Civilian harm tracking, analysis and response

What it is and why it matters

About PAX

PAX means peace. PAX brings together people who have the courage to stand for peace. Together with people in conflict areas and concerned citizens worldwide, PAX works to build just and peaceful societies across the globe. The **protection of civilians** is at the heart of PAX's work. On the ground, in regions of conflict, PAX works with local activists and civilian organizations to examine how civilians can best be protected against the destructive effect of war.

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The Protection of Civilians program seeks to make security actors more effective and accountable when undertaking activities to protect civilians. As part of that objective, the program will strongly focus on civilian harm and its tracking, analysis, response and mitigation in the coming years; it is essential that militaries engage in civilian harm tracking, analysis and response activities, and that they possess the required standardized tools and practices to do so effectively. This paper outlines our program's position with regard to civilian harm tracking, analysis and response within the context of modern warfare, explaining these concepts and why we deem them a political, moral, humanitarian and strategic objective.

Background

> *"City centres and residential areas are now the battlefield and frontlines of our century."*[1] (Sir Anthony Beever, military historian)

Several characteristics of contemporary armed conflict contribute to high rates of civilians injured, killed or otherwise harmed as a consequence of hostilities. Firearms and explosive weapons are readily available to more state and non-state armed groups, contributing to more rapid escalation of force. At the same time, new technological developments allow certain states to limit their military casualties by increasingly using remote warfare technology in populated, urban areas. This puts civilians at considerable risk of becoming 'collateral damage'. A parallel trend is that we see governments being opaque, evasive even, about the reality of their operations and the subsequent risks to civilians on the ground. Illustrative is the recent upheaval in relation to Dutch air strikes in Hawija, which caused dozens of civilian deaths, and the Dutch authorities' less than transparent reporting on this to the Dutch Parliament and public. Five years after the attack, a clear picture of what transpired in Hawija is yet to emerge and Iraqi civilians still await proper acknowledgment and compensation.

Such lack of transparency and the failure to identify, assist and compensate victims of military action are no exception. It is exemplary of how belligerents in recent conflicts have – deliberately it seems – created a legal vacuum that enables them to avoid transparent reporting about the civilian lives impacted, and thus accountability towards those civilians and towards the political, legal and societal oversight structures back home. The International Coalition against IS is a case in point: For years, Coalition partners argued that

Coalition agreements prevented them from sharing information on civilian harm they or their partners caused and as such avoided individual responsibility for the civilian harm their actions had brought about. The Coalition, as an entity often represented by US CentCom, would in turn fail to provide an accurate accounting of civilian harm caused by Coalition operations as a whole and point to the individual responsibility of the Coalition partners for releasing information on their own role in Coalition operations and the consequences of those actions. Only after reporting in the media and through persistent and independent civilian casualty recording by non-governmental organizations like Airwars, have several Coalition partners finally started to open up by publishing some data on the consequences of their actions on civilians in Iraq and Syria.

While these particular operations are coming to an end, there now appears to be a window of opportunity for more structured discussion about what the roles and responsibilities of security actors are, or ought to be, in preventing, minimizing, mitigating, tracking, analyzing, reporting on, and responding to civilian harm and how this translates to updated policies, military frameworks, guidelines, mandates and doctrines.

Civilian harm

"The whole ecology of civilian life was shattered – instability increased the prices of foods and goods. When civilian men were badly wounded or killed, families lost their breadwinners."[2] (Christopher D. Kolenda, former Senior Advisor on Afghanistan and Pakistan to the U.S. Department of Defense, on the implications of ISAF military action in Afghanistan)

While many actors in the field use the term 'civilian harm', there can be significant differences in how it is used and what it is considered to encompass. Military actors often narrow civilian harm down to civilian deaths and physical injuries that are the direct result of military action. We strongly advocate for a broader understanding of civilian harm and have defined it accordingly as: **Negative effects on civilian personal or community well-being caused by use of force in hostilities. Effects can occur directly (death, physical or mental trauma, property damage) or indirectly through the destruction of critical infrastructure, disruption of access to basic needs and services, or the loss of livelihood.** This broader conceptualization of civilian harm includes harm done to civilians when their houses, hospitals or schools are damaged, when their livelihood gets disrupted, or when they suffer mental trauma. Such indirect, or second- and third-order effects are often neglected in policy and public discourse in favor of more visible manifestations of civilian harm; we advocate application of this broader and more realistic understanding of civilian harm. Only if we understand the myriad ways in which military action may negatively affect

civilians can we truly monitor and evaluate its full costs, including those of a military-strategic nature.

Civilian harm tracking, analysis and response

Civilian harm tracking, analysis and response, in turn, refers to "an internal process by which a particular coalition, military, stabilization, or peacekeeping operation gathers data on civilian harm caused by its operations and then uses that data to improve operations and properly respond to civilian losses."[3] Notably, there are several steps to this process: There is the tracking or data collection itself, the subsequent use of the information to analyze existing practice, the drawing of lessons and implementation of measures to avoid or minimize harm in future operations. Civilian harm tracking is also the crucial first step towards identifying, assisting and eventually compensating affected civilians. Both in Afghanistan and Somalia, the implementation of civilian harm tracking, analysis and response cells by ISAF and AMISOM respectively spurred tactical and operational changes, which successfully reduced the number of civilian casualties from own action.[4] For example, ISAF significantly decreased its use of night raids when its Civilian Casualty Mitigation Team found that a disproportionate number of Afghan civilians got injured and killed in such operations.[5]

The importance of civilian harm tracking, analysis and response

There is a substantive body of literature on the reasons for and benefits of civilian harm tracking, analysis and response. We want to emphasize the following, which we regard as particularly important:

- **Politically**, civilian harm tracking is essential to guarantee parliamentary oversight of military interventions and decision-making. Only by implementing adequate civilian harm tracking tools and investigation mechanisms does it become possible to gather a true and complete picture of the consequences of particular military operations. This allows parliaments and the societies they represent to be sufficiently informed of, and have a say in, decisions to adapt, halt or even call off a military intervention.

- From a **humanitarian** perspective, civilian harm tracking and analysis can lead to changes in military conduct that ultimately lower future harm. ISAF and AMISOM are successful examples: Both missions could identify disproportionately harmful mission practices through civilian harm tracking cells, which led to operational changes that brought down the number of civilian casualties from own action. In addition, better and shared understanding of effects of certain weapons enables us

to better weigh costs and benefits from a human-centric perspective and may lead to more restrictive standard operating procedures for the use of these weapons or even their eventual prohibition, as has previously been the case with biological and chemical weapons, blinding laser weapons, anti-personnel landmines and cluster munitions.[6]

- **Morally**, military forces have a responsibility towards civilians to provide information on the harm done to them during military operations. Not giving civilians the opportunity to learn what happened to them or not acknowledging their harm can aggravate the harm experienced by those civilians who remain in search of answers and recognition. Moreover, the recognition of civilian harm and efforts to identify affected civilians are a crucial element in the implementation of adequate assistance, amends and reparations policies and measures.

- **Strategically**, civilian harm tracking and analysis enhances the credibility and legitimacy of military missions. Most military operations are conducted with the explicit or implicit objective to protect civilians and to create a safe and secure environment. Yet, when militaries fail to actively share the facts about the harm they cause, this invariably undermines their own credibility and makes them vulnerable to propaganda and misinformation by opponents; a lesson learned the hard way in Afghanistan. Civilian harm tracking enables militaries to be open and transparent about harm to civilians they cause and subsequently to control the narrative and to counter false allegations or misrepresentations by adversaries. Additionally, when militaries incorporate both the direct and indirect effects of military action on civilians in decision-making processes, they gain a better understanding of the overall 'human environment', making them better positioned to make the best and most effective tactical and strategic choices in the long-term.

"This process isn't threatening, but rather empowering. It's empowering because recognizing and tracking civilian casualties can show that [forces] can do their jobs better by addressing and preventing civilian harm."[7] (former senior ISAF commander)

The way forward

Given the stated importance of civilian harm tracking, analysis and response, we conclude that emphasis should be given in the coming years to a couple of interrelated efforts, including:

- Building a shared understanding of the complex interrelation between the intentions and objectives of perpetrators, the methods and tactics they use, and the effects on civilians.
- Building a shared understanding of the cascading or reverberating effects of use of force as experienced by civilians – including the whole range of physical and non-physical effects as well as short- and long-term effects.
- Advocating for clear and strong national policies and guidelines for transparency and accountability in relation to civilian harm.
- Conducting historic as well as experimental research on methods and tools used by military actors that enable adequate civilian harm data collection, analysis and dissemination with the aim to enhance transparent and evidence-based decision-making.
- Collaborating with civilian and military actors to build tools that better integrate civilian perspectives in civilian harm analysis.
- Mainstreaming transparent and accountable civilian harm tracking, analysis and response through training, exercise and comprehensive in-mission assessments aimed at identifying best practices.

As a relatively small player in this field, PAX will seek to collaborate with all stakeholders and to seek alignment with existing initiatives that contribute to any or all of the above priorities, and that advance the full understanding of the human environment in conflict, ultimately leading to more effective protection of civilians in practice. ♦

> **More information?**
> For more information about our civilian harm-related work visit our website at https://protectionofcivilians.org, take a look at our civilian harm resources at https://protectionofcivilians.org/resources/civilian-harm/ or contact Erin Bijl at bijl@paxforpeace.nl or Wilbert van der Zeijden at vanderzeijden@paxforpeace.nl

Endnotes

[1] ICRC (2017). *'I saw my city die': A special report from the International Committee of the Red Cross*. Interactive report. Retrieved 18 July from https://cityatwar.icrc.org/.

[2] Open Society Foundations (2016). *The Strategic Costs of Civilian Harm: Applying Lessons from Afghanistan to Current and Future Conflicts*, p. 4.

[3] Keenan, M. (2013). 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), p. 2.

[4] CIVIC (2014). *Civilian Harm Tracking: Analysis of ISAF Efforts in Afghanistan*. Washington: CIVIC; Rupesinghe, N. (2019). *The Civilian Casualty Tracking, Analysis and Response Cell in the African Union Mission in Somalia: An emerging best practice for AU peace support operations?* Oslo: NUPI.

[5] Keenan, M. (2013), p. 4.

[6] Action on Armed Violence (2014). *How the counts reduce the casualties.* London: AOAV; Convention on Certain Conventional Weapons (1995). '1995 Protocol on Blinding Leaser Weapons'. Retrieved 18 July from http://www.weaponslaw.org/instruments/1995-protocol-on-blinding-laser-weapons

[7] CIVIC (2014), p. 18.