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“NATIONAL CAVEATS”
AND IT’S IMPACT ON THE ARMY OF THE CZECH REPUBLIC

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Abstract:
This article addresses one of the multinational (NATO) community’s more urgent problems. These are each NATO nation’s “national caveats”, which impose significant restrictions on NATO’s multinational operations. The article analyzes the potential “Command and Control” (C2) problems caused by restrictive “national caveats”, and discusses recent operational problems which have occurred during multinational operations abroad - particularly in the Balkans, Kosovo and Afghanistan. The article also comments on the status of “caveats” in the Czech military (ACR), and recommends that a more detailed analysis of national caveats be undertaken in order to better prepare ACR unit commanders for future NATO missions.

The challenges of out-of-area deployments are well known to Czech military (ACR) commanders since their accession to NATO in 1999. Normally these challenges include the normal range of military issues: properly trained personnel, appropriate equipment and weaponry, logistical, medical and financial support, etc. In addition, Czech national forces have become increasingly known for the excellence of their humanitarian missions, which present their own unique logistical and financial challenges.1

Now, however, Czech commanders are becoming aware of a new challenge; one which adds a new dimension to their command-and-control (C2) responsibilities on NATO deployments.

Czech commanders are learning that many of the national contingents which serve with them on these foreign missions are restricted in what they can do by what is becoming known as “national caveats”. National caveats are essentially political-military constraints imposed on most individual national contingents. These caveats are imposed unilaterally. That is, they are imposed by the political authorities of each nation, not by, nor in consultation with, NATO or the multinational commander in charge of the foreign mission.

Although they differ widely from nation to nation, caveats are imposed on both military and humanitarian missions (e.g., CIMIC or emergency medical teams), and may include restrictions on logistics, equipment funding, and personnel. In their simplest form, caveats are essentially “red cards”.2

1 But the Czech financial, economic and logistic access to their own units abroad/in missions is still live.
2 “Germany’s Non-Combat Caveats to be Reviewed by NATO”, DW-World.DE, Deutsche Welle, 28 November 2006: p1, DW Staff. <at www.dw-world.de/dw/article/0,2144,2250071,00.html>
Any military command group preparing to deploy on a NATO multinational operation (MNO) also needs to realize that caveats affect every level of operations, not just traditional military operations. Individual national contingents even impose caveats on their humanitarian personnel and the civilian reconstruction missions. These caveats restrict the commander’s ability to exercise command and control (C2) even over, e.g., Provincial Reconstruction Teams (PRT), or CIMIC operations. Since the multinational commander is by definition directly responsible for the activities of civilian humanitarian operations within his area of responsibility (AOR), such civilian caveats are “crippling (multinational) inter-operability…” and can be as inimical to the commander’s C2 responsibilities as the more visible military caveats.

“There is today much talk about ‘national caveats’ in our military engagements – and for good reason. But there is little or no discussion about the ‘national caveats’ that exist for civilian engagement. These (civilian or humanitarian) caveats are very significant. They lead to waste and uncoordinated use of resources…”

More significantly, however, caveats often restrict the operational role and functions of individual national contingents employed on a multinational mission.

What this means is that individual national governments impose restrictions on the combat roles of their units. The commanders of these multinational missions, such as those in the Balkans, Kosovo and most famously, in the International Security Assistance Force (ISAF) fighting under NATO auspices in Afghanistan, are learning that many of these caveats, or restrictions, actually prohibit many national forces from engaging in combat operations, or from even deploying to hostile zones.

Although national caveats have been in existence since at least the NATO involvement in the Balkans, their existence has been deliberately shrouded in mystery because of political sensitivities, and have only recently become common knowledge. Unfortunately, one of the reasons that caveats have started to become public knowledge is because they have become so common and so restrictive that they are interfering with the C2 capabilities of the multinational commanders.

In Kosovo in 2004, for example, national caveats prevented the KFOR commander from deploying a large part of his NATO forces to confront ethnic riots, which ended up causing many casualties. In Afghanistan, the command-and-control (C2) situation is reportedly even more serious.

Some NATO spokesmen have said that there are more than 100 caveats in effect among over 30 contingents deployed on the ISAF mission, and of these, at least 50 are apparently having

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3 Civil-Military Cooperation missions; such as military engineering assistance involving roads, bridges, schools, wells, etc.
an immediate, and adverse, impact on combat operations. Some of the nations who have assigned forces to ISAF, e.g., reportedly prohibit them from engaging in combat operations. Others will not allow their forces to serve outside the Afghanistan capital city (Kabul), or to serve in the more hostile southern areas of the country. Some caveats restrict their missions to CIMIC-type civil reconstruction missions (Provincial Reconstruction Teams), while other nations will supposedly not permit other NATO countries to fly on their aircraft.

One of the real problems that multinational commanders must confront is that apparently none of these caveats is public knowledge. There is no known list or publication of these restrictions, so that the NATO military commander may well be put in the position of not even knowing of their existence until he issues an order to a national contingent under his command, and is then told that the force cannot respond.

Obviously the inability to command the deployment of all of the forces under his command is a critical constraint on any commander’s C2 responsibilities; however, if this situation arises in extremis, then, it could be a military catastrophe. The Kosovo riots noted above are one example of what could happen in an emergency, but there are reports that the situation in Afghanistan may be even more serious.

In September of 2006, a combined British-Afghan National Army patrol encountered a numerically superior enemy force and for 14 days the ISAF patrol held out without reinforcement. Some reports allege that reinforcement was available, but could not immediately deploy because of national caveats.7

Other reports suggest that Canadian forces assigned to ISAF who were engaged in Operation Medusa in January, 2007, suffered numerous casualties because other contingents could not support them.

“The largest offensive operation by NATO in recent years was Operation Medusa…it nearly failed on Day Four…because the national caveats meant that the Canadians simply did not have the support that they needed from other countries.”8

There have also been some public “accusations” that during Operation Medusa, at least 12 Canadian soldiers died because they could not get support from other national contingents because of these combat-restrictions. There have been no further public details on this alleged incident, and these rumors have not been confirmed. They have also been denied by NATO Secretary General Jaap de Hoop Scheffer in his Inaugural Address on NATO’s Riga Summit.

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but rumors persist that combat prohibitions on national contingents in Afghanistan have caused unnecessary casualties.9

These incidents suggest that caveats affect not only senior multinational commanders, but even small-unit commanders who must depend on reinforcements from neighboring national contingents in emergency circumstances.

Finally, it is still too early to know the complete story behind these incidents, and this is certainly worthy of future study, but it is already clear that caveats are an increasingly contentious issue which is threatening not only the combat capability of NATO, but is actually threatening to “drive a wedge” between NATO nations. Some observers contend that caveats are preventing military success in Afghanistan, and, by extension, are endangering the alliance itself.

“The preliminary research into the Czech military (ACR) approach to ‘caveats’ discloses that the legal basis for utilizing Czech military (and humanitarian) forces during multinational missions abroad is quite broad, and generally quite permissive. In fact, the ACR has no so-called “national caveats” at this time. There are none in any published form, and at this time the Director of the ACR’s Chief of the General staff is reviewing “The Czech republic Army Rules of Engagement” (ROE) and preparing it for publication. When it is finalized, the ACR Permanent Rules of Engagement will be a part of it. They are built on the legal foundation of MC 362/1, NATO ROE. The permanent ROE will then be succeeded by purpose-specific ROE for individual missions. This will be a separate document for each mission. The essential point is that, at this stage, ACR commanders have no restrictive caveats on their missions.”10

All of this means that the operational impact of these political restraints should be the subject of further study, and be made an integral part of ACR pre-deployment training.

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9 See, Secretary General Scheffer’s press conference, at <http://www.mfa.gov.ge/index.php> where the correspondent from Germany’s Frankfurt Allgemeine Zeitung noted that: “I suppose we are talking about the Operation Medusa, and that this... that it was refused by the regional commanders and that as a result of that, as was said in Ottawa, 12 Canadian soldiers died.”

10 LTD. Mgr. Zdenek Vlcek, Head/chief of ACR legal/law service, “Legal point of view to the ACR ROE and exercitation of ‘national caveats’”, Prag, 10 May 2007 (information at requirement of Fisera). Next: Using of power by Armed forces of the Czech republic results from adequate proportion/volume to that task and limits made by international humanitarian law - act number 219/1999 Digest, “About Armed forces of the Czech republic”, as amendment by the further rules (bellow only “act”). Using of military equipment is based on mainly enactment/provision § 31 subsection 1 act (“Armed forces are entitled to use of military equipment/material pro fulfilling there missions.”). Tasks of Armed forces are assessed in § 9, 14-24a, 26 and 28 of act. Closer determination is specified only for use of military weapon in time of running/serving disciplinary service (=it means - on the street, at barracks,...), guard, escort and duty service(?)/job according to § 42 act and in time of special devices acc. § 42a act.