It shows that these groups are almost equally sized. In addition, all the insiders have seen the action plan, whereas only half of the implementers and two out of five outsiders have already seen the action plan.

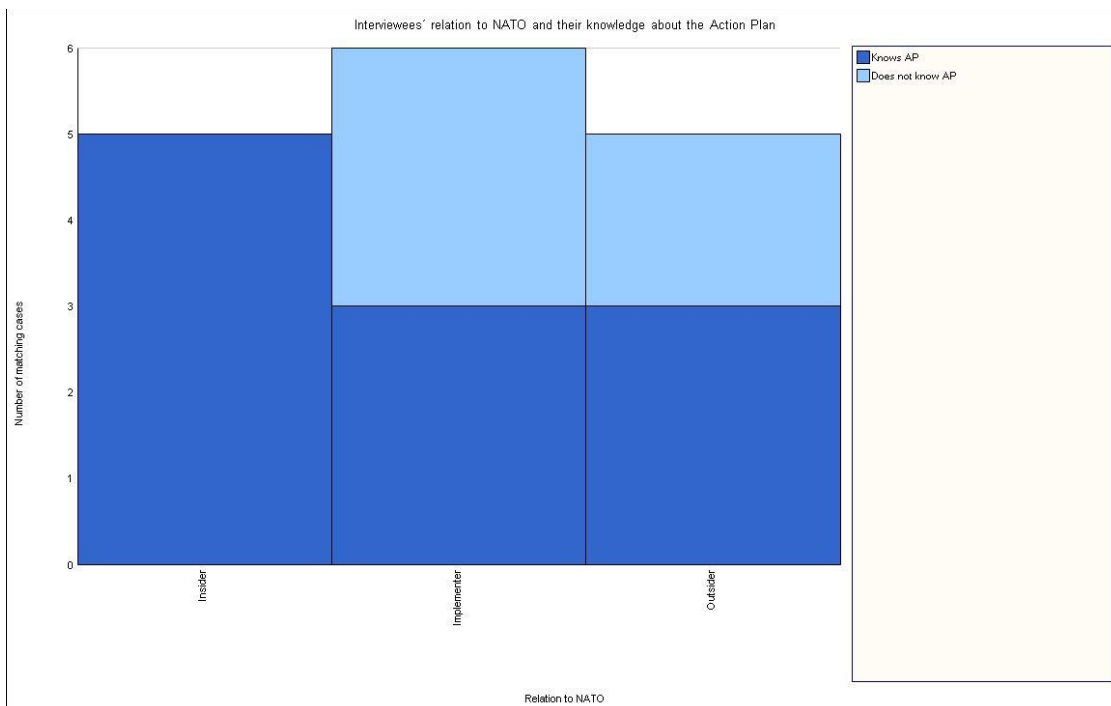


Figure 6 - Relation to NATO and knowledge about the Action Plan of the interviewees

Matters of reliability and validity of the research are especially relevant with regard to the quantitative content analysis and the coding. To establish greater reliability, all the transcripts were coded by two persons. Subsequently, the coding was compared and adjusted, but no big inconsistencies in coding were discovered. To ensure validity, meaning that all the variables measured really capture the concept, I used multiple indicators for all the variables. Besides, qualitative content analysis provides the possibility to both analyse what persons explicitly say, but it also allows for analysis of implicit meanings, considerations and knowledge. Furthermore, the interviews were supported by analysis of three important documents, which is a means to triangulate the data collection.

Peters et al. (2014) have described methods for implementation research based on the aim of the study. The aims of this study are both to explore and describe the implementation process of PoC policy at NATO, as well as to explain and predict the likelihood of its success. For these research aims, Peters et al. (2014) describe it is possible to conduct qualitative research, such as case studies and in-depth interviews as well as quantitative research with surveys or network analysis. Although quantitative research could perhaps better reveal causal relationships and produce generalizable findings, I decided to apply qualitative research for several reasons. First, qualitative research is best suited to uncover the complexities of policy implementation processes (McCreadie et al. 2008), because it tries to understand the mechanisms underlying certain phenomena. Second, no previous research has been conducted on policy implementation at NATO. Interviews offer the possibility to acquire some first insight into the processes. Gill et al. (2008, 292) stated:

“Interviews are [...] most appropriate where little is already known about the study phenomenon or where detailed insights are required from individual participants. They are also particularly appropriate for exploring sensitive topics, where participants may not want to talk about such issues in a group environment”

Third, given that I had little prior knowledge in the field of PoC policy implementation at NATO, it was impossible to identify in a short period of time sufficient respondents for a quantitative study. This is also one of the weaknesses of a qualitative approach, I only interviewed a limited number of persons. In addition, with qualitative content analysis, the conclusions drawn are very dependent on the interpretation of the researcher. By coding the content of the interviews, the original meaning of a phrase can get lost or misinterpreted. Therefore, in this study the interviews were coded by two researchers independently.

4.4. Research process: encountered difficulties

In my research design, I envisaged the following difficulties for the research process:

| Expected difficulties | Efforts to control difficulties |
|------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|
| Will I be able to identify and interview all the relevant people for answering my research question? | I can ask interviewees whether they can recommend other people that could be relevant for my research |
| Interviewees who cannot share information because it is politically sensitive or classified | So far, it seems as PoC policy is not very politically sensitive. In case it is, this is also relevant information for my research. |

| | |
|---------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Will I be able to access all relevant (policy) documents? For instance, the NATO action plan is still unclassified. | I will ask interviewees whether they can provide me with relevant documents. If this is not possible I can ask them to describe the information in the document if it is not classified. The NATO action plan will (hopefully) be published this month. |
|---------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Table 8 - Expected difficulties

My first concern was whether I would be able to identify and interview all relevant people for answering my research question. I think I was able to acquire a good overview of the relevant actors in the implementation process. Thirty people were sent an interview request and with sixteen people the interview was actually conducted. The responses I received on the interview request were very positive and all actors I interviewed were very forthcoming. Also insiders at NATO were very accessible, which I did not expect beforehand. Some people who declined the request referred us to others that were in their opinion better able to provide useful information. Other prospective candidates did not have the time or did not reply to the request. Also, some relevant actors were only identified at the end of the interview period, which made it impossible to arrange an interview because of time constraints. I think I was able to create a good 'sample' of organisations and individuals involved in the process. They represent relatively accurately the population of people currently involved in the process. However, the sample would have been more accurate if I could have interviewed someone at the CIMIC Centre of Excellence, someone at the Dutch Defence Ministry, the Dutch Representation to NATO and the former Special Representative at NATO involved in the drafting of the action plan. Nevertheless, I think I managed considerably well to identify relevant people, however it was impossible to interview them all.

My second concern was whether the interviewees could answer all my questions, because some information might be politically sensitive or classified. This problem I only encountered once and concerned the negotiations between member states on the AP. Although it would be clarifying to have had the information, it was not a crucial part of the research.

The third concern was the access to relevant policy documents. The Action Plan is still not released, but via an actor involved in the implementation I got access to the information in it. In addition to the Action Plan, I also got insight into the PoC military concept which is currently being drafted. This really helped acquiring a better understanding of NATO's PoC policy and the implementation. Further documentation I was not able to access. Since the implementation is still ongoing, I also saw myself not in the position to request such information. Besides, the interviews could fill this gap.

5. Results

In this chapter I present the results of the interviews and I test my hypotheses. In the first section I outline the implementation process at NATO and the role of the involved actors. This is to provide a context for the results presented in the subsequent sections. Based on the indicators the level of policy conflict, ambiguity and the type of a characterization of the implementation process are presented. In addition, results on the factors influence implementation outcomes are offered.

5.1. NATO's implementation of PoC Policy

Policy development

The start of NATO's development of PoC policy can be placed around 2014 when NATO ACT commenced to reach out to PoC experts and NGOs (interview with R3, 12 May 2017). ACT, Allied Command Transformation is one of the two strategic commands in NATO and is tasked with the development of new concepts to transform NATO's forces and military structure by promoting interoperability and providing training and education (NATO ACT 2017). In the spring of 2014 NATO ACT organised a Concept Development & Experimentation (CD&E) working group with PoC on the agenda. CD&E conferences and working groups are a forum for the creation of new ideas and solutions for current challenges and gaps (NATO ACT 2014). A year later at NATO HQ in Brussels a PoC Office was installed. One of the tasks of this office

was to develop and draft a PoC policy, under the political supervision of the OPC, the Operations Policy Committee at NATO. Late 2015, early 2016 they started drafting the policy and experts from other IOs (such as UN DPKO) and from think tanks were invited to OPC meeting to brief the Committee on the issue (interview with R5, 18 May 2017). These briefings served as a purpose for the experts to deliver input on policy and for the OPC to get a good understanding of what PoC entails. The input delivered by experts provided a perspective that was new to the OPC, and which had, retrospectively, considerable influence on the final policy (interview with R3, 12 May 2017). Besides input from experts, the new policy was also based on lessons learned during ISAF, KFOR and previous missions (interview with R5, 18 May 2017; interview with R8, 23 May 2017). After all these consultations, the final policy was endorsed during the Warsaw Summit on 8-9 July 2016, which is, for the purpose of this study, considered as the marking point between policy development and policy implementation.

Action Plan

The first activity in the implementation process, was to formulate the action plan. The action plan was drafted by ACT, together with NATO's second command Allied Command Operations (ACO), adopted by the OPC and serves as the guiding document for the implementation process. At the time of writing, the action plan is an unclassified document, which means that it is neither classified, nor open for the public (at least not yet.) The action plan lists thirteen outcomes, together with activities to reach that outcome, the NATO department in lead of the activity and a time schedule. The outcomes are categorized and involve actions such as the development of a PoC military concept, application in NATO-led Operations and Missions by reviewing planning procedures, educational and training activities and exercises. But also actions related to cooperation with other IOs/NGOs and to public diplomacy and strategic communication are included (interview with R5, 18 May 2017). Most of the tasks are divided over ACT, ACO and multiple departments at the International Staff (IS) and are to be finished in 2017 or 2018. The action plan will be annually reviewed by the OPC, which has political oversight over the implementation process, with the first review in March 2018. The group at ACO and ACT tasked with the implementation of the action plan works simultaneously on all the listed activities, otherwise implementation would take too long, so far this has been without any problems (interview with R11, 26 May 2017). Opinions on the action plan, mainly from outsiders, varied greatly. Some called they actions plan very ambitious, while others thought it was very concise (interview with R12, 26 May 2017; interview with R3, 12 May 2017).

PoC Concept

Mentioned by the insiders on the implementation at NATO as the most essential part of the action plan is the PoC military concept developed by ACT and ACO, which is the first action on the action plan and due at the end of this year (interview with R11, 26 May 2017; interview with R5, 18 May 2017; interview with R8, 23 May 2017). Similar to the drafting process of the PoC policy, the PoC military concept involves thematic workshops to which experts, other IOs and NGOs are invited for their input. Also member states are regularly updated, since they must approve it at the end of this year (interview with R7, 23 May 2017). The aim of the PoC concept is to operationalize the PoC policy for a NATO context. It provides NATO's view on what PoC entails and serves as guidance for the integration of PoC into different components, such as planning & operation. Interviews and insight into a first draft of the Concept tell that a framework is being built in which NATO identified three PoC areas (interview with R3, 12 May 2017; interview with R6, 23 May 2017). The first is 'Mitigating Harm', which includes the protection of civilians from physical violence from perpetrators, as well as from own actions. The second area is 'Contribute to a Safe and Secure Environment'. This area concentrates on

local government with elements such as Security Sector Reform (SSR), Disarmament, Demobilization and Reintegration (DDR). The third area is 'Facilitate Access to Basic Needs', which involves support to humanitarian actors in their provision of aid. NATO's role in these three areas differs. Mitigating harm is closer to NATO's original tasks as a military than to contribute to a safe and secure environment, or to facilitate access to basic needs. Therefore, in the first area NATO assumes a more leading role, whereas in the other two areas NATO assumes a more supporting role. In addition, which of these three areas requires most attention during specific missions, depends entirely on the conflict situation. During a conflict, the focus will be most on harm mitigation, while in post-conflict situations an emphasis on creating a safe and secure environment will be more important (interview with R11, 26 May 2017).

Training & Exercises

Another outcome of the action plan is to adapt training and exercises to integrate PoC. For the insiders at NATO this is one of the action points they are working on (interview with R5, 18 May 2017; interview with R8, 23 May 2017). However, for the implementers of PoC policy at the operational level, this is an aspect that returned in many answers on the implementation process (interview with R10, 26 May 2017; interview with R4, 16 May 2017; interview with R6, 23 May 2017; interview with R9, 24 May 2017). The PoC policy has not yet been translated into training and exercises, but the expectation is that that will happen soon (interview with R16, 31 May 2017). Besides, implementers underlined that they already trained on aspects of civilian protection (interview with R2, 11 May 2017; interview with R4, 16 May 2017). Also related 'soft topics' such as Gender and Children in Armed Conflict frequently return in training and exercises. On request of a military headquarter and guided by specified learning goals, scripters write these elements into scenarios. During exercises these scenarios are practiced. These exercises also serve for certification purposes. NATO forces have to meet certain criteria, and during exercises forces are certified on these criteria. A policy document such as PoC, leads to new requirements for NATO forces (interview with R15, 31 May 2017; interview with R4, 16 May 2017). Both the Joint Force Training and the Joint Warfare Centre (ACT) perform important tasks in the training of forces, but also the CIMIC Centre of Excellence and the NATO School educate and train military officers and develop new courses (interview with R6, 23 May 2017; interview with R8, 23 May 2017).

Operational planning

Multiple respondents emphasized the importance of creating standard operating procedures as a means to mainstream PoC at the military headquarters (interview with R1, 9 May 2017; interview with R2, 11 May 2017; interview with R6, 23 May 2017). Some have already been created by ACO, but a review of the Comprehensive Operational Planning Directive, which outlines procedures to that must be followed in the preparation, assessment and implementation of military operations, is one of the activities on the action plan (interview with R5, 18 May 2017). One insider stressed that this must be processed quickly, since this will be the guidance for commanders on the grounds, the basis on which they make their decisions (interview with R1, 9 May 2017). This corresponds with the recommendations made by Beadle, Kjeksrud & Keenan, that NATO must revise rules of engagement, planning directives and procedures for threat assessment, in order for PoC to have real impact (Beadle and Keenan 2015; Beadle and Kjeksrud 2014).

Involved actors

The actors currently most involved in the implementation process are units at NATO's International Staff, International Military Staff and both strategic commands, ACO and ACT. At

ACT, there is a project team within HQ SACT responsible for PoC (interview with R6, 23 May 2017). At ACO the SHAPE J9 division is responsible for PoC implementation and until recently, at IS there is a PoC office that coordinates the implementation of the policy within the Operational Division (interview with R5, 18 May 2017). ACT is primarily responsible for the development of the concept and integration of PoC into education, training and exercises. The task of ACO is to implement PoC into planning and decision-making processes and the conduct of operations. The PoC Office coordinates the entire implementation process and ensures that PoC is integrated into NATO's partnership programmes. The ACT, ACO and IS units have regular contact through the PoC Working Group, set up to exchange progress and feedback on the implementation process (interview with R11, 26 May 2017; interview with R5, 18 May 2017).

In the near future, the organisational structure will somewhat change because the PoC Office at NATO HQ will be dissolved. The Office will become part of a bigger unit working on protection issues as Children and Armed Conflict and Women, Peace and Security. Instead of hired by NATO, the positions, except one, will be filled with staff from national voluntary contributions. This means that member states must second staff for these positions. It is unclear whether member states will do that, and who they will send. This makes it difficult to control the quality and background of the voluntary staff (interview with R5, 18 May 2017). Both insiders at NATO as well as outsiders stressed the importance of the work of the PoC Office (interview with R1, 9 May 2017; interview with R12, 26 May 2017; interview with R3, 12 May 2017). From the start of the policy development process this office was the driving force behind the project. Coordinating, 'translating' and steering the policy development and implementation process. Multiple respondents consider the dissolution of the PoC Office to be a wrong signal given the current phase of the implementation process (interview with R12, 26 May 2017; interview with R13, 26 May 2017; interview with R3, 12 May 2017).

The member states are involved in the process through the OPC. They review the progress on the implementation of the action plan and they approve the PoC Concept. Informally, the member states are also informed on the development of the Concept (interview with R11, 26 May 2017). By including the member states at an early stage, member states will be better prepared and more informed, with the aim to smoothen the decision-making process. Since there are 28 member states, it was impossible to map the progress of the individual countries on the implementation of PoC policy in their own national forces. My impression is that countries are waiting for NATO's PoC Concept to be finalized, before they start implementing the policy within their national forces. However, several respondents argued that the speed at which the member states intent to implement PoC or whether they will prioritize it, will differ per country (interview with R14, 29 May 2017; interview with R3, 12 May 2017; interview with R4, 16 May 2017).

Lastly, NATO also involves other IOs, NGOs and research institutes in the implementation process, such as UN DPKO, ICRC, CIVIC and FFI. NATO engages IOs, NGOs and host nations for concept workshops, but it constitutes an individual outcome in the action plan as well. Some outsiders indicated that they work(ed) in close cooperation with NATO on the implementation (interview with R10, 26 May 2017; interview with R12, 26 May 2017; interview with R3, 12 May 2017).

Summarizing the implementation process, most of the current progress on the action plan is made by ‘higher-level implementers’ at SHAPE, HQ SACT and the IS PoC Office, who work, amongst others, on the PoC Concept and the integration into training and exercises. The implementation process has not yet reached the military headquarters within NATO’s force structure, but the expectation is that this will change as soon as new training modules are developed or new exercises are planned (interview with R8, 23 May 2017). Whether the dismantling of the PoC Office will affect the implementation process, is difficult to predict. Insiders stress that the inter-departmental PoC working group functions well in coordinating the implementation process, and facilitating exchange (interview with R11, 26 May 2017; interview with R8, 23 May 2017). However, outsiders still question who or what will fill the gap PoC Office leaves (interview with R12, 26 May 2017; interview with R3, 12 May 2017).

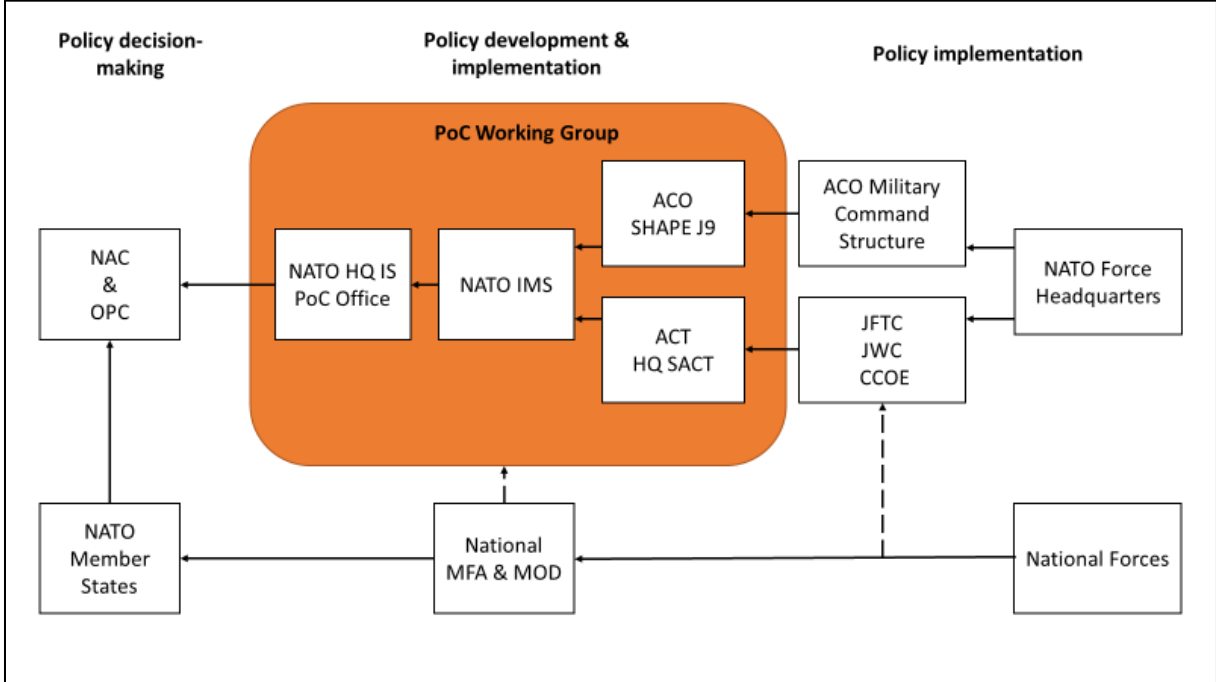


Figure 7 - NATO PoC Implementation Process

5.2. Testing hypothesis 1: Policy conflict

As the first hypothesis, I formulated that I expect NATO’s PoC policy to be characterized by a low level of policy conflict. Two indicators together determine the level of policy conflict: controversy and attitude towards the policy. Below I test the hypotheses by establishing whether the PoC policy is seen as a controversial policy amongst member states and at NATO itself. Second, I analyze the attitude expressed by interviewee towards the policy.

Controversy

The interviewees were asked to what extent they thought the policy was controversial. Those who answered the question almost unanimously (two out of ten interviewees) said the policy is not controversial among NATO allies. The explanations for their answers varied considerably. Several respondents replied that the member states adopted both the policy and the action plan unanimously and that it thus not could have been very controversial (interview with R11, 26 May 2017; interview with R3, 12 May 2017; interview with R4, 16 May 2017). Quoting one of them:

"I don't think it was [controversial], because the process leading to the policy involved several rounds with comments from all nations and it would not be approved if any of the nations did not approve it, it needs consensus from the nations. So it cannot have been so controversial that some of the nations thought it went too far, because that would be sorted in the comments round before" (interview with R3, 12 May 2017).

Another interviewee, outsider to the implementation, argued that the necessity for the policy and the aims of the policy are so obvious, that it could not have been a contested policy (interview with R9, 24 May 2017). A NATO insider stressed the importance of knowledge and information for the level of controversy. After having experienced a difficult policy development and implementation process with CAAC, member states were being more frequently informed and involved in the process during PoC policy drafting. As a result, the topic was substantially less controversial than CAAC (interview with R5, 18 May 2017). Lastly, the policy is not seen as controversial since implementers at NATO believe that the policy contains (almost) nothing new. They argue that the military already practices the PoC policy (interview with R14, 29 May 2017; interview with R2, 11 May 2017; interview with R4, 16 May 2017; interview with R6, 23 May 2017). Examining the context in which this is said, most implementers indicate that they are already applying PoC because they: prevent civilian casualties, minimize own impact, track civilian harm and follow International Humanitarian Law. Thus, and this conclusion relates to the next section on ambiguity, most implementers don't consider the policy to be controversial because they see PoC as mitigating harm from *own* actions only, which is the 'old' NATO approach to PoC. A similar picture can be drawn for controversy of PoC policy within NATO. Insiders replied that the policy is not controversial because the content of the policy is not new for NATO (interview with R7, 23 May 2017; interview with R8, 23 May 2017). In addition, an implementer called PoC a legal obligation and thought it 'not so difficult' to agree on a PoC framework (interview with R6, 23 May 2017).

Two implementers characterized the policy as (somewhat) controversial, again for various reasons. One implementer could understand if the policy was controversial for member states because they might feel pressured by the policy to adapt and revise their own policies, which they either might not want to, or might not deem necessary (interview with R14, 29 May 2017). A second implementer argued it to be controversial because the policy might put member states into a position in which they have to choose between national interests and PoC (interview with R6, 23 May 2017). Lastly, an insider observed that during meetings on the PoC policy and action plan some member states attempted to push their own PoC definitions and standards, which caused some debate (interview with R1, 9 May 2017). However, lively discussions do not automatically equal controversy.

Multiple respondents indicated that the reason behind the low level of controversy might be that certain topics, that could have become controversial elements within the policy were excluded in the policy development phase (interview with R3, 12 May 2017; interview with R5, 18 May 2017). Especially regulations for retribution payments or unexploded ordnance are a politically sensitive topic. To increase the chances for the policy to be adopted without big controversies, these and other more administrative topics were not included.

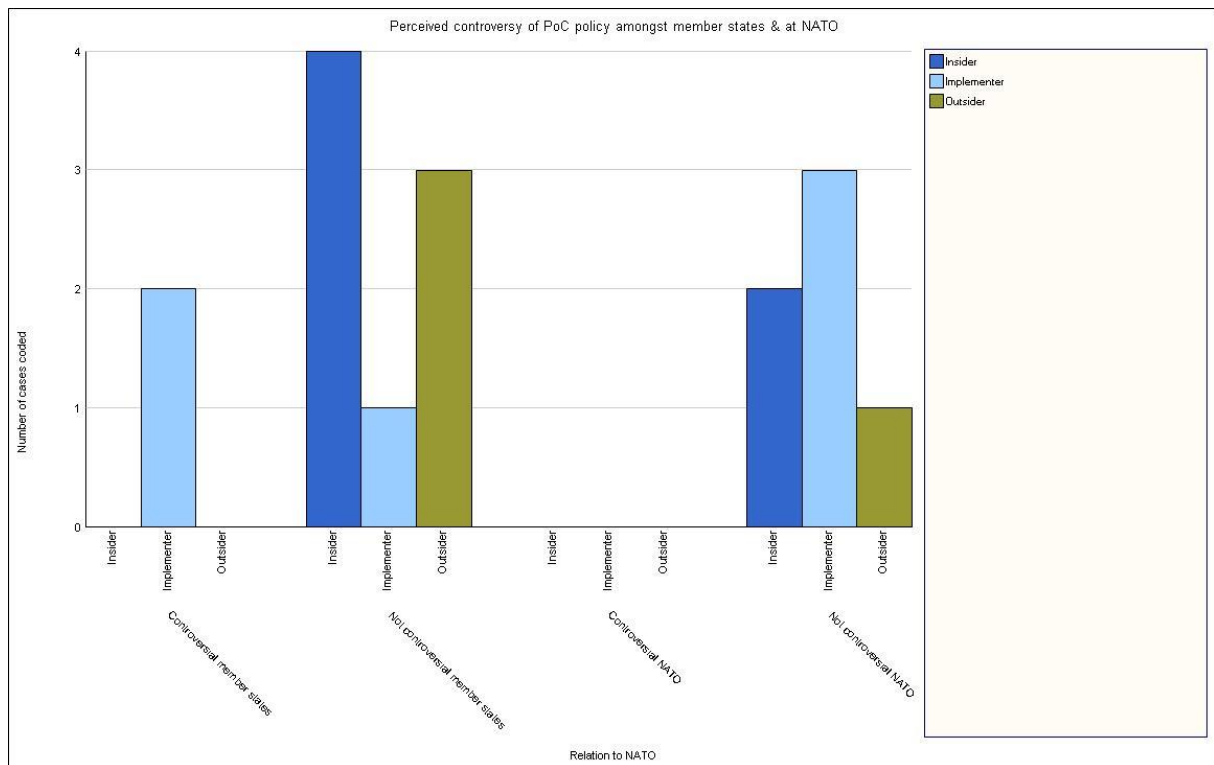


Figure 8 - Perceived controversy of PoC Policy amongst member states & at NATO

Attitude

The second indicator for the level of policy conflict is the attitude towards the policy. Irrespective of their relation to the implementation process, most of the interviewees who responded to this matter were either 'happy' with the policy, called it a 'big step forward' and thought it was a good step that NATO initiated the policy (interview with R11, 26 May 2017; interview with R7, 23 May 2017; interview with R8, 23 May 2017). One outsider and one implementer had a negative or more reserved stance towards the policy. They thought the scope of the policy was too broad, which negatively influenced the strength of the policy (interview with R12, 26 May 2017; interview with R3, 12 May 2017). Although not necessarily having a negative attitude towards the policy, a few implementers had the opinion that a link to the comprehensive approach and CIVMIL-cooperation² failed from the policy (interview with R2, 11 May 2017; interview with R9, 24 May 2017). Another insider, in retrospect would have wanted the inclusion of more elements on early warning and prevention in the policy (interview with R5, 18 May 2017).

² Following NATO's definition of a comprehensive approach: "Lessons learned from NATO operations show that addressing crisis situations calls for a comprehensive approach combining political, civilian and military instruments. Building on its unique capabilities and operational experience, NATO can contribute to the efforts of the international community for maintaining peace, security and stability, in full coordination with other actors. Military means, although essential, are not enough on their own to meet the many complex challenges to our security. The effective implementation of a comprehensive approach to crisis situations requires nations, international organisations and non-governmental organisations to contribute in a concerted effort" NATO (2016a; 2016a). CIVMIL-cooperation is a branch in the military that deals with interaction between the military and civilians actors such as local & international NGOs, government parties, societal organisations etc. At military headquarters, the division involved in CIVMIL-cooperation is assigned number '9'. For instance, at a joint headquarter, this becomes the J9 division (R2, 2017).

Combining both indicators, one can conclude that the level of policy conflict is low, which confirms the first hypothesis. Involved actors agree on the policy's aims and means and although some member states did and do have their own perspectives on PoC, they were not incongruent, since both the policy and the action plan were adopted. However, what already could be extracted from the results is that there is uncertainty about the meaning of NATO's new PoC policy.

5.3. Testing hypothesis 2: Ambiguity

The second hypothesis formulated predicts that NATO's PoC policy can be characterized by a high level of ambiguity. I test the hypothesis by examining three indicators: the clarity of the policy, the understanding of PoC and the interpretations of the policy. This last aspect already caused some confusion in the previous part, when implementers addressed the controversy of the policy.

Clarity of the policy

The majority of the interviewees that responded to this matter stated that the policy was formulated clearly. As an example, one insider said that the member states debated on the text of the policy so extensively, that it is impossible for the member states to have an ambiguous understanding of the document (interview with R11, 26 May 2017). Despite this example, many of the interviewees who stated that the policy was clear, did point out that it could nevertheless lead to differing interpretations later, but that it would be too early to make judgments about this, saying for instance: "I guess we'll only see when the policy is applied in the field if there is ambiguity" (interview with R1, 9 May 2017). Several outsiders and implementers replied that the policy was unclear to them because it was so broadly formulated (interview with R12, 26 May 2017; interview with R14, 29 May 2017; interview with R2, 11 May 2017). One implementer expressed the opinion that the policy lacks a framework for targeting decisions (interview with R14, 29 May 2017). Since targeting in this context refers to considerations made when planning *own* actions (taking down an enemy vs. civilian casualties), this implicitly shows that this implementer still holds a rather narrow perspective on the PoC concept.

Understanding of PoC

The second indicator to determine ambiguity is the interviewee's understanding of PoC. Especially the view of implementers is relevant, because they will be responsible for translating the policy into practice. If their understanding of PoC differs significantly from NATO's understanding, this may cause problems in the implementation. Stating that PoC involves both refraining from actions that could harm civilians, as well as actively protecting civilians during different phases of conflict, two of the implementers' understanding of PoC corresponded with NATO's understanding. The other implementers had slightly or completely differing views of what PoC entails. For instance, an interviewee responded that PoC is an end, and a part of the political objective that should be reached (interview with R6, 23 May 2017). This relates partially to contributing to a safe and secure environment, which is not a considerable difference from NATO's perspective. However, a different implementer considers empowerment of civilians to provide for their own security also as part of PoC although this is not explicitly stated as an element of NATO's PoC policy (interview with R2, 11 May 2017). The question is though, whether this differing view would affect the implementation negatively. The same holds for interviewees that explained PoC as a comprehensive approach, or

CIVMIL-cooperation (interview with R2, 11 May 2017; interview with R9, 24 May 2017). Complications arise when implementers believe that they understand what NATO PoC is, but actually perceive PoC solely as mitigating harm from own actions. This may result in rejections of the policy by implementers because they think they already integrated PoC. Almost all implementers said that their headquarter or member states already performs well on harm mitigation (interview with R14, 29 May 2017; interview with R2, 11 May 2017; interview with R4, 16 May 2017; interview with R6, 23 May 2017). As already identified by one of the insiders, this could possibly be a challenge in the implementation process. To convince implementers that harm mitigation from others' actions requires completely different skills and planning processes, than harm mitigation from own actions, as explained in the theory on the utility of force to protect (interview with R8, 23 May 2017). Nevertheless, one remark should be made. Some of the implementers have not yet seen the action plan or the military concept. Since these two items clarify the implementation process and the policy, and serve to create a common understanding of NATO's PoC policy, implementers cannot be blamed for the knowledge they do not have yet.

Interpretation of the Policy

The last indicator is the interpretation of the policy. This indicator focusses on what people perceived as the aim of the policy and whether they observed a change in NATO's stance toward PoC. Both implementers and outsiders noticed that one of the aims of the policy is to integrate all existing practices and lessons learned into one integrated PoC policy.

“Another thing about the PoC policy is that it not only expands NATO's understanding of the physical aspect and it is also intended to be a broad policy that encapsulated the other issues that are somewhat associated to this topic such as gender, sexual violence, children in armed conflict, and I think that was one of the ambitions with the policy, to make an umbrella under which the different somewhat related topics could be included in one overarching document” (interview with R3, 12 May 2017).

Most of the interviewees, irrespective of their relation to NATO, observed a change in NATO's stance towards PoC. They recognized that NATO's new approach is broader in its scope and that it centralizes and standardizes current practices. Especially by outsiders, harm mitigation from violent perpetrators was seen as the biggest change in NATO's approach. For implementers, this aspect was less noticed.

Concluding, although most interviewees responded that they understand the policy and they thought it was clear, especially implementers seem to miss the changed focus of NATO's policy from harm mitigation from own actions, to harm mitigation from violent perpetrators. The majority of the respondents thought the policy was unambiguous, however analysis of what has implicitly been said proves that the involved actors, particularly the implementers still hold have a different understanding of PoC and the activities within NATO's PoC policy. This can be explained because their lack of knowledge of the action plan and the concept. However, it demonstrates that the policy itself leaves space for ambiguity and has not yet been able to set a clear focus.

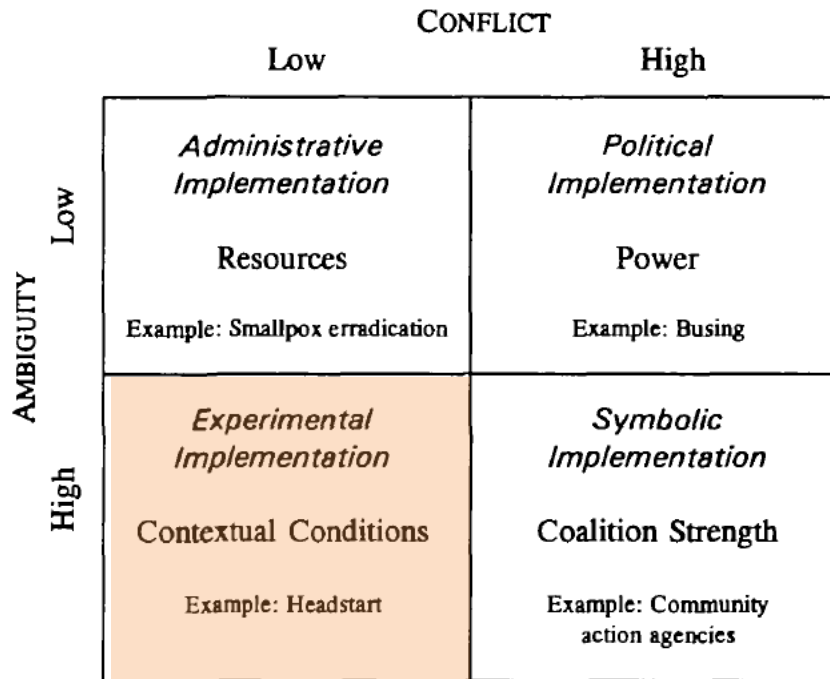


Figure 9 - Matland's (1995) ambiguity-conflict model

5.4. Testing hypothesis 3: Characterizing the implementation process

In the previous two sections results were presented that indicated the level of policy conflict to be low and the level of ambiguity to be high. Based on these results Matland's ambiguity-conflict model predicts the implementation process to be experimental implementation (see figure 9 for the model). To examine the implementation process independently of this prediction, four indicators were deducted from Matland's theory. These indicators are: the accessibility of the process, the differences in implementation at the micro level, compliance mechanisms and the smoothness of the process. I use the indicators to test the third hypothesis that the implementation process can best be characterized as experimental implementation.

Accessibility of the process

As already established in the first section of the chapter, NATO's PoC implementation process is relatively inclusive. During both the policy development, as well as the policy implementation stage, other IOs, NGOs and experts were invited to deliver input on the policy and the Concept. An insider stated to be very pleased with the advice given by these parties to improve the concept and the suggestions given for next steps to be taken (interview with R7, 23 May 2017). In addition, the willingness of sixteen people involved in NATO's PoC policy implementation process to participate as interviewees in this research, including NATO insiders, proves the accessibility of the process.

Differences in implementation at micro level

At the moment, the implementation process is initiated and coordinated by NATO's two strategic commands and the main headquarter in Brussels. But, this is not the only level at which implementation takes place. Eventually, it will be the military headquarters in the

member states, and the military headquarters within NATO's own force structure, that implement the policy 'on the ground', which in theory is described as the 'micro level'. Due to the current phase of the implementation process, it is still too early to assess whether there are differences in the implementation at micro level. However, multiple comments were made about the expected national implementation processes.

First, an insider stressed the importance of NATO being an intergovernmental organisation in nature saying: "This is the NATO policy and we are formed of nations. So we can make recommendations, but this does not mean that they have to follow this by the letter of the law" (interview with R7, 23 May 2017). This means that NATO cannot prescribe or coerce member states to implement PoC policy. Instead, the nations are in charge of the process and determine what and how they will implement the PoC policy. Resulting in differences between the allies on the speed at which the policy is implemented, whether it is prioritized and how it is implemented and trained. These factors depend on a nation's military culture, political considerations, whether it thinks it needs PoC in upcoming operations (interview with R4, 16 May 2017). Another implementer addressed that there are many considerations that have to be weighed against each other, when a decision on the ground has to be made, these decisions – such as whom to target – remain largely nations' own responsibility (interview with R2, 11 May 2017).

One would expect fewer differences in implementation within NATO's command and force structure than between member states. However, from interviews with implementers within NATO's force structure it became apparent that military headquarters and especially commanders have a relatively big discretion in their command over the headquarters (interview with R2, 11 May 2017; interview with R9, 24 May 2017). One insiders stated the following on the implementation process, putting the actions on the political level in perspective:

"But remember that this the political level, and at the political level words mean everything, but when you come down to the level we are working on now, where we are working out options, it is a little bit different. It does not mean that they are actually going to do that [what we develop]. It depends on the situation, it is down to the commander every time" (interview with R7, 23 May 2017).

It also means commanders can structure their force differently, they might prioritize and implement PoC differently. An example is 1GNC, the First Dutch German Corps and a NATO High Readiness Force. At 1GNC the targeting process is a task of the Communications and Engagement division, whereas at other headquarters the targeting process takes place at the Operations division. As a result, different considerations are made. When your division is responsible for explaining and communicating civilian casualties after an attack to the local population, you are more careful in the targeting process, than if your sole responsibility is to take down the enemy, as in the Operations division (interview with R2, 11 May 2017).

Still, commanders do not have complete discretion. Commanders and other military staff at different headquarters are involved in the implementation process of the PoC policy through the Concept workshops and other meetings, organised by SHAPE. In this way, the implementation of PoC at headquarters is coordinated and a common understanding of PoC is created (interview with R11, 26 May 2017; interview with R16, 31 May 2017).

The tone of the analysis might suggest that differentiated implementation has a negative impact on the success of the implementation process. However, Matland (1995) argues that differentiated implementation at the micro level is not necessarily a problem. On the contrary, it also creates opportunities to experiment with different approaches to implementation and to test which approach to implementation works best. In my discussion, I return to this matter, arguing that differences at the micro level might cause interoperability problems in a military setting.

Compliance mechanisms

Due to NATO's nature as intergovernmental organisation, outside NATO or NATO-led operations, the instruments NATO possesses to hold member states to their agreements are limited. Most of the instruments are normative mechanisms in which NATO calls upon its allies to act based on an appeal to norms or values or with good arguments (interview with R7, 23 May 2017). Also member states themselves can be critically on the progress made by other states and may ask for explanation (interview with R14, 29 May 2017). Still, NATO cannot coerce its member states implement the PoC policy.

For military headquarters within NATO's force structure this might be slightly different. As established above, commanders do have relatively much authority over their headquarters. However, NATO remains a hierarchically structured military organisation in which military headquarters are subordinate to the strategic commands. Therefore, the power and control NATO has over the implementation process at NATO itself is considerably bigger, than over the member states (interview with R11, 26 May 2017; interview with R7, 23 May 2017).

Smoothness of the process

Describing the smoothness of administrative implementation Matland (1995) compared the implementation process with a machine in which every component understands its task and operates on an 'automatic pilot'. Although the implementation process at NATO cannot be compared to a machine, the military nature of the organisation does seem to ease the process, as suggested by an insider (interview with R1, 9 May 2017). Some general comments about the action plan were made during the interviews and based on this information it is known that all but one point on the action plan have been started (interview with R5, 18 May 2017). There has been progress made on all points, and most of them are on schedule (interview with R11, 26 May 2017). Although one implementer expressed little trust in the implementation process, most implementers were very confident about NATO's ability to implement the PoC policy successfully (interview with R14, 29 May 2017; interview with R16, 31 May 2017; interview with R2, 11 May 2017). They considered NATO better equipped for this exercise than the UN. Nevertheless, other interviewees put this into perspective by articulating that despite NATO's progress, it has only recently started to implement the policy. Policy processes like these normally gradually proceed and implementers stressed that continuous repetition is required to get the policy into NATO's bloodstream (interview with R11, 26 May 2017; interview with R9, 24 May 2017).

It is still too early to draw conclusions about the national implementation process. However, the benefits of NATO's military nature for implementation are absent at the national level. There is a political level (Ministry of Foreign Affairs and Ministry of Defence) included between NATO and the national armies. It was difficult to find out, what happens to the policy at this domestic political level and how it arrives at the national headquarters in the army. To obtain a better understanding of this process, one insider suggested that the monitoring of the national

implementation (process) could constitute a useful and interesting research project (interview with R5, 18 May 2017).

Concluding, the accessibility of the implementation process and the (expected) differences in implementation at the micro level both at NATO's military headquarters as well in the member states are characteristics of experimental implementation. The mostly normative compliance mechanisms used to ensure commitment from member states confirm the prediction based on Matland's (1995) ambiguity-conflict model that NATO's implementation process of PoC policy can be best characterized as experimental implementation. This confirms hypothesis three.

5.5. Testing hypothesis 4: Factors influencing the implementation outcome

This section is twofold: it serves to test the fourth hypothesis and whether the factors described by Matland (1995) as having the most influence on the implementation outcome in experimental implementation, are also relevant in NATO's PoC implementation process. For experimental implementation, these factors are contextual factors, such as the role and intensity of the involved actors and the availability of sufficient resources. The second aim of this section is to identify what the actors involved in the implementation process themselves consider as crucial elements for a successful implementation outcome.

Defining successful implementation

Before discussing factors influencing the implementation outcome, I want to establish what the desired implementation outcome actually would be for actors involved in the process. Although there were a few similarities between the insiders', the implementers' and the outsiders' perception of successful implementation, it is interesting to observe how the level they work at influences their desired outcome. In all three groups implementation of the policy into handbooks, doctrine, planning and standard operating procedures is mentioned as a successful outcome (interview with R10, 26 May 2017; interview with R16, 31 May 2017; interview with R8, 23 May 2017). First, implementers defined successful implementation as a reflection of PoC policy in missions and operations, resulting into less casualties and more local support in the host state as well as more political support in the troop contributing countries (interview with R16, 31 May 2017; interview with R4, 16 May 2017). Insiders at NATO considered implementation success more process-oriented, reflected by finishing executing the action plan. In addition, one insider regards implementation success as the situation in which a soldier understands and can explain what PoC is: "When we you talk to an officer who has been on a training course or been to an exercise and he talks to someone and mentions PoC and knows exactly what it means. I think that would be success" (interview with R7, 23 May 2017).

Measuring successful implementation

Suggestions for the measurement of the implementation outcome can also be described following the patterns discussed above. An insider listed indicators for measurement along the activities of the action plan, such as analysing NGO and partner participation and scrutinizing policy documents and doctrines for change on PoC elements (interview with R5, 18 May 2017). However, an implementer formulated indicators for post-mission evaluations on PoC elements (interview with R14, 29 May 2017). The different actors involved in the implementation process thus place the policy and the implementation all in their own context. This also influences which

factors they identified as challenges for the implementation process and factors contributing to a successful implementation outcome.

Challenges to successful implementation

Broadly speaking, the challenges mentioned by the respondents as possible hindrances in the implementation process can be divided into four categories: challenges pertaining to political support and the member states, challenges related to the understanding of PoC, challenges concerning human resources and challenges with implementation at the micro level.

First, the challenges most frequently mentioned all relate to the member states. Actors from all three groups believe it to be a challenge to obtain enough political support for the implementation of the policy on the national level (interview with R13, 26 May 2017; interview with R4, 16 May 2017; interview with R5, 18 May 2017). One insider emphasized that political will is needed to support the military to (successfully) implement the policy, stating: “ [...] without the political will, something like what we have in front of us now, could not be done” (interview with R11, 26 May 2017).

Related to this matter is the conservative attitude of some member states towards the policy. Several interviewees mentioned that member states would rather remain with their own PoC policies and practices instead of adjusting to NATO’s new policy. Being involved in the drafting of the PoC policy, they stated that this was especially noticeable during the workshops and negotiations of the policy and actions plan (interview with R1, 9 May 2017; interview with R5, 18 May 2017).

Second, other frequently mentioned challenges involve the (understanding of the) PoC concept. Multiple respondents, though mostly outsiders, warned for the consequences of a too broad concept on the implementation process (interview with R10, 26 May 2017; interview with R12, 26 May 2017; interview with R9, 24 May 2017).

“On the one hand PoC is more than physical safety. But it is still not everything in the sense that there is a danger that in defining PoC so broadly everything may become PoC. So that might be a challenge for the implementation because there are so many aspects related, such as DDR, humanitarian aid etc. If it becomes too broad, it loses its meaning and it does not help anyone to understand what PoC is” (interview with R3, 12 May 2017).

Thus, creating a common understanding of what NATO’s PoC entails, is also seen as a major challenge, again especially by outsiders. Particularly across the member states it is difficult to establish a common understanding of PoC. One outsider described this challenge as follows:

“It [understanding of PoC] is not only developed in the military structure of NATO, it is created in the communities and societies of the member nations. It is an ongoing discourse. Looking at the huge differences in geopolitics between the NATO members I think that we would be surprised if this was not going to be an issue that would be creating challenges in terms of having a common deeper understanding across the member nations” (interview with R10, 26 May 2017).

Attached to this issue is the challenge for the military to focus on harm done by others. There is a risk that soldiers keep understanding PoC to be solely harm mitigation from their own

actions, whereas NATO's new focus is with other perpetrators as well. The difficulty is to mainstream this understanding and to get this into the military's bloodstream (interview with R6, 23 May 2017; interview with R8, 23 May 2017).

Third, some interviewees indicated challenges related to human resources. Multiple outsiders, as well some insiders are concerned about the dismantling of the PoC Office (interview with R1, 9 May 2017; interview with R3, 12 May 2017). They were surprised NATO is pulling resources away instead of investing more resources in the implementation:

"If you want to implement something you need to have a strong and cohesive group of people who are tasked with implementing it. Of course this means pushing out policy documents or doctrine to get everyone on the same page. This is a giant undertaking and I think that what is happening is we see a decentralization of the capability to implement right when they should consolidating it" (interview with R12, 26 May 2017).

In addition, until March 2017 the NATO Special Representative on Women, Peace and Security (the Dutch diplomat Marriet Schuurman) was tasked to coordinate the development of the PoC Action Plan. However, still no replacement has been assigned after she left her post. This is unfortunate because the Special Representative had leverage to push the implementation process, especially at the higher political level (interview with R5, 18 May 2017). Implementers mentioned the quickly rotating military personnel to be a challenge. Once they had achieved to create a certain mindset amongst soldiers, for instance in the case of CIVMIL-cooperation, they were often replaced and the process had to be repeated again with new officers who were completely new to the approach (interview with R2, 11 May 2017; interview with R6, 23 May 2017).

Fourth, another big concern, involving challenges on the ground, is whether the PoC policy and implementation will also reach the officers in the operations and planning divisions, instead of the CIVMIL-division only. The operations and planning divisions at joint headquarters are indicated with the letter-number combination of J3 (operations) and J5 (planning). The CIVMIL-division is referred to as J9. Also, logistics, personnel, intelligence etc. each have their own number. For successful implementation of PoC policy during missions and operations, it is crucial that the operations and planning divisions know how to handle in situations in which civilians are in danger. They should be capable of making a thorough threat assessment with the perspective of civilians in mind. Ideally, they apply Beadle's (2011) theory on the utility of force to protect, which describes how a military should engage perpetrators, depending on the threat scenario (genocide, insurgencies etc.). Normally, 'soft' topics such as Gender, Women, Peace and Security or Children and Armed Conflict, remain the responsibility of the J9, the CIVMIL-division. However, for successful implementation of all these policies, it is essential that all divisions, especially the J3 and J5 divisions, are involved. This point has been stressed by both implementers and outsiders (interview with R16, 31 May 2017; interview with R3, 12 May 2017; interview with R6, 23 May 2017).

Patterns that can be observed pertain to the observation that insiders perceive member states' political commitment to the PoC implementation process as the biggest hurdle, whereas outsiders are most concerned about the broad PoC concept and creating a common understanding of such a broad concept. Implementers did not have such outliers as insiders and outsiders, their observed challenges were more evenly spread.

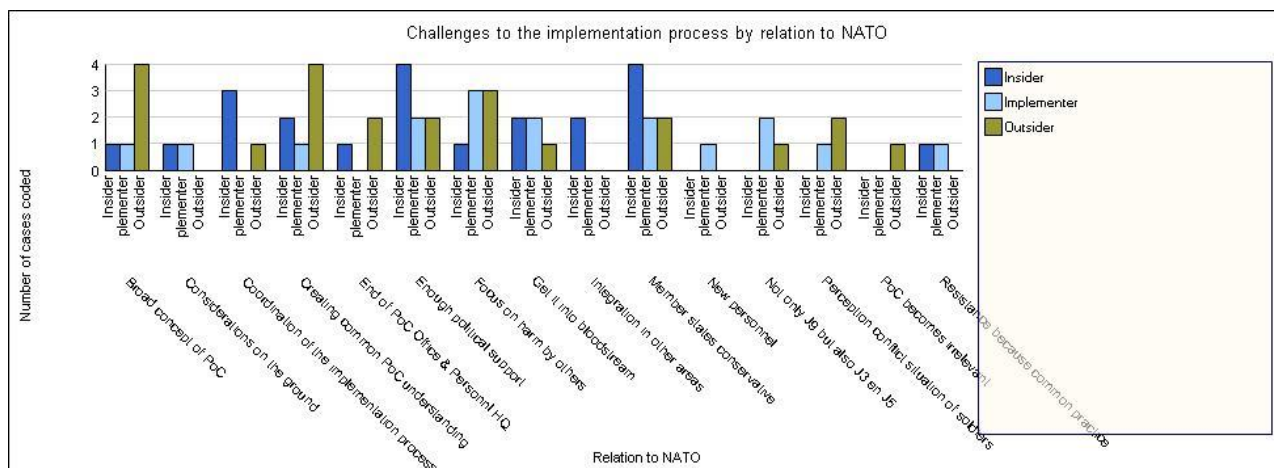


Figure 10 - Challenges to the implementation process by relation to NATO

Conditions for successful implementation

Analysing the conditions for a successful implementation outcome identified by the actors, one can observe that partnerships and cooperation with other IOs, NGOs and PoC experts is recognized as an essential requirement most frequently, especially by the insiders. One insiders said:

“ [...] We don't own the information on PoC, that is owned by host nations, by IOs, by NGOs and by other organisations. So getting that information to make military judgments is one of the key aspects that has to be worked on” (interview with R7, 23 May 2017).

This is followed by creating a deep understanding of PoC at NATO, which was also indicated as a challenge for successful implementation. Outsiders argued that it is crucial that the involved implementers at NATO have a thorough understanding of all the elements of PoC, not only protection from harm done by their own actions, but also focus on protection from harm by other perpetrators, including all the consequences this has for threat assessment and planning processes during operations (interview with R10, 26 May 2017; interview with R13, 26 May 2017).

A second returning item is the political pressure from member states on their military to implement PoC policy, this was already identified as a challenge, but is also considered essential for the successful implementation of the policy (interview with R11, 26 May 2017). Another aspect involves the leadership of commanders at NATO's as well as member states' headquarters. The interviewees stressed that the success of implementation at headquarters very much depends on the importance and the priority given to the implementation of the policy by the commanders (interview with R14, 29 May 2017; interview with R7, 23 May 2017).

Mentioned by implementers and outsiders only is the importance of training and exercises for a successful implementation outcome. They stressed that training and exercises on PoC are essential to mainstream the PoC thinking at a military headquarter (interview with R4, 16 May 2017; interview with R6, 23 May 2017). And since there is military personnel is rotated regularly, consistency and repetition in the training programme is very important, according to an implementer (interview with R4, 16 May 2017). Also, the availability of sufficient resources on

the ground such as reliable intelligence and good material is identified by multiple actors as requirement for successful implementation. ‘

A more organisational aspect is maintaining good working relationships as condition influencing the implementation outcome. The PoC Working Group has been working together since 2015, this facilitates the implementation process because the different actors at different commands can more easily contact each other and cooperate on the implementation (interview with R8, 23 May 2017). Lastly, also strategic communication towards the local population on NATO’s efforts to protect civilians is considered to be an important factor for successful implementation. If a military force is unable to explain or show the benefits of its presence to the local population, it will lose support to the opposing force (interview with R5, 18 May 2017; interview with R9, 24 May 2017).

Similar patterns exist as to conditions identified by the different groups. Outsiders focus more on creating understanding of PoC, whereas insiders stress involvement of partners such as other IOs, NGOs and PoC experts as crucial. This while implementers focus more on issues on a more operational level, such as training and exercises and the role of commanders. In conclusion, what is considered to be a desired implementation outcome, which challenges have to be overcome, and which conditions need to be present, strongly depend on the actor’s relationship to NATO. Irrespective of the group, implementation into doctrine, handbooks and procedures is considered a successful outcome. The biggest concerns are about member states’ commitment to the implementation process. Together with the importance of IO and NGO involvement, this shows that the role and intensity of the actors involved certainly influences the success of the implementation. Also (human) resources seem essential in the implementation process, considering the concern about the PoC Office, rotating military personnel and the vacant position for Special Representative. This confirms the fourth hypothesis that contextual factors, including creating a common understanding of PoC, are important factors determining the success of experimental implementation process.

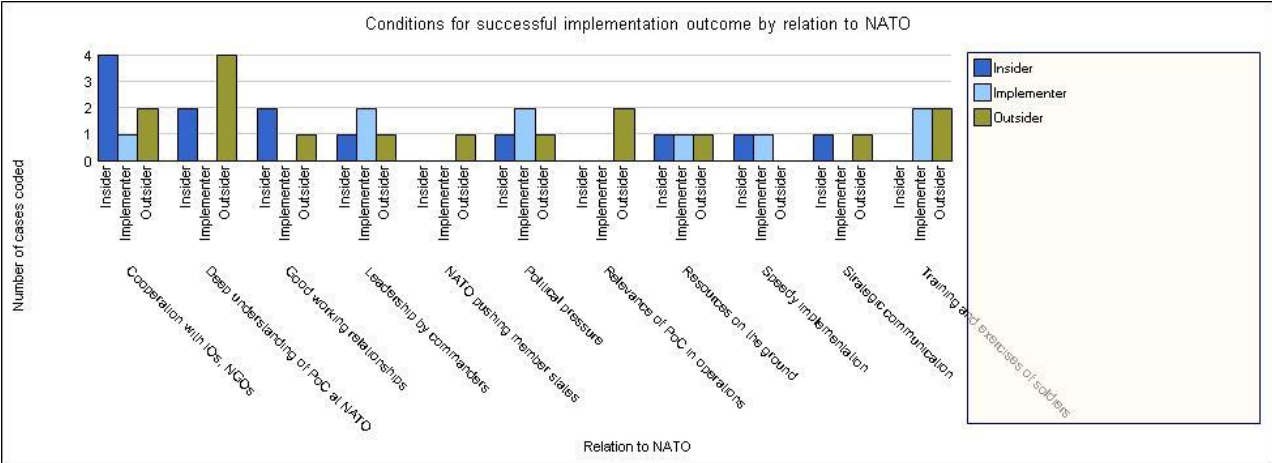


Figure 11 - Conditions for successful implementation outcome by relation to NATO

6. Discussion & Conclusion

6.1. Answers to the main question and the sub-questions

Sub-question 1: How can PoC policy within NATO be typified? What is the nature of PoC policy following Matland's (1995) ambiguity-conflict model?

To establish to what extent the nature of a policy determines the implementation process and which factors influence this process, the first logical step is to determine what the nature of the policy actually is. Matland (1995) developed a theory for this process that looks at a policy's level of political conflict and ambiguity. I attached two hypotheses to the first sub-question, namely that I expected the policy to have a low level of policy conflict and a high level of ambiguity.

The level of policy conflict is determined by the indicator controversy and the indicator attitude towards the policy. I found that the policy is not seen as controversial by most of the actors, irrespective of their relation to NATO, and that the underlying reasons for their opinions vary considerably. However, most outstanding was the argument that the level of controversy is low because the PoC policy does not contain new elements. This is striking and could be argued, because document analysis has shown that NATO's new policy does contain new elements compared to NATO's previous stance on the matter. Especially relating to protection of civilians from harm done by *others*.

A second reason for the low level of controversy is the fact that multiple actors have indicated that controversial topics, such as paying retributions, were not included in the policy (interview with R3, 12 May 2017; interview with R5, 18 May 2017). The actors that did consider the policy to be controversial, all referred to member states' perceptions of the policy in their answers, instead of to the level of controversy at NATO itself. They thought it might put pressure on member states to revise and adapt their own policies on PoC (interview with R14, 29 May 2017; interview with R6, 23 May 2017). So to nuance the answer, NATO's PoC policy document itself is not controversial, the topic PoC however does contain some politically sensitive issues related to the payment of retributions that especially member states have difficulties with and that were now excluded from the policy. Although one outsider and one implementer were somewhat sceptical of the broad concept in which the policy was transformed to, most of the actors had a positive attitude about the policy itself (interview with R12, 26 May 2017; interview with R3, 12 May 2017). In sum, NATO's PoC policy has a low level of policy conflict.

The analysis of the ambiguity of the policy shows two things. First, respondents overwhelmingly stated they understand the policy 'unambiguously'. Second, their answers implicitly indicate that there are various understandings of the policy. Especially implementers *think* that they understand the policy, but from their answers can be derived that they seem to have missed NATO's shift from protection of civilians from harm caused by own actions solely, to an approach that also includes protection of civilians from harm by others. This is relevant because these implementers will translate the policy into practice, and if they have a different understanding of PoC, this could lead to differences in the implementation at the micro level. The possibility for this to happen is bigger in the implementation process in the individual member states, than at NATO itself. At NATO, SHAPE supervises the implementation at the

headquarters, but no such oversight is present for implementation by member states. This also relates to the multiple remarks made that the policy is clear on paper, but that it may lead to different interpretation by the member states as soon as they start to implement it. To conclude, I assert that the level of ambiguity of the policy is high. However, the likelihood that this will have consequences for the implementation process at member states level is considerably higher than for the implementation within NATO's own force structure.

Sub-question 2: How does NATO currently implement PoC policy and how can the PoC implementation process be typified and explained? Does this correspond with Matland's (1995) model?

Combining a low level of policy conflict with a high level of policy ambiguity, Matland's (1995) ambiguity-conflict model predicts that the implementation process equals experimental implementation. The second sub-question serves to independently examine the implementation process, to see whether this corresponds with Matland's prediction.

NATO implements the PoC by following an action plan. This action plan lists thirteen outcomes that serve as a guidance for the implementation process. Each outcome is specified by several practical activities, the department at NATO responsible for the activity and a time frame (NATO 2016d). The first and most important action is the development of a military PoC concept. This military PoC concept should provide implementers with a clear framework for how PoC must be applied in NATO conflict situations. Other activities on the action plan include the revision of planning directives and standard operating procedures and the development of training modules and exercises that include PoC. NATO insiders said that almost all the actions are proceeding, although the action plan has only been adopted at the beginning of 2017 (interview with R10, 26 May 2017; interview with R11, 26 May 2017; interview with R5, 18 May 2017).

To characterize the policy implementation process, I used four indicators. The first is the accessibility of the process, which is related to the level of controversy of a policy. Implementation processes of highly controversial policies are less accessible for outside parties than non-controversial policies. In this case the involvement of partners such as UN DPKO, ICRC, FFI and NGOs such as CIVIC by NATO shows that the process is relatively inclusive and open. The influence of these parties is also reflected in the policy and the concept itself.

The second indicator is differences in the implementation at micro level, caused by ambiguity of the policy. Although I noticed that it is too still too early to make definitive statements about this, the expectation is that differences will emerge especially between member states. They prioritize the policy differently and they all currently have different practices concerning PoC. Within NATO's own force structure, the implementation depends on a commander's own commitment to the policy, although strong coordination by SHAPE can diminish the level of differentiated implementation.

The third indicator, compliance mechanisms, shows that especially normative mechanisms are applied because NATO is not in a position to coerce the member states to implement. Within NATO's own force structure, this is slightly different, because NATO is a hierarchical military organisation. As a result, which is the fourth indicator, policies might be executed somewhat smoother than in regular organisations or member states. In sum, it is too early to conclude that the implementation process within member states equals experimental implementation,

but based on the interviews this is still what is expected. Almost similar conclusions can be drawn for implementation within NATO's force structure, with the remark that implementation might be somewhat closer to administrative implementation, due to NATO's military nature.

Sub-question 3: What are the factors that might determine the successful implementation of PoC policy at NATO?

Matland's (1995) model predicts that in experimental implementation contextual factors such as the availability of resources and the role and intensity of the involved actors are the factors that have the most influence on the implementation outcome. In my fourth hypothesis, I added to these two that creating a common understanding might also be an influential factor for implementation success.

Three observations that appeared from my results support Matland's prediction on the role and intensity of the involved actors. The first concerns the role of partnerships and NGOs in the implementation process. Four out of five insiders stressed the importance of cooperation with other IOs, NGOs and PoC experts (interview with R10, 26 May 2017; interview with R11, 26 May 2017; interview with R7, 23 May 2017). The accessibility of the implementation process resulted in these parties having a big influence on the development of NATO's PoC policy, and now on the PoC military concept as well. This contributes to successful implementation. The second observation is the commitment of commanders to the implementation process. Several interviewees, from all three groups, responded that implementation at military headquarter level depends largely on whether a commander prioritizes the policy and puts effort in the implementation. They are in charge during a mission and operation and decide whether PoC will play a role in conflict situations (interview with R2, 11 May 2017; interview with R7, 23 May 2017). The third observation is the political will demonstrated by member states. Multiple interviewees, especially insiders, stress that it will be a challenge to successfully implement the policy without the political support of the member states (interview with R11, 26 May 2017; interview with R4, 16 May 2017; interview with R5, 18 May 2017). Only adopting the policy and the action plan is not enough. Member states should hold each other accountable for their efforts to implement the policy, but they should also pressure their own military to implement the policy. For implementation to succeed not only within NATO's force structure, but also at the national level, true commitment of member states is essential. These three factors establish the importance of the role played by actors in experimental implementation processes.

According to Matland (1995), the second influential factor in experimental implementation processes is the availability of sufficient resources. This factor can also be identified in my results, especially focussing on the availability of human resources. Multiple actors, both on the inside and on the outside, have emphasized the important role of the PoC Office at NATO HQ in developing, steering and coordinating both the policy drafting as well as the policy implementation process (interview with R1, 9 May 2017; interview with R3, 12 May 2017; interview with R5, 18 May 2017). This provided a major boost to the (status of the) PoC project at NATO. However, this Office will be dismantled and replaced by one paid NATO employee, added by staff from national voluntary contributions of whom it is difficult to control their background and experience on the subject. Interviewees therefore expressed their concern about its negative effect on the implementation process (interview with R12, 26 May 2017; interview with R3, 12 May 2017). One interviewee, an implementer, emphasized the effect of the policy been put into writing, because this means that resources will be made available for

the implementation (interview with R9, 24 May 2017). A related item is the activity on the action plan to examine the possibility of PoC to become a NATO training discipline. If this would be decided, this also ensures the provision of more resources (NATO 2016d). So also in NATO PoC implementation, resources are an influential factor in determining the implementation success.

Lastly, I expected that given the already present differences in approaches to PoC, creating a common understanding would be crucial for a successful implementation. This aspect is confirmed in the interviews. Especially outsiders mentioned this as both a challenge to overcome as well as a condition for a successful implementation outcome (interview with R13, 26 May 2017; interview with R3, 12 May 2017).

Therefore, the fourth hypothesis is confirmed and the role and commitment of the involved actors, as well as resources and achieving a common understanding are all influential factors for implementation success.

Main research question: To what extent does the nature of Protection of Civilians policy affect its implementation process at NATO?

When narrowing the 'nature' of a policy down to its level of policy conflict and ambiguity, I think it proved to be a relatively strong tool to predict implementation processes and the factors influencing the implementation outcome. However, I think the strength of this tool depends considerably on the context in which it is applied. In my opinion, the predictive value of the ambiguity-conflict model was stronger in the case of implementation within NATO's own force structure, than in the case of implementation at member state level. I will discuss this further in my reflection of the research process.

6.2. Implications for theory, academia and society

This study has helped to uncover in which contexts Matland's ambiguity-conflict model can be applied usefully. It showed that especially within single bureaucracies, at national level, his model has a strong predictive value. Furthermore, the application of this model led to an answer on how implementation studies could best be used to analyse the implementation process of PoC policy. Since the implementation of PoC policy at NATO equals experimental implementation, the answer according to Matland (1995) is that bottom-up approaches in the field of implementation research are probably most suitable in explaining (successful) implementation of the policy.

However, Matland published his article in 1995. Since then many developments took place in the field of implementation studies, of which the evolution of multi-level governance is probably the most significant. The influence of international organisations on national governments and sub-national institutions has increased substantially. Increasingly policy is made at a supranational level and implemented at the national or sub-national level. This requires different analytical approaches than the available bottom-up or top-down approaches which are mainly applied to national, regional or local policies. Matland tried to synthesize bottom-up and top-down approaches by creating a model that describes which approach is most applicable given a policy's nature. Even more now than twenty years ago, these two approaches do not suffice anymore. Therefore, I think it is important to be aware that applying

Matland's model does not automatically lead you to the best fit for your case because there are more approaches to implementation studies, than bottom-up or top-down.

This study also served to reconsider the border between studies of International Relations and studies of Public Administration. Can implementation studies explain policy implementation at international organisations, or are IR theories better suited for this? And when making a distinction between supranational and intergovernmental organisations, does this make any difference? Or does it depend on the type of policy that is being implemented? Perhaps environmental or health policies developed at an international level can be studied using public administrative theories, whereas policies on security or foreign policy are more IR issues? Lastly, it could also depend on the type of question you ask or the issue you are interested in, whether IR or Public Administration is the best fit. This thesis solely cannot provide an answer to these questions, but I think multi-level governance could be an approach bridging these two fields of studies.

This study can also contribute to NGOs' and other outsiders' knowledge on NATO's implementation efforts in the field of PoC. This research has shown that NATO is not merely trying to 'tick a box', but is genuinely and seriously attempting to implement PoC and get it into its bloodstream, as one of the respondents called it (interview with R10, 26 May 2017). In addition, one might have assumed that based on the nature of the organisation NATO would be a relatively closed organisation. It appeared, however, from this research that the implementation process of PoC policy is a rather open process. This creates several opportunities for NGOs and outside parties. First, NGOs could deliver input on the implementation process. Especially in the case of interest representation, it is important for an NGO to know at which moment in the implementation process they can best deliver input and which parties to address. Second, besides trying to influence the implementation process, NGOs could also become involved in implementing the policy itself. One action on the Action Plan is to map and enhance the engagement of NGOs, IOs and host nations (NATO Operations Policy Committee 2016). These parties could play a role in providing NATO with important information, needed for planning operations. Third, training and education is one of the core actions in the Action Plan. NGOs with experience in the field of Protection of Civilians, could support NATO in the development and provision of the training and education of the forces. In these three ways the information gathered in this study could have implications for NGOs.

6.3. Surprising findings

One aspect that I have not extensively discussed in my results, but I do think is worthwhile to mention, is the convergence of the UN and NATO PoC concept as a side-effect of NATO's PoC policy development and implementation. In the second chapter of this thesis I elaborated on the different approaches to and understandings of what PoC entails. I emphasized that especially between the broad UN and EU concept and the narrow NATO concept there is a big difference, but also a gap in NATO's policy development. With the current development and implementation of new PoC policy, NATO closes the gap with other international organisations and the differences in approaches to PoC between them, seems to diminish. However, the differences between the nature of the organisations remain. Since the largest troop contributing countries at the UN (Bangladesh, Nepal, Rwanda) lack capabilities to properly execute PoC tasks, the UN still has implementation challenges (UN DPKO 2017). For

the EU and NATO on the other hand, it will be the question whether there is enough political support to decide on (new) missions with a PoC mandate. So there is a convergence of the understanding of the PoC concept, however, it will be the question whether this also leads to enhanced cooperation in missions between the IOs, because then they could really complement each other.

6.4. Reflection on the research process

Evaluating the research process, I would like to reflect on two issues. The first concerns the applicability of the chosen theory and the demarcation of my research and the second relates to the timing of this research.

Gradually during the research process the distinct nature of the implementation processes within NATO's force structure and at member state level became evident. In the implementation process within NATO's force structure, NATO functions as a supranational organisation with its own bureaucracy. However, in the implementation process at national level, NATO is an intergovernmental organisation which merely facilitates between member states and tries to harmonize their PoC policies. A proper research on the implementation at member state level would at least involve studying a representative sample of NATO member states implementing the PoC policy. However, I only studied one country, without a proper case selection. Therefore, the validity of the results on member states' implementation could be questioned. In retrospect, I should have better demarcated my research object to comprise only NATO's own force structure, because at NATO I interviewed a relatively representative sample of people involved in the implementation. Furthermore, a study on national implementation would currently be beyond the scope of my abilities.

Another issue is related to the goodness of fit between my case and the application of Matland's (1995) ambiguity-conflict model. According to Matland, it is not a problem that different understandings of a policy lead to divergent implementation at the micro level. The idea of experimental implementation is that due to divergent implementation at different sites at the micro level, one can test which implementation approach works best. For example, a national policy on youth unemployment programs could be implemented in one city by encouraging youth to continue studying, whereas another city tries to tackle youth unemployment with job skills training. By experimenting with different approaches, one can discover which approach is most effective in tackling youth unemployment. However, in a NATO setting experimental implementation can cause problems. If the various NATO headquarters develop different PoC practices, this could be problematic in terms of interoperability. During missions in which multiple nations and forces are involved, it is crucial that everyone understands and follows similar procedures. Therefore, all NATO forces should implement the PoC policy in a similar way. Though, taking into account the differences in implementation for PoC in the marine forces, or air forces etc.

My second reflection concerns the timing of the research. Multiple times I rightly received the comment why I conducted a research on the implementation of a policy that has not been implemented. There are various arguments against and in favour of this timing. Conducting the research on a later point in time, I would have been able to draw conclusions on the success of the implementation and possibly also on its effect. Interviewees could have provided me with more information on the process. In addition, they also might be more open

on and critical towards the implementation, because they are no longer so involved. On the other hand, with the adoption of the Action Plan, the policy is already partially implemented. Furthermore, by conducting this research now, the outcome of this study could still impact the implementation process. Lastly, some key actors in the implementation process already have a different position in NATO's organisation, change jobs completely or retire. At a later point in time, it might be more difficult to identify and track all the relevant actors.

6.5. Practical implications & policy recommendations

The question that still remains is whether the implementation of this policy will have real effect on the ground. Will it actively change planning and operational procedures, leading to different decisions on the ground, having less severe implications for civilians, or leading to NATO actively protecting civilians? The signs are twofold. Starting on a positive note, on paper the Action Plan looks promising. NATO attempts to implement PoC systematically into the organisation by, along with ten other actions, developing a military Concept, by revising planning directives and by training and educating troops in PoC. Furthermore, the implementation process is relatively open. NATO cooperates with other IOs and NGOs on the implementation and they can deliver input. To me, this shows NATO has serious intentions to implement PoC policy throughout the whole organisation. In addition, unlike the Responsibility to Protect, PoC is still a 'hot topic' and an accepted concept by most nations. The UN mandated fourteen missions with PoC tasks and it still tries to improve the implementation of these mandates (Harston 2016). This means it is NATO's task to catch up with the UN and I think NATO is feeling the pressure to make a serious effort to achieve this. However, these comments all relate to NATO as a supranational organisation.

On a negative note, I am more sceptical about the practical implications this policy implementation will have on NATO's member states. First, the research showed signs that some member states seem less inclined to implement the PoC policy. Either because they believe their efforts in the field of PoC are already sufficient or even better than NATO's PoC policy or because they see no need to prioritize the implementation. Also recent actions by some NATO member states that are part of the Coalition against the Islamic State look unpromising. Following investigations by Airwars, a transparency project investigating the international air war against Islamic State, members of the Coalition are responsible for approximately 1,500 civilian casualties since 2014 (Airwars 2016). Especially in terms of transparency and accountability about civilian casualties the members of the Coalition score poorly (Airwars 2016). And these are exactly the topics that were too controversial and that NATO member states did not want to include in the current PoC policy. So far, it seems as if developments in the field of PoC in NATO context, have not had any substantial effect on the conduct of NATO members operating outside NATO's realm. They committed to a PoC Policy at NATO, but at the same time seem to ignore the agreements made when fighting Islamic State. Therefore, for member states to really commit to the implementation, I think more pressure is needed. And so far, NATO has not been able to create sufficient incentives for member states to commit, or to install control or accountability measures to ensure serious efforts on behalf of the member states. The PoC Office will be dismantled, and it is still insecure who will take over its tasks. Altogether, these developments do not look very promising.

In sum, the answer to whether the implementation of this policy will have real effect on the ground will be somewhere in the middle. I do think NATO will make a considerable step in its

approach towards PoC. The concept will become more known, possibly new planning procedures will be adopted and PoC will be trained in exercises. However, for the policy to remain relevant, it also must be applied and evaluated during NATO missions and operations. And I believe that a shortage of these opportunities will stop the development of PoC implementation at NATO. In the foreseeable future, I do not expect NATO to start a mission with a PoC mandate. This means there will not be a point of reference for NATO to improve or adapt its PoC policies based on evaluation. This leaves it to the member states to apply PoC outside a NATO-context. And as indicated above, here I have less faith that real progress will be made.

Based on the challenges for PoC implementation identified in this research, I would like to make some recommendations of which I think they could have a positive effect on the implementation process. Since the Operations Policy Committee, of which the 28 nations are the members, has the political oversight over this implementation process, most of the recommendations are intended for the member states.

1. Make Protection of Civilians a separate training discipline, including infrastructure such as a dedicated Centre of Excellence where research can be conducted and training modules can be developed.

Multiple interviewees have stressed the importance of PoC getting into NATO’s bloodstream. To achieve this, it is important to assure the development of the concept within the organisation. By making PoC into a discipline at NATO, resources are ensured to accomplish this. An infrastructure needs to be built in which PoC in the context of NATO is further researched, evaluated and developed. A (new) Centre of Excellence (CoE) on Protection of Civilians could facilitate this. Such a CoE could gather knowledge on PoC, develop training modules for PoC and assist NATO member states in implementing PoC. In this way, PoC is being institutionalized at NATO, (more) expertise is developed and continuous attention for the issue is assured. I would recommend member states to put this (higher) on the agenda when discussing PoC policy implementation.

2. Determine when the policy is successfully implemented and include indicators

From the interviews it can be derived that the actors have different expectations from the implementation of PoC policy. They define successful implementation differently, which makes it difficult to determine when or if the policy is successfully implemented. It also complicates tracing the implementation process. In the Action Plan for Women, Peace and Security, for each activity an indicator was determined (NATO 2016d). For example (retrieved from (NATO 2016d, 3):

| Action | Indicator |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4.1. Ensure that Gender Advisor positions are filled (both Peace and Crisis Establishment) and ensure they have training, resources and access to their commander to fully perform their duties. | 4.1.1. Positions identified and filled. 4.1.2. Evaluation of Gender Advisor functions, including training, resources and access to their commander. |

Table 9 - Example indicator WPS Action Plan (NATO 2016d)

In this way, the implementation process is easier to follow and also progress can be measured. The Action Plan for PoC I had insight in, does not contain such indicators. The reason for this is unknown to me, but I would recommend NATO, especially the PoC Working Group, to also include indicators in the reviewed PoC Action Plan.

3. Engage all divisions of a military headquarter in the implementation process

Identified especially by implementers as a challenge for the implementation is to engage not only the 'usual' Civil-Military division (J9) at the headquarter, but to also include divisions such as current operations (J3) and planning (J5). One implementer said that for Women, Peace and Security one person was made responsible for Gender issues at a headquarter. As a result, other people felt less inclined to take Gender issues into account, since it is not their task (interview with R2, 11 May 2017). For PoC this should be avoided. Based on a threat assessment of the perpetrators should be determined which divisions at a headquarter could best be deployed. This means that all divisions should be trained to deal with conflict situations in which civilians are attacked, not only the CIVMIL-officers. I therefore recommend NATO ACO and ACT to engage all divisions of a headquarter in PoC training and education and to emphasize the importance of this matter in meetings with commanders.

4. Form a coalition with other (leading) countries in the field of PoC to steer and pressure the implementation process at NATO

Political will and support was recognized by multiple interviewees as an important condition for successful implementation of PoC. By showing interest in the implementation process, the topic remains on the agenda and the military is pressured to seriously work on the implementation. In addition, political will is also needed to task NATO-missions with a PoC-mandate. Therefore NATO as an organisation, as well as member states having an interest in the matter should keep pushing PoC to create attention and establish political support. By forming a coalition or action group of countries leading in the field of PoC the implementation process could be more easily steered and pressured from the political arena. Since the Netherlands is considering making PoC one of the key themes of its UN Security Council membership, it would fit nicely to also stress this issue at NATO. I therefore recommend the Netherlands, as well as other NATO member or partner countries having an interest in PoC to work on more structural cooperation.

5. Send national PoC experts as staff of the national voluntary contribution, so that the PoC Office at NATO HQ is staffed with qualified people

Both outsiders, as well as insiders were concerned about the dismantling of the PoC Office. Since the PoC Office played such a pivotal role in the development and implementation of the policy, its dissolution could negatively influence the implementation process. To counter this, there are two possibilities. Either member states pressure NATO to invest more resources in the PoC Office or member states themselves send qualified and expert staff as national voluntary contribution. I recommend member states to raise the issue of the PoC Office either formally during the review of the implementation process, or informally or to consider seconding own nationals in the near future.

6.6. Future research

Based on Matland's (1995) ambiguity-conflict model one can tell that future research on PoC implementation within NATO's force structure, should start bottom-up. Especially at the HQs there are many aspects that have to be taken into account. To understand why PoC is or is not implemented, it would be a good start to look at the 'street-level bureaucrats', which in this situation are the military planners and operators at an HQ. Which considerations do they make when planning an operation, and to what extent does PoC play a role? These questions remain relevant, even more when the policy is actually implemented.

A second suggestion for future research would be to look at national implementation of PoC policy in a few years when NATO has finished executing the Action Plan and member states are supposed to have transposed the policy into doctrine and training at national level. This research could be conducted applying theories of multi-level governance, but also an IR perspective or compliance theory could be adopted to explain (variation in) the implementation.

Lastly, as soon as NATO initiates a mission with a PoC-mandate, a case study could be conducted to examine whether and how PoC is implemented on the ground during a mission and what the effects of policy are. This could also contribute to lessons learned and further improvement of NATO PoC practices.

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- R4. Interview with Felisha Aakster, 16 May 2017. Tape recording.
- R5. Interview with Felisha Aakster and Wilbert van der Zeijden, 18 May 2017. Notes.
- R6. Interview with Felisha Aakster and Wilbert van der Zeijden, 23 May 2017. Tape recording.
- R7. Interview with Felisha Aakster and Wilbert van der Zeijden, 23 May 2017. Tape recording.
- R8. Interview with Felisha Aakster and Wilbert van der Zeijden, 23 May 2017. Tape recording.
- R9. Interview with Felisha Aakster, 24 May 2017. Tape recording.

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