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Protection of Civilians Ukraine briefings

Briefing 1/4

▲ **Photo:** Alina Smutko/PAX

About this series

Between May-September 2024, the PAX Protection of Civilians (PoC) program conducted desk-top research on the main causes of civilian harm in the Ukraine war, as well as on efforts by a range of Ukrainian actors to seek to mitigate and address some of that harm. This research was complemented by Key Informant Interviews, our team's own field visits, and the work of PAX's Ukraine program more broadly. **The result is an analysis of protection-related challenges, best practices, and lessons identified from the war in Ukraine that can help inform the scaling of states' CHM – or broader PoC – roles, capabilities, and activities in the event of LSCO.** This is especially relevant as the complexity and intensity of military operations in Ukraine have resulted in specific protection needs and challenges that may not have been encountered or considered with sufficient depth before. This series introduces several shorter briefings that explore the research's key takeaways (briefing 1) as well as important insights regarding specific topics, such as evacuations, protection challenges related to civilian resistance efforts, and the organization of civilian harm response efforts (briefings 2, 3 and 4).

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8 Takeaways for CHM in Large-Scale Combat Operations

21 January 2025

Since Russia's full-scale invasion in February 2022, the complexity and intensity of military operations in Ukraine have resulted in protection challenges rarely seen at such magnitude. The resulting devastation of civilian lives and livelihoods pose important questions about the existing conceptualizations of civilian harm mitigation (CHM) when applied to large-scale combat operations (LSCO). The concept of CHM – sometimes also referred to as civilian harm mitigation and response (CHMR) – was developed in the context of counterinsurgency and stabilization operations. It refers to efforts by armed groups, militaries, and nations to prevent, reduce, and address the harm resulting from military operations and, importantly, goes beyond compliance with International Humanitarian Law (IHL). As states are considering how CHM efforts can be scaled to fit LSCO, this briefing provides **eight key takeaways** from the ongoing war in Ukraine, providing an initial reflection on the **application of CHM in LSCO contexts**.

Civilian harm in Ukraine

Civilian harm has been widespread in Ukraine since Russia's full-scale invasion on 24 February 2022, following an earlier phase of lower-intensity conflict in its Donbas region that began in 2014. As of September 2024, use of force in the war directly caused 12,000 confirmed civilian deaths and injured 25,000 more, although the actual numbers are likely higher. Vital civilian infrastructure has not been spared either: hundreds of healthcare facilities have been damaged or destroyed, as well as over 1,400 educational facilities, in addition to widespread destruction of residential areas and critical water, power and energy infrastructure. By October 2024, the war resulted in the internal displacement of approximately 3.7 million civilians and over 6 million have fled the country. In addition, the war has resulted in many reverberating and long-term negative impacts for the civilian population: the widespread use of explosive weapons in populated areas is, for example, leading to the degradation

of healthcare services and is causing toxic materials to be released into the air, water, and soil, thereby negatively affecting civilian health and the environment. The extensive presence of mines and unexploded ordnances (UXOs) poses a direct threat to civilians, contributes to loss of livelihoods in rural areas in particular, and will result in additional long-term risks for civilians and negative consequences for agriculture and land use, negatively impacting Ukraine's economy as well as global food security for many years to come.

The vast majority of harm is caused by the operations of the Russian Armed Forces (RAF). There is strong evidence that points to the RAF deliberately using strategies and tactics that *maximize* civilian harm, such as the deliberate targeting of critical infrastructure, the use of human shields, siege tactics, and so-called 'double tap' strikes. The Armed Forces of Ukraine (AFU) have also been linked to several direct civilian harm incidents, mostly related to misfire and the malfunctioning of Ukrainian air defenses or their generating explosive debris. Both parties to the conflict have further been linked to the use of widely banned weapon systems like anti-personnel landmines (APMs) and cluster munitions. In 2023, mines and other UXOs have caused at least 580 casualties in Ukraine. Ukraine is a State Party to the 1997 Mine Ban Treaty, which prohibits the use, production, stockpiling or transfer of APMs. The recent US transfer of APMs to Ukraine is therefore problematic and has been criticized widely, including by PAX, for the risk this poses to civilians. Neither Russia nor the US are party to the 1997 treaty. However, President Biden stipulated in 2022 that the US would align its policy with the treaty's key requirements, with an exception only for the Korean Peninsula.

Eight key takeaways for CHM in LSCO

1. Consider harm from **own** actions, as well as harm from the actions of **others**

In a LSCO setting it is particularly important to complement a focus on mitigating and responding to civilian harm caused by *own* military operations with attention for harm caused by the operations of *other* conflict parties. In Ukraine, the combination of having to defend its own territory and being faced with an adversary that shows little regard for civilian protection concerns and has caused the majority of civilian harm has meant that the AFU has necessarily had to focus too on how it could mitigate the impact of RAF operations on the Ukrainian population. As a good practice example, from September 2022 onwards, AFU senior leadership ordered AFU units to track and report on RAF-caused civilian harm. Both to feed into military learning processes, and to develop measures to address harm, for instance by having Civil-Military Interaction (CIMIC) officers educate local communities on best practices regarding mine identification and avoidance. Similarly, CHM considerations informed Ukraine's decision to redeploy certain of its (limited) military air defence assets away from the front lines and towards urban areas, to better protect civilians against RAF operations. Successful mitigation of harm from own and others' actions also helps preserve societal cohesion and resilience, preserving morale among the general population.

2. Take into account both the **methods** and **means** of warfare

Successful CHM involves identifying opportunities to prevent and minimize civilian harm through chosen military *methods* as well as military *means*. The AFU has in several instances shown a commitment to do so. Prior to the outbreak of large-scale conflict in February 2022, the AFU had identified the use of mortars as a key source of harm and subsequently introduced a measure to require a higher level of authorization for their use. The AFU also refrained from using heavy artillery in its advance on the cities of Kherson and Kharkiv in an effort to minimize civilian harm and material damage. At the same time, both the RAF and the AFU – albeit to different degrees – have used weapon systems that are widely banned and condemned by the international community because their use is associated with excessive and/or indiscriminate harm to civilians. These include the reported use

of anti-personnel landmines and cluster munitions. To prevent unacceptable levels of harm, militaries should never resort to the use of such weapons. Instead, states should join and implement the treaties banning these weapons without delay and without exception.

3. Enhance preparedness for (large-scale) civilian evacuations

In a LSCO setting, particularly one that involves defending own territory, states should be prepared for large-scale population movement and the need to organize civilian evacuations and clearly plan for the military role therein. In Ukraine, this emerged as a key CHM measure. Especially as several of our interviewees attributed the many direct civilian casualties in the first weeks and months of the full-scale war, in part, to limited preparedness to evacuate civilians from frontline areas. Consequently, civilians who remained in areas of active conflict were at increased risk of harm from Russian offensive operations and occupation. Crucially, the war in Ukraine shows that this also requires preparedness for (long-term) post-evacuation support to help convince civilians to leave at-risk areas and to prevent further harm from occurring through being uprooted.

> The second briefing in the **Ukraine PoC Series** is focused entirely on the importance of evacuations to the protection of civilians, as well as main challenges and good practices identified from Ukraine's defensive war against Russia.

4. Mainstream CHM throughout the military apparatus

Large-scale conflict creates pressure on (scarce) military resources, with the potential to undermine civilian harm mitigation and response efforts. In Ukraine, CHM responsibilities and activities are largely placed within the AFU J9 (Civil-Military Operations) Directorate, with CIMIC officers specifically. As CIMIC roles were developed relatively late within the AFU, former and current military staff confirmed to us that – by the time of full-scale conflict – not everyone in the AFU was aware of CIMIC's relevance, area of responsibility, and of the importance of CHM activities. Faced with an intense operational tempo and many (competing) military needs, this resource scarcity – in terms of personnel, technological equipment, limited time for training new recruits, and so on – contributed to a situation where CIMIC officers were often underutilized or assigned different tasks, eroding the AFU's CHM capabilities. The risk of this occurring in other LSCO scenarios can be mitigated by ensuring that, during peacetime already, the CHM concept is sufficiently mainstreamed or socialized throughout the military apparatus, is explicitly linked as being relevant to LSCO, is explicitly incorporated in planning and operations, and enjoys explicit backing and support from senior military leadership.

5. Anticipate and recognize protection challenges related to civilian resistance efforts

The war in Ukraine shows that in the event of LSCO and specifically where it concerns a situation of territorial defense, civilians will take up an active role to support their own troops and engage in resistance efforts. Ukrainians, for instance, have proven instrumental to the country's defensive effort: they have volunteered to provide basic supplies to frontline troops, organized evacuation efforts in at-risk areas, or even contributed intelligence regarding the adversary's location and movements. Armed forces must be prepared to facilitate civilian support while remaining mindful of the risks this may pose to civilians. Ukrainian volunteers providing humanitarian deliveries to frontline areas, for instance, sometimes did so while wearing tactical clothing or driving armored vehicles. Understandably so as the RAF has routinely targeted civilians and volunteers, for instance during evacuation efforts. At the same time, such clothing may also make it more difficult to distinguish civilians from AFU combatants. Similarly, some activities by civilians in the digital domain – for instance when providing information on

Russian troop movements – may lead to a loss of civilians' protected status under IHL. It is important to anticipate such types of civilian behavior, recognize and weigh the associated protection risks against their benefits, identify what potential negative impact it may have on humanitarian operations writ large, and be prepared for corresponding CHM measures. For instance by providing training and education on what behavior can result in a loss of protection under IHL.

> The third briefing in the **Ukraine PoC Series** is focused entirely on the opportunities and protection risks related to civilian resistance and support activities, drawing on challenges identified from Ukraine's defensive war against Russia.

6. Enhance preparedness for mitigating harm from information warfare

Hostile information operations by Russian or Russia-affiliated actors have – at an unprecedented scale – emerged as a cause of significant civilian harm in Ukraine. For instance, disinformation regarding evacuation plans and routes deliberately put civilians in harm's way or, conversely, reduced people's willingness to evacuate at-risk areas. Disinformation regarding the conduct of AFU combatants specifically risks eroding support for the Ukrainian defensive effort, also internationally. The importance of the information domain as an area of warfare and cause of civilian harm will likely be a recurring characteristic of LSCO scenarios. To that end, it is important that states prepare for hostile information operations. It further supports the importance of developing dedicated civilian harm tracking, investigation, and reporting capacities, which help enable combating disinformation that specifically seeks to discredit the military through false claims of civilian harm. It has been a vulnerability of Ukraine that it has not always properly addressed reports of civilian harm caused by the AFU. In the short term, not providing transparency on civilian harm caused by own operations leaves survivors or loved ones without answers. In the longer term, it can contribute to eroding trust in the AFU and wider Ukraine government.

7. Set up large-scale dedicated civilian harm response funds

The Ukraine war and the widespread occurrence of direct and reverberating civilian harm have resulted in large-scale civilian harm response needs. At the current time, Ukraine is understandably struggling to find a suitable answer to this amidst an ongoing war and fight for survival. Nonetheless, it has launched various promising initiatives, such as the eRecovery program which provides compensation for housing that has been damaged or destroyed due to the war, and which has disbursed payments to well over 50,000 Ukrainians as of May 2024. However, response needs in all areas – damaged property, loss of relatives, loss of income, support to survivors of Conflict-Related Sexual Violence (CRSV), psychosocial needs – far outstrip current capacity. It is understandable that within this context Ukraine is pursuing legal reparations, but these do little to address current needs. This scenario is likely typical for LSCO, making it all the more important to enhance preparedness in peace time by setting up dedicated civilian harm response funds which can serve to address some of the most immediate needs and so prevent the exacerbation of harm. A good practice example is the recently introduced interim reparations program for survivors of CRSV.

8. Develop a civilian-centered response framework

The war in Ukraine once again emphasizes the importance of taking a civilian-centered approach to the design and implementation of CHM measures generally, and response measures specifically. Many of Ukraine's notable and laudable initiatives, such as the eRecovery program display some shortcomings where it concerns meeting the practical needs and realities of victims of harm. These include stringent requirements regarding proving home ownership, for instance, that do not

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reflect the practical reality of home ownership in many more rural areas of Ukraine, or that do not take into account considerable damages to local archives because of the war. Such shortcomings can be prevented by including civilians or relevant civil society organizations in earlier phases of planning and design of response measures. A good practice example is again the interim reparations program for survivors of CRSV, which has been informed by the needs and expectations of its intended beneficiaries.

About PAX and the PoC program

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 internal 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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