



Kingdom of the Netherlands



Advancing Civilian Harm Mitigation in UN Peacekeeping

Event Summary Report

2023 Protection of Civilians (PoC) Week Closed-Door Roundtable

On 24 May 2023, the Kingdom of the Netherlands, the United Nations Department of Peace Operations (DPO), PAX, and Center for Civilians in Conflict (CIVIC) co-organized an in-person closed-door roundtable as part of the annual PoC Week on the sidelines of the UN Security Council Debate on PoC. Under the Chatham House Rule, Member States, including UN Security Council members, troop- and police-contributing countries (T/PCCs), Special Committee on Peacekeeping Operations (C-34) members, regional organizations, UN personnel, and civil society discussed good practices and lessons learned by States and regional organizations in developing and implementing civilian harm mitigation (CHM) measures¹. The aim of the roundtable was to identify and share areas of relevance, insight, and traction for UN peacekeeping's own CHM policies and practices.

Civilian harm mitigation in UN peacekeeping operations

By its very nature, armed action – even when undertaken with the intent to protect civilians – always runs the risk of causing harm to civilians. The importance of civilian harm mitigation (CHM) has gained recognition and prominence in national, regional, and international security institutions and organizations. Whilst differences between other military and security operations and UN peacekeeping operations exist, there is still a need for the application of CHM elements in UN peacekeeping. For example, discussants noted that potential harm can include: unintended harm when peacekeepers are defending civilians or themselves against attacks; potential damage to civilian infrastructure during rapid response or from the use of helicopters; reprisals against civilians who engage with peacekeeping operations; as well as other forms of direct and indirect harm. DPO recognizes CHM as a priority; however, UN peacekeeping's approach to CHM is at a nascent stage compared to some international actors.

UN internal stocktaking exercises have concluded that UN Peacekeeping doctrine on CHM is so far sufficient. The United Nations Security Council (UNSC) has explicitly included language on CHM in the mandates of peacekeeping missions in the Central African Republic (MINUSCA), Democratic Republic of the Congo (MONUSCO), and Mali (MINUSMA). In addition, the Department of Peace Operations (DPO) has included a focus on CHM in its Protection of Civilians (PoC) policy and handbook, and the latest plan for implementing the Action for Peacekeeping (A4P+) priorities. Despite such progress, gaps between CHM policies and practices persist.

During the discussion amongst panelists and participants, the following gaps and issues surfaced:

- There seems to be no common understanding of CHM among peacekeeping personnel;
- Peacekeeping actors may not have visibility on the full extent of harm that UN peacekeeping operations may cause when deployed;

¹ Civilian harm mitigation refers to actions taken to prevent, track, mitigate and address civilian harm as a consequence of military and police operations.

- There are examples of insufficient coherence and coordination amongst military, police, and civilian components in preventing, tracking, mitigating, and addressing civilian harm;
- In the absence of institutionalized and operationalized practices across peacekeeping on CHM, good practices are often carried out in an ad-hoc manner. For example, troop- and police-contributing countries (T/PCCs) often refer to their own national or regional policies;
- There have been cases in which civilian personnel – such as PoC Advisers, but also Human Rights and Civil Affairs Officers, and other protection specialists – have not been adequately included in military and police operational planning in a consistent and systematic manner;
- Engagement with civilians and local communities can continue to be enhanced to contribute to understanding risks of civilian harm;
- Currently, there are no dedicated resources and funding for CHM in UN Peacekeeping.

While further reviews are underway, participants noted the importance of cross-institutional learning between security institutions, the need to continue socializing CHM in UN contexts, strengthening partnerships between Member States and DPO, and dedicated resources and funding for CHM within UN peacekeeping.

Drawing on good practices and lessons learned in civilian harm mitigation (CHM) processes by States and regional organizations

In recent years, States – such as the United States and the Netherlands – as well as regional organizations – like the African Union (AU), the G5 Sahel Joint Force, and the Northern Atlantic Treaty Organization (NATO) – have adopted CHM action plans, mission mandates, measures, and/or tools to strengthen CHM during armed operations. Many of these measures were implemented following publicized reports and documentation of incidents of civilian harm, prompting governments, security institutions and the public to reflect on their practices and military conduct.

During the roundtable, panelists and participants stressed that CHM was both a moral and strategic imperative that enhanced a security force’s operational effectiveness. Panelists reflected on their own processes of developing CHM within their security institutions, and distilled clear lessons that could be applied to UN peacekeeping as DPO continues to develop its own CHM approach.

Some lessons and good practices discussed by panelists and participants include:

Pre-deployment measures

- Training for military personnel on CHM and integrating protection of civilians (PoC) and CHM into rules of engagement and military conduct;
- Conducting risk assessments on civilian harm prior to a response and ensuring precautions are integrated into planning processes;
- Increasing transparency – especially before deployment – about risks to civilians during operations to key stakeholders, as well as constituents and their representatives;

Monitoring and tracking civilian harm

- The development and implementation of mechanisms for monitoring civilian harm, such as civilian casualty tracking systems that utilize data and information to track allegations of civilian harm;

Amends for civilian harm and addressing repairs and damages

- Acknowledging harm and ensuring direct communication with affected civilians and communities;
- Establishing amends mechanisms that require investigations and provide psychosocial and financial support to survivors and victims, as appropriate;
- Securing consistent funding for amends mechanisms and ensuring the safety and security of witnesses and survivors;

Enhancing coordination and partnerships

- Encouraging civil-military coordination and cooperation in planning processes, including work with and across relevant UN agencies;
- Consulting with and seeking advice from civilians and local communities, including vulnerable groups, to discuss their protection needs, how security actors can mitigate harm, and assessing repairs and damages caused by operations;
- Instilling a culture of trust and support between policy-level practitioners and military personnel to ensure greater traction for CHM within security institutions;
- Working with civil society organizations with expertise on CHM.

However, difficulties persist even for Member States and regional organizations. For example, participants highlighted funding issues for mechanisms; the protection of witnesses and survivors who report civilian harm; an inaccurate yet persistent perception that CHM is synonymous with a punitive culture; and operating in increasingly asymmetric environments where distinctions between combatants and non-combatants are not immediately clear. While these are important challenges, it was mentioned by many participants that such issues should not result in inaction on the issue.

Conceptual frameworks: Clarifying overlaps and differences between PoC, CHM, and the role of International Humanitarian Law (IHL)

Participants stressed the duty and responsibility for all security actors – including peacekeeping operations – to effectively protect civilians and take all necessary measures to reduce civilian harm. Some participants raised questions on the conceptual frameworks that underpin CHM, requesting clarity on how CHM relates to and potentially differs from PoC mandates, and applicable legal frameworks such as international humanitarian law (IHL). Some participants noted that PoC mandates refer to actions carried out by UN peacekeepers to protect civilians from harm caused by others, while CHM referred to actions carried out by UN peacekeepers to protect civilians from potential harm caused by UN peacekeepers and operations themselves.

Discussants noted that IHL dictates that all parties to a conflict are required to respect the principles of distinction, proportionality, and precaution. CHM as a concept can provide a set of measures, policies, reforms, and responses to prevent and mitigate harm to civilians that aim to assist security actors to uphold IHL as well as to go above and beyond the minimum legal thresholds to protect civilians from harm. While IHL does not always apply to peacekeepers as they are not parties to a conflict, several participants noted that UN peacekeeping operations should always apply CHM. Although tracking civilian harm is not required by law, it can enable security institutions to analyze *how* and *when* they cause harm to civilians

and then change behaviors and practices to mitigate said harm. It can also allow security institutions to provide amends to affected individuals or communities where harm has occurred.

One participant raised a question on how peacekeeping operations can continue to respond to protection threats while also mitigating civilian harm, and whether measures to mitigate civilian harm could inadvertently result in inaction from peacekeepers. Other participants stressed that CHM can actually provide a spectrum of responses – not restrictions – that serve to mitigate harm to civilians, build trust with communities, and improve operational outcomes. Therefore, CHM can act as a force multiplier, enabling forces to take CHM-informed actions with more confidence that operations are being carried out with implicit mitigation and prevention protections. This can also mitigate potential reputational risks to UN operations among affected communities.

Engaging civilians in civilian harm mitigation: towards more people-centered approaches

Participants discussed mechanisms and avenues for consulting civilians and local communities regularly to understand protection risks, identify practices that may cause harm to civilians, and assess harm caused to civilians by operations and armed action.

UN Peacekeeping, particularly Civil Affairs sections, maintains several tools for community engagement, including Community Alert Networks (CANs) and Community Liaison Assistants (CLAs). Furthermore, the Office of Military Affairs (OMA) also engages in civil-military coordination and is in the process of developing Standard Operating Procedures (SOPs) and guidance on how forces can further engage with communities. While such engagement currently informs planning, several participants felt there is room for improvement.

Many participants also highlighted the potential benefits of including civilian personnel – such as Protection of Civilians Advisers, Civil Affairs and Human Rights officers, and other protection specialists – in military and police operational planning.

General conclusions

Participants collectively underscored the importance of preventing and mitigating harm to civilians in UN peacekeeping as both a moral and strategic imperative. Furthermore, participants acknowledged the need to continue having conversations on CHM, with an emphasis on efforts to socialize and institutionalize it within UN peacekeeping. Opportunities for further discussions on CHM include during the upcoming UN Peacekeeping Ministerial in Ghana in December 2023 and related preparatory conferences, as well as at subsequent sessions of the Special Committee of Peacekeeping Operations (C-34) process.