

# 10 common misconceptions about Civilian Harm Mitigation

## 1. **Militaries already do Civilian Harm Mitigation (CHM) by adhering to International Humanitarian Law (IHL).**

Yes and no. IHL is meant to offer some protection to civilians during situations of armed conflict, but CHM goes a step further. Adherence to IHL is the minimum standard by which military forces need to abide, whereas CHM is concerned with minimizing and/or appropriately addressing the impact of armed conflict even where it concerns lawful use of force. PAX has elsewhere defined CHM as ‘efforts by armed groups, militaries, and nations to prevent, reduce, and address the harm resulting from military operations. It involves identifying and minimizing risks to civilians to the greatest extent possible.’<sup>i</sup>

## 2. **CHM will handcuff militaries.**

This is one of the most frequently cited arguments against CHM, but there is no evidence that this is true. CHM is one of several activities that a military can conduct to make sure they do not kill or otherwise harm civilians, but when civilian harm does occur, CHM activities help militaries better respond and increase the chances of similar harm not happening again. Militaries regularly constrain their actions through things like Rules of Engagement, but they rarely take the civilian environment into account. Restrictions only happen if the analysis of incidents indicates they need to make changes. CHM activities enable such analysis and robust learning by security actors. It provides a commander with more information than they currently have, allowing them to make better-informed decisions. CHM does not mean the military cannot act, rather it means that when they do act, they will do so with a better understanding of the human environment and the potential impact of their operations on the civilian population.

## 3. **Civilians will lie about harm to get money.**

In two decades of war in multiple conflicts this has never been a real concern. There is a moral obligation to help harmed civilians and it is terribly cynical to think people who are living through conflict are opportunistically lining up for handouts. Limited research available on this topic indicates that, above all, civilians want the harm they suffered to be recognized by those responsible and want to learn the truth about what has happened to them or their loved ones.<sup>ii</sup> Additionally, there is often a real need for money as people lose a family breadwinner, material possessions, or access to livelihoods because of an injury. The reality of war is that civilians in conflict situations want to live their lives just like anyone else but when military action affects them in a negative way, it is up to security actors to respond appropriately and to seek to mitigate the harmful consequences of their operations.

## 4. **CHM is just some “woke” nonsense that militaries should not implement.**

There are three main reasons why militaries should implement CHM: there is a legal responsibility, a moral responsibility, and it improves operational outcomes. IHL requires militaries to take precautions not to harm civilians and CHM is the best way to ensure militaries have all the information they need when making decisions to conduct operations. The wars of the last two decades also showed militaries the human suffering that happens in warfare. Most militaries do not want to harm civilians and know they can do better to protect them. CHM is one way to do that. Finally, CHM improves operational outcomes: it enhances a mission’s legitimacy and its effectiveness. Research shows that the leading cause of civilian deaths in war is target misidentification caused by a lack of understanding of the civilian environment and cognitive bias where targeteers mistakenly perceive enemy signatures in civilian activity.<sup>iii</sup> The US Civilian Harm Mitigation and Response Action Plan is one example of CHM expanding information on the civilian environment to mitigate these problems.<sup>iv</sup>

**5. Other militaries and militarized actors like non-state armed groups are accused of killing and otherwise harming civilians. It is unfair to hold ourselves to a higher standard.**

No military should look to a bad actor as the litmus test for their actions, and if one party violates the laws of war that does not mean others can and should. All militaries have an obligation under the Geneva Conventions to uphold the laws of war, but – as indicated above – that is still a relatively low bar that only affords minimal protection to civilians.

**6. CHM is a relic of the counterinsurgency wars of the past and does not apply to large-scale combat operations.**

CHM is scalable for a wide variety of conflicts. It is true that not every aspect of CHM will cover all potentialities and therefore it may need to be customized to the specific needs of the conflict. CHM is not a one-size-fits-all answer to civilian harm. Practitioners are looking to apply CHM across the spectrum of conflicts from peacekeeping operations (PKOs) to counterinsurgency (COIN) and large-scale combat operations (LSCO): each clearly has its own challenges, but all have issues of civilian harm. Activities like civilian harm tracking are useful across the full spectrum while other parts of CHM, such as investigations, may require customization: it may be easy to conduct an on-site investigation in a peacekeeping context while a large-scale international conflict may require non-permissive workarounds for investigations that might otherwise place investigators in the field of fire.

**7. CHM is focused only on harm at the time of attack (e.g., deaths and injuries, material destruction) and not on mitigating the reverberating, long-term effects of the use of force.**

This is a common misconception and an area of ongoing advocacy for organizations like PAX. We maintain that CHM should not solely apply to the harm that occurs during or immediately after a military operation, as that covers only a fraction of all civilian harm that occurs in situations of armed conflict. PAX works with security actors to open the aperture on what they consider to fall within the scope of civilian harm and CHM. For example, CHM can also look at the longer-term effects for civilians of targeting critical infrastructure. Moreover, with new research and technological advances we keep increasing our understanding of the impact of conflict or particular weapons, as well as our capacity to track and investigate civilian harm. Consequently, CHM is a continuously evolving field.

**8. National CHM requirements will disappear when elections change governments.**

The role of political parties in matters like defense policy is challenging but PAX is working hard to make sure CHM stays for the long-haul. For example, we have worked in the US to make CHM part of military doctrine so that it cannot simply disappear with a new government. PAX also works with Iraqi authorities to make CHM a cornerstone of their new protection of civilians policy, as well as with the UN to see how CHM may apply to peacekeeping. Politics is always a challenge but PAX will not stop advocating for improved civilian protection.

**9. Where it concerns CHM, NGOs are demanding impossible standards from militaries, which they will never be able to meet.**

This argument is based on several misconceptions. First of all, the call for better CHM standards is originating from multiple stakeholders. Reflecting on the policies and practices applied in recent warfare, military stakeholders like the US and Iraq have openly stated a need to develop additional policy, guidance and SOPs to better mitigate harm from their operations.<sup>v</sup> This is reinforced by academic study, reporting in the media, and civil society research and advocacy. Further, CHM is not a new phenomenon and past experiences have shown that it can be applied successfully. During the war in Afghanistan, NATO forces set up a Civilian Casualty Tracking Cell (which later expanded into the Civilian Casualty Mitigation Team), to track and investigate civilian harm caused by NATO forces, identify harmful patterns, and adapt military practice where needed. And with success: these activities resulted in a considerable decrease in NATO-caused civilian casualties.<sup>vi</sup> And finally, past experiences have also shown that CHM does not necessarily

require immense resources; often it starts with a different mindset and more systematic recording of activities and data that were already known and available to militaries.

**10. CHM is being forced onto militaries by NGOs.**

We see the development of CHM as an important and ongoing conversation between civilian and military stakeholders. Militaries like the US, the Netherlands and Iraq, and coalitions like NATO, the AU and the UN are all applying, or preparing to apply, forms of CHM as they seek to better protect civilians and improve operational outcomes.

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<sup>i</sup> Marc Garlasco and Erin Bijl, “Civilian Harm Mitigation: A Primer,” Paper (2023), 1.

<sup>ii</sup> See, for instance, Nikolaus Grubeck, “Civilian Harm in Somalia: Creating an Appropriate Response,” Campaign for Innocent Victims in Conflict, Report (2010); Saba Azeem et al., “After the strike: Exposing the civilian harm effects of the 2015 Dutch airstrike on Hawija,” PAX, Report (2022).

<sup>iii</sup> Azmat Khan, “The Civilian Casualty Files: Hidden Pentagon Records Reveal Patterns of Failure in Deadly Airstrikes”, *The New York Times*, 2021 December 18.

<sup>iv</sup> U.S. Department of Defense, “Civilian Harm Mitigation and Response Action Plan (CHMR-AP)”, Report (2022).

<sup>v</sup> See, for instance, endnote iv.

<sup>vi</sup> Marla B. Keenan, “Operationalizing Civilian Protection in Mali: The Case for a Civilian Casualty Tracking, Analysis and Response Cell”, *Stability: International Journal of Security and Development* 2(2) (2013).

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## **PAX and the Protection of Civilians Program**

Worldwide, PAX works to build just and peaceful societies across the globe. PAX brings together people who have the courage to stand for peace. The PAX Protection of Civilians (PoC) program seeks to increase the effectiveness of PoC interventions by enabling civilians to hold local and international security actors to account, and by enabling and motivating security actors to design and implement protection strategies that are civilian-centered.

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