NAVAL WAR COLLEGE
Newport, R.I.

NONCOMBATANT EVACUATION OPERATIONS: MAJOR CONSIDERATIONS FOR THE OPERATIONAL COMMANDER

by

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A paper submitted to the Faculty of the Naval War College in partial satisfaction of the requirements of the Department of Joint Military Operations.

The contents of this paper reflect my own personal views and are not necessarily endorsed by the Naval War College or the Department of the Navy.

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16 June, 1995

Paper directed by
Captain D. Watson
Chairman, Joint Military Operations Department

19950417 096

Unclassified
Security Classification This Page

DTIC
ELECTE
APR 18 1995
S B D

REPORT DOCUMENTATION PAGE

1. Report Security Classification: Unclassified	
2. Security Classification Authority:	
3. Declassification/Downgrading Schedule:	
4. Distribution/Availability of Report:	**DISTRIBUTION STATEMENT A: APPROVED FOR PUBLIC RELEASE; DISTRIBUTION IS UNLIMITED.**
5. Name of Performing Organization: Joint Military Operations Department	
6. Office Symbol: 1C	**7. Address:** Naval War College, 686 Cushing Rd., Newport, RI 02841-5010
8. Title (Include Security Classification): (U) Noncombatant Evacuation Operations: Major Considerations for the Operational Commander	
9. Personal Authors: LCDR Ray L. Clark, Jr., USN	
10. Type of Report: Final	**11. Date of Report:** 13 Feb 95
12. Page Count: 22	
13. Supplementary Notation: A paper submitted to the Faculty of the Naval War College in partial satisfaction of the requirements of the Joint Military Operations Department. The contents of this paper reflect my own personal views and are not necessarily endorsed by the Naval War College or the Department of the Navy.	
14. Ten key words that relate to your paper: NEO: Major Concerns, Legal Aspects, Force Options, Interrelationships, Transportation, Medical	

15. Abstract: In today's ever changing political world, the possible requirement to evacuate American citizens from danger overseas is increasing. Based on my own experience in "Operation Eastern Exit", the Noncombatant Evacuation Operation conducted in Mogadishu, Somalia and the rise in military assisted evacuations, the Operational Commander must have an understanding of several significant issues. The issues are; what is the environment, interrelationships with the Chief of the Mission, transportation availability, medical treatment availability, legal aspects and the choice of force options. Theses issues must be considered, thought through and planned for. Though the many considerations in a NEO can be overwhelming, the analysis will focus on the above limited number of significant considerations with particular focus on legal aspects and the choice of force options. This is not to imply any aspect of evacuation operations is insignificant, but should serve as an aid to the operational commander so that the appropriate decisions can be made and allow the commander to provide the broad guidance required to conduct detailed planning for the accomplishment of the mission.

16. Distribution / Availability of Abstract:	**Unclassified** Unlimited X	**Same As Rpt**	**DTIC Users**
18. Abstract Security Classification: Unclassified			
19. Name of Responsible Individual: Chairman, Joint Military Operations Department			
20. Telephone: (401) 841-3414/4120	**21.** Office Symbol: 1C		

Security Classification of This Page: Unclassified

Abstract of

NONCOMBATANT EVACUATION OPERATIONS: MAJOR CONSIDERATIONS FOR THE OPERATIONAL COMMANDER

In today's ever changing political world and with the general instability among many third world countries, the possible requirement to evacuate American citizens from danger overseas is increasing. Based on my own personal experience in "Operation Eastern Exit", the Noncombatant Evacuation Operation conducted in Mogadishu, Somalia in January 1991 and the rise in military assisted evacuations, the Operational Commander must have an understanding of several significant issues when such an operation is required. The issues that should have the Operational Commanders attention are; an understanding of the operational environment, interrelationships with the Chief of the Mission, transportation availability, medical treatment availability, legal aspects and force options along with their availability must be considered, thought through and planned for. Though the many considerations of how to conduct the operation, the many agencies involved and the levels of planning required combined with who is responsible for each part can be overwhelming, the analysis will focus on the above limited number of significant considerations with particular focus on legal aspects and the choice of force options. This is not to imply any aspect of evacuation operations is insignificant, but this paper should serve as an aid to the Operational Commander to quickly look at significant issues so appropriate decisions can be made. The resulting decisions and considerations allow the commander to provide the broad guidance required to conduct detailed planning and to task the appropriate forces for the successful conduct of the evacuation.

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Availability Codes
Avail and/or
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A-1

NONCOMBATANT EVACUATION OPERATIONS: MAJOR CONSIDERATIONS FOR THE OPERATIONAL COMMANDER

The Armed Forces of the United States conduct Noncombatant Evacuation Operations(NEO) in direct support of the Department of State (DOS). The Armed Forces assist the DOS by evacuating civilian noncombatants and nonessential military personnel from the host nation to the United States. During times of crisis, local emergencies or natural disasters, a NEO is normally conducted to evacuate U.S. citizens whose lives are in danger from this hostile or unsafe situation. It may also include the evacuation of selected citizens of the host nation or third country nationals.[1]

THE MISSION

As part of the National Security Strategy, it is national policy regarding U.S. citizens abroad to: 1.) Provide for their protection; 2.) Provide for their evacuation to and welfare in a relatively safe area; 3.) Reduce the risk of their capture as hostages; and 4.) Reduce to a minimum the number of U.S. citizens in probable combat areas.[2]

Understanding that NEOs are uniquely different from other military operations, an evacuation decision is an acknowledgment that U.S. political relations with and/or the internal security within a host nation has deteriorated to the point where a NEO is deemed necessary. Therefore, before such an acknowledgement, the DOS will have exhausted all possible

political means to resolve the crisis. Consequently, this creates differing challenges for the evacuation commander as the final decision to evacuate is delayed to the last possible moment.

THE OPERATIONAL ENVIRONMENT

Before any decision can be made about how to conduct a NEO, the operational environment in which it will be conducted must be determined and understood. There are three major operational environments: Permissive, Uncertain, and Hostile.

> PERMISSIVE ENVIRONMENT: There should be no resistance to evacuation operations and thus requires little or no assembly of combat forces in country. You can expect host nation concurrence and support. The commander's primary concerns may be logistics functions involving emergency medical treatment, transportation, administrative processing and coordination with DOS and other agencies. Minimum forces will be used to provide security.
>
> UNCERTAIN ENVIRONMENT: Host government forces, whether opposed or receptive to the NEO, do not have total effective control of the territory and population in the intended area or country of operations. Due to the uncertainty, it may create the need to reinforce the evacuation force. The need for reaction forces become more important. Strict enforcement of the Rules of Engagement (ROE) is required and the commander must anticipate the possibility for escalation to a hostile environment.
>
> HOSTILE ENVIRONMENT: An evacuation conducted under conditions ranging from civil disorder, to terrorist action, to full scale combat. The commander must be prepared for a wide range of contingencies. The decision to deploy a sizable security force with the evacuation forces or the formation of a reaction force must be considered. Beyond the normal requirements, the commander may be required to conduct an amphibious landing, establish a defensive perimeter, escort convoys, participate in personnel recovery and screen evacuees.[3]

PLANNING CONSIDERATIONS

Pursuant to Executive Order 12656, the DOS is responsible for the protection and evacuation of American citizens abroad.[4] The U.S. armed forces are responsible for assisting with the evacuation when requested by the DOS. As directed in the National Military Strategy of the United States, a Combatant Commander must plan for the use of military force in his area of responsibility. The plans developed must provide for the protection of lives and property including the evacuation of noncombatants. The Joint Chiefs of Staff (JCS) place such importance on the planning of NEO that the assignment for the planning of such complex and difficult operations is outlined in the Joint Strategic Capabilities Plan (JSCP). Unified Commanders are assigned the responsibility for planning NEOs.[5]

As defined earlier, evacuation operations are characterized by uncertainty. Forces must be prepared and flexible to foresee contingencies in order to respond to the dynamic and time sensitive environment characterized by a NEO. During the planning process, alternate plans must be developed for permissive, uncertain and hostile environments. These plans must take into account the varying courses of actions available, number of evacuees involved, what type and how many forces to use, resistance expected, and sustainment of these operations. These operations may be directed without warning because of sudden drastic changes in a country's government,

reoriented political/military relationships with the U.S., or a sudden hostile threat to U.S. citizens from a force within or external to a host country. The ability to translate from a day-to-day routine to a time-collapsed alert and execution of evacuation operations is a complete part of readiness.[6]

To insure the readiness to conduct a NEO, a Commander in Chief(CINC) shall: 1.) Prepare and maintain plans for assisting the DOS in conducting NEO as outlined in the JSCP. 2.) Cooperate with the Chief of Mission(COM) in preparation and evaluation of the Mission's Emergency Action Plan (EAP). 3.) Review all EAPs where NEOs may occur, making sure there are adequate provisions to protect and evacuate noncombatants in each EAP. Insure that EAPs are distributed to appropriate subordinate commanders, and evaluate their procedures and effectiveness.[7] 4.) Insure the embassy's location is known and updated as compared to available maps and charts. 5.) Evaluate the Embassy's command and control capabilities. Are direct secure communications links available and is crypto material compatible?[8] 6.) Form appropriate Emergency Evacuation Assistance Elements(EEAE). These are regional teams/experts who can assist in emergency evacuation planning, site reconnaissance and liaison between the CINC and the Embassy. They can provide the Commander of a Joint Task Force (CJTF) or On Scene Commander(OSC) the expertise in the areas of intelligence, medicine, civil affairs, logistics, communications, and joint planning.[9]

INTERRELATIONSHIP WITH THE DEPARTMENT OF STATE

As mentioned earlier, Executive Order 12656 fixes the primary responsibility for the protection of U.S. citizens abroad to the DOS. In accordance with U.S. Public Law 96-465, the Foreign Services Act of 1980, the Chief of Mission (Ambassador) must prepare and maintain an Emergency Action Plan for his embassy and provide timely information to the CINC.[10] Thus, the Military Commander has an advising and supporting role during a NEO and the DOS is in charge until the evacuation order is given. Once the evacuation order is given, then the military commander assumes full responsibility for the execution of the evacuation in cooperation with the DOS/COM.[11] It must be understood that the COM is responsible for the order to evacuate and not the Military Commander.

The Military Commander should be prepared to deal with the situation as it exists at the time of evacuation. Evacuation sites and timing of the operation will be decided not so much by the evacuation plan, but by the DOS's view of the local situation. Evacuation operations are politically sensitive and will be monitored, if not controlled from the highest level.[12]

It is imperative that the COM fully understands his role in the NEO. He must communicate to the Ground Force Commander exactly what he wants as far as military support. Another vital aspect, is whether the embassy knows where all the American citizens are. For example, Ambassador Bishop fully

understood his role and the important aspects involved in a NEO, which directly resulted in the successful evacuation out of Mogadishu, Somalia during "Operation Eastern Exit."[13] Prior communications, coordination, cooperation and joint planning between the CINC's staff and the embassy staff will directly effect the conduct of a NEO.

LEGAL CONSIDERATIONS

During both the planning and execution phase of a NEO, there are several legal aspects that must be considered. None the least of which is -- What right does a nation have to use military force to evacuate their citizens from a foreign country? A NEO is similar to a raid in that it involves a swift incursion into, or temporary occupation of, an objective area followed by a planned withdrawal. NEOs differ in that the operation restricts the use of force to that required for protection of the evacuees and for self-defense. Before the UN Charter, customary International Law allowed a state to intervene with armed force where the lives of the intervening state's citizens where in imminent danger. Since the UN Charter entered into force, it is argued that this right or responsibility falls to the UN. Should the UN fail to take action, then customary international law permits the inherent right of self-defense.

> Under any legal theory justifying the use of force to protect nationals abroad, the intervention must be specifically limited to the accomplishment of the mission. Anything beyond the protection or evacuation of a state's nationals may intend to violate the political

> independence of the state from which those people are rescued.[14]

The basic legal interpretation of the U.S. is that we will rely upon pre-Charter norms in protection of our nationals abroad while respecting the political independence of the host nation. If time permits, we will rely on the legitimacy of the UN, however timeliness is often the issue.[15]

Another important legal consideration is the right of overflight, along with the use of safe havens and Intermediate Staging Bases(ISB). In planning and executing a NEO, every nation has complete sovereignty over its national airspace to include the air above land masses, internal waters, territorial seas and its archipelagic waters. Safe havens are designated areas to which noncombatants may be evacuated during an emergency. They are also locations to which evacuees are authorized to travel for the purposes of temporarily remaining until allowed to return to the location from which they were evacuated or travel to their final destination. An ISB is similar in that it is an area from which military forces deploy to, organize and coordinate the operations from. ISBs are gaining more importance as U.S. forward deployed bases overseas disappear. The COM through the DOS and in coordination with the CINC is responsible for the planning and coordination for overflight rights, and designation of safe havens and ISBs.[16]

Due consideration must be given to overflight, safe

havens and ISB in a political sense. Due to the political situation, will a particular country allow our forces to overfly their airspace and operate from an ISB in order to conduct these operations? What political ramifications and perceptions will that country view to be in their best interest? Such political decisions could deny us the use of such bases and areas for noncombatant evacuation purposes. This leads to the following questions: Are there any naval forces available in the immediate vicinity to act as a safe haven and an ISB? Can forces operating from a naval ISB reach the evacuation site? These factors can in themselves, define the success of a NEO.

Search, inspection and seizure of personnel effects play a very important part in dealing with the safety of the noncombatants and evacuation force personnel. The introduction of contraband and other hazards, such as bombs and weapons introduced by terrorists is very real. A complete understanding of what, and who can and cannot be searched must be clear to all personnel. The treatment of U.S. citizens and other country's nationals is a delicate challenge. The evacuees are not prisoners nor should they be looked upon as second-rate personnel or refugees. They must be treated with respect. U.S. citizen's personal belongings are subject to inspection and search. However, the personal belongings of a foreign diplomat and his immediate family are not subject to inspection and search without their consent and are entitled

to special treatment in accordance with international law. Their personal articles are to be treated as if they were contained in a diplomatic pouch. Joint Pub 3-07.51 gives a detailed list of who and what can be searched.[17]

The most significant legal consideration for the operational commander is what type of ROE is available.

> Emphasis is on rapid insertion, with minimal force necessary, followed by rapid withdrawal when the noncombatants have been safely evacuated. The ROE will tend to restrict the use of military force to self-defense and that necessary to protect the lives of the noncombatants. Once the initial insertion of force takes place NEOs become essentially defensive in nature.[18]

ROE will typically be crafted such that the Military Commander will only be able to use force when confronted with an imminent hostile threat. The use of force will be reactive and limited to the exercise of self defense so as not to give the impression of violating the host country's sovereignty.[19] Defensive actions are conducted only as aggressively as necessary to protect U.S. lives, property and equipment. They may include hot pursuit only until the attacker is no longer in a position to inflict casualties upon U.S. personnel, property or equipment. Military Commanders at all echelons will take care to use only the force necessary and to take no action that might be interpreted as initiating hostilities.[20] Thus, the Operational Commander must influence the ROE based on the existing operational environment so as to provide the maximum leeway to the evacuating forces and not unduly restrain the use of force.

The Military Commander should discuss the ROE with the COM. Modification of the ROE is a joint decision made by the country team.[21] Advising the Host Nation government, military and general populous as to the intent of the ROE in effect should be considered. The use of Civil Affairs and Psychological Operation (PYSOP) forces can convey the commander's mission in the language of the host nation thereby precluding possible operation interference.[22] Pre-planned ROE for differing environments should be listed in all NEO contingency plans. The use of Riot Control Agents (RCA) should be considered in the planning phase. The use of RCA requires National Command Authority (NCA) approval and should be requested early should the operational environment warrant. Due regard to the formulation of the most flexible ROE, while maintaining restraint, must receive the highest level of attention. This is to ensure the protection of all personnel and allow the Military Commander maximum flexibility in accomplishing his mission.

The last legal aspect of a NEO to be considered is who can be ordered to evacuate and under what priority. This determination requires coordination and cooperation with the COM. The U.S. government's policy on who is entitled to be evacuated and who can be ordered to evacuate is delineated in JCS Pub 3-07.51. Contrary to some beliefs, not all U.S. citizens are required to evacuate nor can they be ordered to do so. However, it is the U.S. national policy to protect all

its citizens and evacuate them to safety if they desire. The basic priority for evacuation of personnel is: 1.) American citizens; 2.) Alien immediate family of American citizens; 3.) Third country nationals and designated Foreign Service National employees of the U.S. government; 4.) Eligible non-Americans who are seriously ill, injured or whose lives are in imminent peril as determined by the DOS; and 5.) Any others eligible as determined by the DOS.[23]

TRANSPORTATION CONCERNS

In planning a NEO, the method of transportation from the evacuation site to a safe haven must be considered and under what type of operational environment this will take place. The following are transportation options in order of preference: 1.) Commercial transportation; 2.) Commercial charter; 3.) U.S. Military charter; and 4.) U.S. Military transportation.[24]

In a permissive environment most transportation methods will be available and options acceptable whether land, air or sea (air preferred). Under an uncertain or hostile environment the Military Commander may find his options limited. Questions like: Is the airport operational? If so, is it safe to evacuate noncombatants from? How do you get evacuees from the embassy or assembly areas to the airport safely? Do we have the means to safely transport them over land? Do you have naval assets available? Do we have to make a forced entry and how will that affect our transportation

options and safety of our personnel? In many cases, the time you order the commencement of the evacuation will determine the method of transportation and this may change as the crisis develops and the environment changes. The evacuation of nonessential personnel early, before the situation deteriorates, will assist the Military Commander so that the number of personnel required to evacuate under questionable conditions will be kept to a minimum.

MEDICAL CONSIDERATIONS

As with any other military operation, the medical treatment of possible casualties for both civilian and military personnel must be planned for. Most forces bring medical personnel for immediate first aid treatment, but under questionable or hostile conditions will this suffice? The U.S. Transportation Command has aeromedical evacuation assets available to operate from the ISB, or if the airport is available, at the evacuation site in order to treat and transport casualties to a major medical facility. The U.S. Navy has assigned the mission of Primary Casualty Receiving and Treatment to its large deck ships. These ships have functional operating rooms, intensive care facilities and staffs assigned to support this mission when deployed.[25] This was particularly beneficial during "Operation Eastern Exit." During this NEO, the medical staff onboard USS GUAM (LPH-9) treated a female evacuee for a gunshot wound to the abdomen, an evacuee was treated for a knife wound and the Sudanese

Ambassador's wife gave birth to a baby via caesarean.[26]

FORCE CONSIDERATIONS

As the situation develops and it appears that the DOS will seek military assistance, the CINC in his preparation phase must decide what military forces are to be employed. In deciding his options, a myriad of factors such as existing plans, capabilities, limitations, availability of forces and location of the objective area must be considered. The question of how soon to conduct the NEO and under what type of operational environment it will be conducted will greatly effect the CINC's decision to select and deploy the most appropriate force in a minimum of time. The simple existence of Operations Plans(OPLANS) or Concept Plans(CONPLANS) may make the decision easier because they often list the forces to be used. Major force options may include his own organic forces in the region, a Marine Amphibious Ready Group(MARG) with a Marine Expeditionary Unit (Special Operations Capable) (MEU(SOC)) embarked or a U.S. Army Ranger Ready Force with associated Air Force support.[27] The use of Special Operations Forces to include PYSOP and Civil Affairs forces present particular advantages, especially in the area of local intelligence, language capabilities and countering hostage situations. Many forward presence or forward deployed single-service forces can normally conduct NEOs in a permissive environment. Others may require combat and combat service support forces from CONUS. The CINC should consider flexible

force options that provide early response to a developing situation and capability to quickly expand if the environment changes. The insertion of the minimum force required for self defense and extraction, in order to present the smallest threat to the host nation, should be his objective. It is under uncertain and hostile environments in which the decision for the best force option is the most critical.

Ranger and Airborne infantry forces train in the execution of NEOs and are readily available worldwide via strategic airlift within 24 hours of a decision to execute a NEO.[28] In using this type of force, several questions come quickly to mind. Though the Rangers are capable of making a forced entry, how much force would be required to get in and out, if an airport is not controlled? Can they be delivered via air drop and can they safely evacuate the noncombatants within acceptable risk? During "Operation Eastern Exit," Ambassador Bishop did not feel confident evacuees could safely transit to the airport from the embassy and because conditions at the airport were uncertain, he recommended the amphibious option as the only one feasible.[29] With the reliance on ISB/safe havens and advantages they offer, has one been negotiated and available? How do you get from the ISB to and from the evacuation site (Air or Land)? If by land, what about rolling stock availability and other service support(i.e., medical) requirements?

A MEU(SOC)/MARG has been trained and certified to conduct

a NEO. A MARG offshore has often been perceived as more neutral to a host nation than inserted Army forces ashore. The MARG has forced entry and extraction capability by both surface and air without the need of ports or airfields. It is its own ISB, with the benefit of returning the evacuees directly to U.S. sovereign territory. Service support via rolling stock or organic air assets and complete medical capabilities on their large deck amphibious ships are packaged units within a MEU(SOC). However, questions quickly arise. How far away are they and how long will it take to get there? It took the USS GUAM four days at full speed to reach the vicinity of Mogadishu, Somalia from her station off the coast of Oman during "Operation Eastern Exit." Would that amount of time be too late? How far inland is the evacuation site? Are they capable of reaching that far inland safely?

There is no easy answer of which force package to choose. Given certain conditions and operational environments they all have advantages which would make one force better than another. Perhaps, the best choice would be a JTF made up of a mix of forces to suit the situation if the luxury of time is available. Force sequencing provides the CJTF with the option to provide a flexible and rapid response to a NEO through employment of forward deployed forces which may form the nucleus for a larger tailored force to be deployed from an ISB.[30] In deploying joint forces, consideration should be paid to whether these forces have previously worked together or are

capable of supporting each other. During "Operation Eastern Exit" the CH-53E helicopters had to conduct a night time refueling with a KC-130. Before this operation, KC-130s had only refueled CH-53Es once during "Desert Shield." Though capable, in-flight refueling is not often practiced by the deployed MARG.[31] Another question would be, how interchangeable are the refueling drogues and are they available? Joint interoperability should be coordinated and planned.

Once the appropriate forces have been chosen and the planning phase is beginning to mature, it is essential that the CINC provide the Military Commander any developed CONPLANS or OPLANS along with the embassy's EAP if available and time permits. The CINC should send his EEAE to the embassy to start coordinating with the COM and provide direct communications and liaison between the COM, CINC and force commander. If time allows, the CINC or force commander should obtain permission from the COM to send in an advance force. The advance force should contain the Forward Command Element(FCE) and possibly an evacuation site party. The FCE would coordinate with the COM for the arrival of the Ground Force Commander and establish the communications link if an EEAE was not available. The evacuation site party would recon and prepare the evacuation site and assembly areas. Once the execution order is given, the actual evacuation process moves to the tactical level of operations. From this point the

Operational Commander should supervise the execution of the plan and monitor events as they unfold, providing the necessary guidance and direction as required.

CONCLUSION

In concluding, these significant considerations are just a few of the many considerations and steps necessary to conduct an operation as complex as a NEO. The analysis was not intended to oversimplify any particular step. NEOs are planned, conducted and coordinated by all levels of the chain of command, from the NCA, DOS, CINC, CJTF and OSC to the forces in the field in order to provide complete unity of effort and the completion of a successful operation. However, the CINC and Operational Commander should quickly analyze the concerns of where, when, and under what type of operational environment will the operation be conducted. Then the determination of the legal aspects involved, what type of forces to use, and do we have plans already prepared and have they been previously coordinated with the embassy is required. In my opinion these make up the most significant issues for an Operational Commander so that he may make the required decisions and provide the necessary guidance and direction for the conduct of a NEO. Joint Pub 3-07.51 appendix D, provides excellent questions and dilemmas for the JTF staff to consider for detailed planning and appendix E provides a suggested checklist for a military assisted evacuation.

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