

Protection of civilians

Ukraine briefings

Briefing 3/4



About this series

▲ Photo: Alina Smutko/PAX

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 experience, 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 has 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).

Civilian resistance in LSCO: Risks and mitigation measures

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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) – sometimes also referred to as Civilian Harm Mitigation and Response (CHMR) – and Protection of Civilians (PoC) when applied to large-scale combat operations (LSCO).¹ These concepts tend to focus on state (military) actions and responsibilities. In Ukraine, however, civilian involvement in resistance efforts – both non-violent and kinetic – has also been widespread. Therefore, this characteristic of the war deserves attention as it may emerge in other large-scale conflicts. Western militaries have traditionally focused much of their attention on how to **counter** civilian resistance, particularly in counter-insurgency contexts. Ukrainian success with **civilian resistance** has, however, reignited interest in how to **leverage** similar actions in LSCO.

Civilian resistance may therefore be inevitable and even desirable from a self-defense perspective – but at the same time, certain actions and behavior can result in clear protection risks for civilians; an aspect of war that is rarely discussed. This briefing looks at **resistance activities** in Ukraine and certain associated **protection risks**, before discussing possible implications for states and the **mitigation measures** that they should consider. Given the broad scope of activities encompassed by 'resistance', this briefing can only focus on a select few (more on scope can be read in 'What is civilian resistance?' below). This briefing seeks to draw attention to the linkages between resistance, protection, and civilian harm, and should be considered the start of a conversation rather than any conclusive analysis.

What is civilian resistance?

The concept of civilian resistance encompasses a broad spectrum of actions, not all of which will be of relevance to the discussion here. Generally speaking, it covers acts that deliberately seek to challenge, undermine, or impede a government or authority. In the case of Ukraine that concerns challenges to foreign Russian occupation of Ukrainian territories. The US Center for Strategic International Studies usefully makes a further distinction between **private resistance** (e.g., refusing a Russian passport), **public non-lethal resistance** (e.g., publicly displaying Ukrainian symbols, livestreaming RAF activity), **internal lethal resistance** (e.g., directly contributing to Ukrainian military efforts by sharing information on RAF movements), and **public lethal resistance** (e.g., assassinations, sabotaging occupation infrastructure). The most direct protection risks – as will be discussed in later sections – stem from actions in the two latter categories, whereby internal lethal resistance has our main interest given that civilians may not always be aware of the risks to which they expose themselves through some of these actions.

Civilian resistance in Ukraine

Civilian resistance is probably as old as warfare itself. Following Russia's full-scale invasion of Ukraine, we have seen various forms of resistance play out. As often happens, the resistance was initially more kinetic in nature. Many volunteers joined the newly established Territorial Defense Forces, while informal civilian armed resistance groups self-organized to defend their homes and families, especially within frontline communities. At the same time, there were many non-violent acts that proved highly effective in slowing or tying down Russian Armed Forces (RAF), buying critical time for the Armed Forces of Ukraine (AFU). There have also been more 'modern' forms of resistance: Online actors promoted pro-Ukrainian narratives on social media, playing a crucial role in the information war. In at least one case, a minor used a commercial drone to identify approaching Russian military columns and passed on geolocation data to support AFU operations. As the frontlines began to settle, resistance efforts changed somewhat. Those under occupation continue to conduct a wide array of violent and non-violent resistance activities aided and often guided by Ukrainian stay-behind forces², including Special Operations units. Elsewhere in Ukraine, civilians often cooperate with civil society organizations and local authorities to support non-violent resistance in a more decentralized manner.

At the outset, it is important to note that, during times of war, most attention is typically on lethal resistance as a useful defensive measure. However, academic research indicates that, historically, non-violent resistance has been a very, if not more, effective alternative. It can structurally undermine the adversary while offering more protection to civilians. It can also lay a strong foundation for sustainable peace post-conflict. In Ukraine, non-violent resistance strategies have been important to maintain domestic morale, while also mobilizing support for Ukraine's defensive effort internationally. Non-violent resistance activities have included the positioning of civilians in front of Russian tanks to halt or slow the RAF's advance, the public display of Ukrainian symbols (such as by the 'Yellow Ribbon' resistance movement), as well as various forms of non-cooperation. The latter are particularly prominent in areas under Russian occupation and encompass activities like the refusal to pay taxes to the occupying forces, teachers rejecting to teach Russian curricula, declining to deliver certain services, boycotts of companies owned by or working with the Russian occupiers, and so on. This has undermined Russian narratives of war, such as experienced by RAF soldiers who had expected to be welcomed into Ukraine as 'liberators' and were met with fierce resistance instead. In this way, non-violent resistance can contribute to undermining RAF morale. Further, through protests and non-cooperation in occupied areas, Russia has also been forced – in the first months after its full-scale invasion in particular – to expand more resources on policing the occupied regions, thereby limiting its ability to mobilize troops towards other areas of Ukraine. It would be worthwhile to study the importance of non-violent resistance to defensive efforts in greater detail.

Resistance-related protection risks

The below highlights a number of specific protection risks related to various resistance activities, drawing on examples from Ukraine's defensive war against Russia. This is not a comprehensive list: rather, the focus is primarily on resistance activities that can result in security threats of which civilians themselves – when engaging in these activities – may not be fully aware. It should be noted that the RAF has routinely demonstrated a lack of compliance with International Humanitarian Law (IHL) by deliberately and discriminately targeting civilians. As a result, many Ukrainians see resistance, despite associated risks, as the only viable course of action.

Less distinction between civilians and combatants

A main risk factor in civilian resistance behavior is that certain actions can blur the lines between civilians and combatants, making it more difficult to distinguish one from the other, increasing the risk that civilians are targeted. Even when the distinction is clear, actors may be seen to use civilian resistance as an excuse to target civilians. Protection risks may grow even more pronounced when resistance-related actions satisfy the threshold criteria of **direct participation in hostilities** (DPH), as this causes civilians to temporarily lose their protected status under IHL. The ICRC defines an action as amounting to DPH if (1) it **adversely affects** the military operations or capacity of a party to the conflict, if (2) there is a **direct causal link** between the act and the harm likely to result from it; and if (3) the act is designed to inflict harm on one party of the conflict in support of another (the '**belligerent nexus**'). Concrete examples of civilian actions in Ukraine that risk blurring the civilian-combatant distinction include:

- *Actions in the digital domain.* The ICRC has earlier **called attention** to the worrying trend of the 'civilianization' of the digital battlefield. This encompasses, for instance, states developing or repurposing smartphone applications that are used by civilians to accommodate military use. A relevant Ukrainian example is the Diia app: a widely used government portal for documents like digital IDs. After the full-scale invasion, the authorities **added** the 'E-Enemy' feature, enabling civilians to report RAF locations. The app has significant defensive value for Ukraine and it is understandable that the government promotes its use. At the same time, **several** legal analysts are **concerned** that when civilians use Diia to report Russian troop movements and that when this information is used to **inform** AFU targeting decisions, then this may mean that these civilians satisfy the DPH criteria. This is **concerning** when civilians are not aware of the legal and practical implications of something as easy and familiar as using a smartphone app. There are also **reports** of RAF troops going door to door and killing Ukrainian civilians who have pictures of, for instance, Russian tanks on their phones.
- *Use of civilian drones for reconnaissance and targeting.* Ukraine's defensive war has increasingly become a 'drone war'. Civilian volunteers have been **involved** in the production, repair, and operation of drones that are used as 'spotters', identifying Russian military targets for the AFU. This has helped **take out** RAF targets like artillery positions. One such group is **Aerorozvidka** ('aerial reconnaissance'), which – beyond passing on information to the AFU – has also outfitted commercially available drones with explosives to directly bomb RAF vehicles, thereby directly engaging in the armed conflict.
- *Civilian defense training centers.* A more recent development in Ukraine, according to an interviewee, is the establishment of civilian defense training centers, predominantly in cities close to or on the front lines like Kharkiv and Zaporizhzhia. These are typically set up by non-governmental armed groups, instructing Ukrainians on a range of things like the handling of small arms. But there are risks. First, the centers may encourage civilians to act in ways that amount to DPH. Second, the centers themselves may sometimes be considered dual use, increasing the likelihood that they are targeted. Third, there is a concern that some centers are set up too close to residential buildings, increasing the risks for civilians nearby. According to the interviewee, Ukrainian civilians attending such centers are often aware of these risks, but perceive these to be outweighed by the benefit of learning to better protect oneself.

- *Use of military colored vehicles and camouflage clothing.* Finally, and much further removed from DPH concerns are some actions that – while of an innocent nature by themselves – may nonetheless blur the civilian-combatant distinction and so put civilians at risk. One such example was encountered by PAX staff during a field visit: civilians providing supplies to frontline troops, wearing tactical gear and driving pick-up trucks painted army green. Again, such decisions are, more frequently than not, a result of the RAF targeting civilians, who, in turn, take what they perceive to be necessary protective measures. It can, however, also be used by adversaries as a justification for their actions and create wider risks for humanitarians involved in similar activities.

Perception of hostile environment

As the combatant-civilian distinction becomes less clear, there is a risk in armed conflicts that a belligerent targeted by resistance actions will increasingly perceive the **entire civilian environment** as a threat. This can result in an increase in accidental civilian casualties through misidentification, as was often seen in counter-insurgency contexts like Afghanistan and Iraq. It may also result in an increase in the deliberate targeting of non-combatants. Russia's full-scale invasion of Ukraine is an example of how civilian involvement in resistance is met with increased **deliberate** targeting of civilians. The RAF immediately responded with force to more kinetic forms of civilian opposition, while non-violent resistance initially generated a more controlled response from the occupiers. This quickly changed, however, as RAF operations became bogged down and resistance stiffened. Already in **March 2022**, civilian casualties spiked as all forms of resistance were responded to with increasingly aggressive and disproportionate uses of force, as the RAF increasingly perceived all civilians as a potential threat.

Widespread circulation of arms

Following Ukraine's declaration of full mobilization and the introduction of martial law in February 2022, the Ministry of Internal Affairs announced that state authorities could provide all civilians willing to defend the country with automatic weapons. By 25 February 2022, over **18,000 rifles** had been handed out in Kyiv alone. Crucially, Ukraine **sought to exercise control** over the distribution by registering civilians who received arms. However, due to the rapidly evolving situation and the hastily organized nature of the distribution, weapons **have found their way** into the hands of radical groups and criminal organizations. Such proliferation of weapons within a society can result in serious challenges during the post-conflict phase, further complicating Ukrainian Demobilization, Disarmament and Reintegration (DDR) efforts. In fact, considering the brutality of the war and the extent of harm inflicted on the Ukrainian population, it is unquestionable that many civilians will suffer psychological trauma. These two factors – proliferation of weapons and high levels of trauma within society – constitute **significant threats** to any post-conflict society, particularly when introduced into communities that have historically struggled with substance abuse.

Many local Ukrainian communities are already looking to address this issue, but there are considerable obstacles. During field research conducted by PAX within communities in proximity of the contact line in 2023, many local authorities and civil society organizations underlined the importance of local projects to help reintegrate Ukrainian veterans. However, they also consistently underscored the lack of financial resources and permanent psychological assistance within these impacted areas. It was further apparent that DDR considerations focused on men, whereas as of September 2024, **approximately** 68,000 women serve in the AFU.

Mitigation measures

While the above identifies various resistance-related protection risks, it is important to realize that civilian willingness to participate in resistance is inevitable in most conflict settings. Efforts to prevent or forbid civilians to resist an advancing or occupying force may not be viable, nor in the interest of the society in resistance to an aggressor. As demonstrated in Ukraine's defensive war against Russia, for many civilians resistance may seem inevitable or at least as an activity for which the perceived protection benefits outweigh the potential protection costs. This underlines the importance of considering appropriate mitigation measures. As touched upon above ('Civilian resistance in Ukraine'), it also warrants more thorough engagement with the topic of non-violent resistance and its defensive value.

Information and awareness raising

One of the main concerns with various resistance-related activities is that civilians may not be aware of the full legal and practical implications of their actions and, as such, the risks they consequently expose themselves to. This calls for several corresponding mitigation measures. First, as several analysts [observe](#), it is important that states exercise caution and restraint in enabling, or even pursuing, civilian participation in matters like reporting on hostile troop movements and locations. Second, where such actions are encouraged nonetheless, states should at minimum [proactively inform](#) civilians of the possible legal implications and associated risks. For instance by adding clear warning statements to certain smartphone applications. Similarly, it is important that governments and state militaries are themselves aware of the legal consequences associated with a range of resistance activities and provide training on this where needed.

Planning for arms distribution and comprehensive DDR programs

The decision to arm a population often represents an extreme solution to an extreme situation and therefore should never be taken lightly. Planning and coordination, especially with regards to effective registration of arms distribution, are key to [mitigating potential risks](#) to the civilian population, both during and after conflict. Wherever possible, the [registration process](#) must be set up in a way that reduces the risk of multiple withdrawals from the same citizens, and IDs must be cross-checked with criminal records. Ideally, states pre-plan as ahead of time as possible, while decentralizing the process to regional or local authorities, and centralizing the distribution records. States should further establish a clear [disarmament plan](#) before the actual recall. This process should, at a minimum, identify a central government agency responsible for the distribution and withdrawal, a maximum timeframe for the restitution of the weapons, as well as penalty measures for failure to return assigned firearms. Further, states should establish secure temporary storing facilities and transportation plans.

With regards to demobilizing the population, as is happening currently in Ukraine, the planning and resourcing for these efforts must begin already in the early phases of active fighting and they must be comprehensive in nature, including a strong [gender dimension](#). The needs of all former combatants and those exposed to the mental traumas of conflict must be considered and adequately catered for. The [provision of mental health services](#) is but one of the critical services that must be provided to conflicted-affected populations. According to communities PAX spoke to in Ukraine in 2023, such services and processes should be localized down to the lowest level, as that is where there is greatest understanding of people's specific traumas and consequent needs. Together, disarmament, comprehensive reintegration and adequate mental health support will help reduce the negative, reverberating effects of conflict on civilians. However, particularly in the case of Ukraine, where such large portions of the civilian population have been impacted by the war, this will require significant resources.

Endnotes

- 1 Conceptually, CHM refers to actions taken by security actors to prevent, mitigate or address harm to civilians from *own* actions, whereas PoC is a broader concept that also includes protecting civilians from harm caused by others.
- 2 Pre-designated operatives who plan to hide, survive, and eventually operate in the rear area of an advancing enemy. Stay-behind forces **can** slow advances, buy time, impose costs, create confusion, and psychologically demoralize an invading enemy.

About this publication

Erin Bijl and Marco Grandi researched and wrote this briefing. It was edited by Terri Beswick and Wilbert van der Zeijden. PAX is grateful to all anonymous interviewees who shared their valuable time and insights, especially those who did so amid the difficult circumstances of war.

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 international security actors to account, and by enabling and motivating security actors to design and implement protection strategies that are civilian-centered.

PoC@paxforpeace.nl
<https://protectionofcivilians.org>