

OCTOBER 2018

The Protection of Civilians in U.S. Partnered Operations

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A Report of the CSIS INTERNATIONAL SECURITY PROGRAM

CSIS | CENTER FOR STRATEGIC &
INTERNATIONAL STUDIES

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CIVILIANS IN CONFLICT
RECOGNIZE. PREVENT. PROTECT. AMEND.

InterAction
A UNITED VOICE FOR GLOBAL CHANGE

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1 | Introduction¹

The United States' national security and defense strategies, as well as trends in U.S. military operations around the globe, reflect a preference for working by, with, and through partners to achieve common security objectives. Partnership may enhance the capacity of a partner government to maintain effective control over territory. It can also signal unity in deterring or degrading a common adversary or threat, for example in the U.S.-led coalition and partnered approaches to confront the Islamic State of Iraq and Syria (ISIS). As outlined in our policy brief, *Civilians and "By, With, and Through,"* security partnerships can take a wide range of forms, from support operations and advise, assist, and accompany missions, to direct participation in hostilities through "joint" or "partnered" operations and coalitions.² Here, we report the practical experiences of policymakers and practitioners in security and humanitarian fields in positively shaping the conduct of armed forces partnering with U.S. forces. Their combined experience—supported by the available research—suggests that it is possible, with the right conditions for success, to affect the conduct of both state and non-state armed actors to minimize harm to civilians. Practitioner lessons also suggest that in some cases, the risk of harm to civilians may be too great and the options to control risk too few to continue the partnership in an accountable manner which both effectively spares civilian lives from the effects of conflict and respects human rights. This report outlines considerations and

1. A closed-door roundtable on May 11, 2018 convened U.S. policymakers, military officials, humanitarian actors, and other stakeholders to explore challenges associated with the protection of civilians in U.S. partnered operations. It was held under the Chatham House rule that information discussed may be openly shared but not attributed to an individual or affiliation. The roundtable explored the specific challenges of ensuring the protection of civilians when the U.S. military works "by, with, and through" partners, and sought to facilitate a dialogue based on practitioner experience. Discussions examined the differences between state and non-state partner forces, methods and approaches to encourage changes in conduct on the part of partner forces, and the cases of Nigeria and northeast Syria. Participants included representatives from the U.S. executive branch, the armed forces, international organizations, non-governmental organizations (NGOs), and other analysts. While the roundtable focused on U.S. policy and practice, the issues of partnered operations extend beyond U.S. security partnerships. This report highlights key lessons identified and offers reflections on the protection of civilians in U.S. partnered operations, particularly as they relate to the conduct of partner forces, as well as further measures needed to reduce civilian harm in these contexts. While based largely on the comments of participants during the roundtable discussion, this report also draws on other materials for additional background.

2. Melissa Dalton et al., *Civilians and "By, With and Through": Key Issues and Questions Related to Civilian Harm and Security Partnership* (Washington, D.C.: Center for Strategic and International Studies [CSIS], 2018), https://csis-prod.s3.amazonaws.com/s3fs-public/publication/180717_Shah_CiviliansByWithThrough.pdf?89qEI77stR-OWJqtUdPlbMW0zRxTyWTuT.

recommendations for policymakers, military actors, and humanitarian professionals, all of whom play a role in encouraging improved policies and practices of armed forces with whom the United States partners.

Partnerships in armed conflict can aggravate or reduce the risk of harm to civilians, depending on the form and significance of the partnership and the technical and political attributes and tendencies of each partner. Effectively reducing the risk of harm to civilians and optimizing positive results depends on candidly assessing the most likely sources of harm and using available options to address them throughout a partnership (i.e., before, during, and after active fighting).

Partnered military operations in armed conflicts expose civilians to a wide array of risks, including injury, death, trauma, displacement, and the destruction of homes, schools, infrastructure, and livelihoods. Harm may occur because of negligence or deliberate misconduct by state and non-state actors; harm may also occur in spite of cautious and purposeful attempts to avoid it. Hostilities in urban areas can particularly disrupt civilian life: water, health, electricity, and sanitation systems are often interconnected and interdependent, and the destruction of part of the system impacts the whole.³ When explosive remnants of war contaminate the area and infrastructure damage is significant, the consequences of conflict last well beyond the end of active fighting. These challenges are evident in Mosul, Iraq and Raqqa, Syria, both of which will take decades to rebuild after intense urban conflict. Breakdowns in services and social cohesion significantly impact stability, governance, and the security of populations, creating challenges for restoring the rule of law. When the United States partners with state and non-state forces, the United States must consider what costs these partnerships will inflict on civilians, security, governance, rule of law enforcement, and transitional justice. Whether a partnership is initiated in the context of an ongoing conflict or in preparation for one, the United States can and should institute adequate protections to minimize the risk of civilian harm.

In order to effectively reduce harm to civilians from military operations conducted by U.S. partners, whether jointly or alone, the U.S. government must have internal clarity about desired outcomes, political and strategic commitment to those outcomes, adequate resources and technical competence, and coherence and coordination among government agencies. Adding more than one partner to an operation increases the complexity of these variables. Fighting collectively only serves to underscore the importance of defining desired outcomes, as the actions of one partner affect the efficacy, reputation, and legitimacy of the other. Many of these factors for success are seldom implemented. The following policy approaches and practical suggestions may help minimize harm to civilians in the context of security partnerships.

3. For more information on conflict in urban areas and the consequences for civilians, see International Committee of the Red Cross (ICRC) and InterAction, *When War Moves to Cities: Protection of Civilians in Urban Areas* (ICRC and InterAction, 2017), <https://www.interaction.org/document/when-war-moves-cities-protection-civilians-urban-areas>; ICRC, *Urban Services during Protracted Armed Conflict: A Call for a Better Approach to Assisting Affected People* (Geneva: ICRC, 2015), <https://www.icrc.org/en/document/urban-services-protracted-conflict-report>.

2 | Lessons Learned: Practitioner Experience

The experience of policymakers and practitioners in security and humanitarian fields provide significant lessons about the best ways to mitigate harm and protect civilians in the context of security partnerships. The following are key emerging themes from select discussions facilitated by the Center for Strategic and International Studies (CSIS), the Center for Civilians in Conflict (CIVIC), and InterAction about practitioner experiences.

Reconciling Geopolitical Dynamics

In the face of significant harm to civilians resulting from a partner's conduct, the pursuit or continuation of the partnership may compromise the political viability of its operations and may affect U.S. credibility in relation to other states, in multilateral forums, and in the eyes of the civilian population where the United States pursues the partnership. For instance, individuals familiar with the Saudi military intervention in Yemen report that Yemeni citizens largely blame the United States and United Kingdom for civilian loss of life resulting from Saudi-led coalition airstrikes, given the U.S. and UK role in providing arms and logistical support for the campaign. Continuing a partnership despite harm to civilians can also erode domestic support, both in the U.S. Congress and the public. U.S. foreign policy choices often prioritize relationships or perceived security interests at the expense of ensuring that partners have the capacity and commitment to maximize the protection of civilians, or even to meet their obligations under international law. The pressure to contend with a threat, the political or economic urgency of cooperation, lack of professional partner capacity, or simply the status quo of arms deals and security partnerships can obscure or overwhelm other, real costs. When the United States believes that partner conduct can or will improve, or that the near-term benefits of partnership outweigh the short- and long-term costs, the United States may tolerate greater levels of harm to civilians—including possible patterns of human rights and international humanitarian law violations—arising from the conduct of partner countries. Similarly, the United States has pursued partnerships with non-state armed groups in the context of volatile and evolving armed conflicts, where the United States focuses on its near-term security objectives while giving minimal consideration to the longer-term implications of the partnership and the conduct of those partners towards civilian populations.

Policymakers are ultimately responsible for placing the short-term costs and benefits of partnership within the broader context of strategic objectives and enduring interests. In order to accurately assess the correlation between a partnership and its strategic ends, policymakers must have a realistic and accurate understanding of the benefits and limitations of partnership. Current practice suggests that although policymakers may express concerns about the costs of specific partnerships, the policy options available to them—and U.S. capacities to encourage changes in partner behavior and policy—are not sufficient to address critical issues related to civilian harm. Many of the good practices highlighted in this report come from U.S. and NATO experience in Afghanistan. But recent partnered operations indicate that lessons from Afghanistan are not systematized across U.S. security partnerships and military operations and, indeed, have not been sustained in re-escalation in military operations in Afghanistan itself.

Clarifying Objectives and Expectations from the Outset

While the United States enters into security partnerships for a variety of reasons, U.S. objectives or threat perception may not match those of partner states, and priorities may diverge completely, even as military operations are jointly planned and executed.⁴ For example, while the mission of the U.S. military and its coalition partners was singularly focused on the military defeat of ISIS in Iraq, the Iraqi government maintained simultaneous and overriding interest in its population's security and ability to return to areas liberated from ISIS. Misaligned goals and divergence in priorities about protecting civilian populations can result in operational and tactical challenges, including uncertainty over the measures that will be used to minimize, account for, and respond to civilian harm resulting from the military operations, as well as uncertainty about who is responsible for implementing these measures.

Before entering into a partnership agreement, the United States and its partners should explicitly articulate their expectations for their partnership and their respective objectives, noting areas of misalignment and their implications for planning and implementation. The United States should also make its red lines for partner conduct on protecting civilians explicit and clearly define corresponding expectations and moderating measures, such as limiting materiel support to partners who fail to meet standards for minimizing harm to civilians in urban areas.

TOOLS FOR INFLUENCING PARTNER BEHAVIOR

The U.S. and other actors can use a range of tools to encourage changes in conduct by state and non-state partner forces:

- **Conditioning Support.** By setting antecedent conditions of compliance with human rights and international humanitarian law (such as implementation of the Leahy laws⁵), the United States defines basic parameters for itself and its partners: a form of

4. Stephen Tinkel, *With Us and Against Us: How America's Partners Help and Hurt Us in the War on Terror*, (New York: Columbia University Press, 2018).

5. "Leahy Fact Sheet," U.S. Department of State, Bureau of Democracy, Human Rights, and Labor, May 9, 2018, <https://www.state.gov/j/drl/rls/fs/2018/279141.htm>

conditionality on security assistance. This approach establishes up-front expectations that certain activities—such as training for specific units or other types of assistance—will be discontinued if items are misused or diverted, or if partners otherwise fail to fulfill their legal obligations. But “ultimatum” conditionality, where the United States publicly or privately threatens to end all support due to partner conduct, seldom occurs for several reasons, including the possibility that U.S. policymakers view the partnership as too critical to U.S. interests. Attempts to use the threat of deprivation as leverage are often thwarted by the reality that the U.S. government is more invested in a partnership than the partner, or driven by fears of peer competition over economics or influence.⁶

The United States can, however, creatively augment existing conditionality by calibrating and sequencing assistance based on an honest and transparent assessment of risks and the capabilities realistically needed to maintain the relationship. This process might entail requirements for specific training based on past incidents or gaps that create vulnerabilities, adding or strengthening terms for arms transfers and purchases, limiting certain kinds of assistance or materiel, or setting clearer expectations through diplomatic engagement in response to patterns of behavior that result in civilian harm. However, conditionality may not be the most effective approach when issues primarily result from legitimate capacity gaps. In these cases, the United States could also place the sale of defense items, such as munitions or aircraft, within a sequence that requires pre-assessment; robust, upfront, and continuous training and technical assistance; and indirect operational oversight or access following the transfer to ensure appropriate use of the equipment.⁷ Follow through on unacceptable behavior—in the form of cutting off support to some security partners—may ultimately be necessary to prevent U.S. government liability for criminal conduct and to send a powerful political message to a capable but abusive security force.

- **Providing education, advising, and training.** The Departments of State (DOS) and Defense (DOD) have developed military training programs focused on international humanitarian law and human rights that generally accompany other forms of military and police training. Yet training alone cannot overcome capacity gaps or compensate for a lack of political will or institutional safeguards, especially accountability. Training can, however, be part of an effective strategy, particularly when customized for local needs and conditions, adapted to changes in local circumstances, and sustained through a mutual commitment by the United States and its partners. A critical first step is to ensure U.S. military and civilian personnel fully internalize the importance of protecting civilians and practical means of minimizing harm to civilians. Such personnel can then emphasize this with partners during training or mentorship. Some existing programs and authorities, such as those that fall within

6. Shane Croucher, “Russia and China are seducing U.S. allies with cheap weapons, warns General Joseph Votel,” *Newsweek*, February 28, 2018, <https://www.newsweek.com/general-joseph-votel-us-allies-actively-seeking-cheaper-weapons-russia-and-823325>.

7. Center for Civilians in Conflict (CIVIC) and Stimson Center, *With Great Power: Modifying U.S. Arms Sales to Reduce Civilian Harm* (Washington, D.C.: CIVIC and Stimson Center, 2018), <https://civiliansinconflict.org/wp-content/uploads/2018/01/With-Great-Power.pdf>.

the “expanded” International Military Education and Training (IMET) authority, can help inculcate concepts and practices for the protection of civilians, especially if tailored to each situational context and using scenario-based exercises. The next step would be to systematically integrate best practices into other operational forms of training, education, and exercises throughout partner military and civilian leadership. By ensuring that training not only builds proficiency with weapons systems but also clearly emphasizes rules of engagement and the law of armed conflict in the course of live training, partnerships can enhance their combat effectiveness and reduce the likelihood of civilian harm. Close mentorship between U.S. military personnel and those of the partner forces may also provide benefits in advising, training, and especially in enabling monitoring of the partner’s behavior.

DOS and DOD should establish explicit parameters to strengthen a full range of training and advising functions. These should articulate specific partner performance expectations with respect to the protection of civilians, including competencies and good practice to minimize civilian harm. For instance, Section 1209 of the fiscal year (FY) 2018 National Defense Authorization Act (NDAA) provides a vehicle for DOD to help partners build their capacity to protect civilians in their operations.⁸ Training and advising could include practical measures to minimize and mitigate civilian harm, employing realistic scenario-based exercises and vignettes, and incorporating civilian interaction where possible. DOD and DOS should develop new offerings and educational modules based on established, leading practices for civilian harm prevention, tracking, and investigation. A possible example to emulate comes from NATO experience in Afghanistan, although it required significant capacity and a commitment from coalition leadership. In 2008, due to concerns about increasing civilian casualties and Afghan government demands for concrete actions to minimize harm, NATO’s International Security Assistance Force (ISAF) created the Civilian Casualty Tracking Cell (CCTC) and Civilian Casualty Mitigation Team (CCMT). Data collected by the CCTC/CCMT provided a basis for pre-deployment training and influenced changes to rules of engagement. When the NATO operation wound down in 2014, the mission emphasized building Afghan government and security force capacities for tracking civilian casualties, which continues through Operation Resolute Support.⁹ DOD and DOS should also continue to support trainings and workshops provided by human rights and humanitarian organizations for armed forces on the protection of civilians and normative frameworks guiding the use of force. These efforts include developing codes and written procedures on the conduct of hostilities, civilian harm and damage assessments, managing population movements according to international law and the post-conflict environment, and sensitization to humanitarian methods and principles.

8. National Defense Authorization Act of 2018, Pub L. No. 115-91, 131 STAT. 1283, <https://www.congress.gov/bill/115th-congress/house-bill/2810/text>

9. CIVIC, *Civilian Harm Tracking: Analysis of ISAF Efforts in Afghanistan* (Washington, D.C.: CIVIC, 2014), <http://www.youblisher.com/p/937087-Civilian-Harm-Tracking-Analysis-of-ISAF-Efforts-in-Afghanistan/>. While this civilian harm tracking represented an important step forward, some of these good practices have not been maintained since 2014 due to decreases in capacity and lack of prioritization. For more information, see “Afghanistan: Weak Investigations of Civilian Airstrike Deaths,” Human Rights Watch, May 16, 2018, <https://www.hrw.org/news/2018/05/16/afghanistan-weak-investigations-civilian-airstrike-deaths>

- **Encouraging civil-military engagement.** The United States should urge state and non-state partner forces to engage with non-governmental organizations (NGOs) and the media to build trust and credibility and improve accountability and transparency—an approach reinforced by the FY19 NDAA’s call in Section 1057 for civilian casualty reporting to draw on public and non-governmental sources.¹⁰ An effective solution could include dedicated two-way dialogue with human rights and humanitarian NGOs to share operational objectives and better understand partner conduct towards civilians, including any concerns about human rights violations, civilian casualties, damage to infrastructure, displacement, and screening or detention procedures.

Two-way Dialogue between Military and Humanitarian Organizations

The UN Office for the Coordination of Humanitarian Affairs (OCHA) and USAID both play important roles in connecting humanitarian organizations with U.S. military officials in field locations and can assist in facilitating contacts. U.S. military personnel with designated responsibilities for protecting civilians should regularly make use of opportunities to engage with human rights and humanitarian organizations through these and other channels.

Humanitarian and human rights organizations often possess valuable insight into the needs, concerns, and experiences of civilian populations, and can share analysis of harmful trends with security forces to highlight the effects of military operations. Information collection and data analysis should underpin civil-military engagement and provide an evidence base for recommended actions taken by military operators. Data analysis of this kind in Afghanistan proved useful for dialogue between UN, U.S., and Afghan officials on measures to minimize harm to civilians, leading to the development of ISAF’s CCMT.

In many conflict settings, humanitarian organizations and military actors already share information for coordination and deconfliction purposes, so they can extend these channels for engaging

and communicating about protecting civilians and mitigating civilian harm. For example, according to practitioners involved in the 2017 Mosul military operation, close contact between U.S., coalition, and Iraqi security forces and UN civil-military advisors allowed them to share real-time information about population movements, pre-positioning of humanitarian supplies and services, and changing tactics and responses. Pre-positioning a UN civil-military coordination unit allowed the country-level humanitarian response to conduct actor mapping and prepare for civil-military engagement with the ISAF during the military operation.¹¹

10. John S. McCain National Defense Authorization Act for Fiscal Year 2019, Pub L. No. 115-232, <https://www.congress.gov/bill/115th-congress/house-bill/5515/text>

11. Global Protection Cluster, *Civil-Military Coordination for Protection Outcomes: Report of a Global Protection Cluster Round-table* (Global Protection Cluster, 2018), http://www.globalprotectioncluster.org/_assets/files/gpc-civil-military_coordination-protection-outcomes.pdf.

Using examples from its own engagement with civil society, the United States can encourage partner forces to engage with NGOs about civilian harm mitigation. Additionally, this kind of exchange would allow the partner force to address domestic concerns and maintain control and credibility by establishing its own relationships with civil society, NGOs, and the media. U.S. government officials should also monitor the partner’s behavior to ensure that partner authorities do not restrict civic space or expression that may arise out of concerns over—and even opposition to—security force activities.

- **Building persuasive arguments.** Practitioners can motivate partners to integrate measures to minimize civilian harm through a variety of rationales and methods. Persuasive arguments may, for example, relate to mission effectiveness, relationships with civilian population, international reputation, pride in institutions, and professional military traditions. Religious, cultural, and judicial practices in partner countries may be consistent with protective norms and may be more persuasive in motivating state and non-state forces than simply reiterating international law obligations.¹² For example, in 2015, Ayatollah Ali al-Sistani, the highest authority for Iraq’s Shi’a population, issued a fatwa declaring Quranic support for ensuring the rights of “those who do not fight” and the safety of “innocent souls” in conflict.¹³ According to individuals involved in the subsequent U.S.-led coalition efforts to oust ISIS from Iraq, members of the Shi’a Popular Mobilization Forces expressed awareness of and adherence to the fatwa, indicating their support for the protection of civilians as a religious duty. Dialogue with security partners about protecting civilians, U.S. support, and U.S. conditions of partnership can all help normalize ongoing, rigorous attention to protecting civilians. There are clear benefits to military-to-military dialogue, as military personnel will often be more responsive to individuals of common military background and experience. But it is critical that civilian protection concerns be systematically integrated into all U.S. diplomatic engagement and that ambassadors’ toolkits of support to the partner state include both civilian and military expertise.

Assessment of Partner Capacity, Constraints, and Culture

Practitioners emphasize the importance of carefully assessing a partner force to better understand their motivations, behavior, and frame of reference, and then tailoring engagement accordingly. Some NGOs spend many months studying military actors and organizations, considering different entry points and building relationships and trust before tackling difficult issues of conduct. Military and civilian personnel responsible for initiating and cultivating a security partnership should assess not only the organizational

12. This was a key finding from a recent study by the International Committee of the Red Cross (ICRC). For instance, the study found that “[a]n exclusive focus on the law is not as effective at influencing behavior as a combination of the law and the values underpinning it. Linking the law to local norms and values gives it greater traction. The role of law is vital in setting standards but encouraging individuals to internalize the values it represents through socialization is a more durable way of promoting restraint.” See ICRC, *The Roots of Restraint in War* (Geneva: ICRC, 2018), 9, <https://www.icrc.org/en/publication/roots-restraint-war>

13. “Advice and Guidance to the Fighters on the Battlefields,” Ali al-Sistani, February 12, 2015, <https://www.sistani.org/english/archive/25036/>

characteristics of the partner force (command structure, doctrine, and resources) and security governance (accountability, military justice, oversight), but also the political context in which operations are carried out. An assessment should include, among other things, the partner's history and track record of human rights abuse, political constraints, public perceptions, incentives or disincentives for prioritizing protection of the civilian population, short- and long-term aims, the potential for future instability, and cultural barriers to change or reform.

For any actor seeking to influence partner force conduct, understanding the decision-making structure and hierarchy of the partner force, and the ways in which it is subject to political, ideological, religious, or other motivations, can provide important cues for developing the most effective approach. In one case of a humanitarian NGO engaging with a non-state armed group in the Democratic Republic of Congo, the NGO discovered that many members of the armed group defected from the national security forces and had received their education in international military academies. Consequently, the NGO changed tactics to emphasize the development of policies and guidelines outlining behavior to minimize harm to civilians, as the group members understood and appreciated the value of written codes of conduct for armed forces. This approach was ultimately successful in changing the abusive practices of the armed group. Understanding the diverse factors organizing a partner force results in better planned and designed partnerships. Constructive and comprehensive approaches will likely facilitate stronger buy-in from civilian and military leaders in partner countries, which is vital to successfully improving their conduct in relation to civilian populations.

RELATIONSHIPS WITH CIVILIAN POPULATIONS

Assessing a state or non-state armed force's relationship to civilian populations and sub-groups is an important aspect of understanding its motivations and attitudes. Armed forces may have close familial, cultural, or political affinity to some communities and hostile relationships with others. These attitudes significantly influence an armed group's conduct and perception of the importance of measures to minimize harm. Understanding the dynamics of the conflict and relationship of the state forces or non-state armed group with communities can illuminate influence points, such as its moral obligations, political pressures, and the civilian population's perceptions of and reactions to the group. If the community creates a self-defense force, for example, this may affect attitudes or trigger additional actions by the state or non-state force. Community fragmentation can result in displacement and a breakdown in engagement and communication between a civilian population and an armed group, thereby disrupting previously positive and accountable relationships. Furthermore, the more a community is fragmented by displacement, the more disorganized they will be as a community and less able to influence the behavior of the armed group.¹⁴ An understanding of community relationships and perceptions of security forces may also reduce the likelihood that U.S. forces will be co-opted by partner forces to serve local political ends. Relatedly, U.S. forces should always be aware of the risk of exposing civilians to violence if civilians are associated with or perceived as being associated with the partner force.

14. Oliver Kaplan, *Resisting War: How Communities Protect Themselves* (Cambridge: Cambridge University Press, 2017), <https://www.cambridge.org/core/books/resisting-war/238A6E00FF35E6FF526D97C028A1297C>.

CIRCUMSTANCES AND CRITERIA FOR SUSPENDING PARTNERSHIP

It is critical that U.S. policymakers create strategies for suspending a partnership if concerns about civilian harm from partner operations outweigh the political objectives at stake. Reasons for ending a partnership will always be context-specific and should be considered from the very beginning of the agreement, with criteria and designation of responsibility explicitly communicated at the outset and feedback loops established to continually engage and adapt when partner conduct deviates. When working with problematic partners, officials should consider complementary actions to address issues from the outset of the partnership. If policymakers conduct a proper front-end analysis and consult early in the process with relevant experts, including humanitarian actors, they can anticipate future challenges and create proactive solutions.

DIFFERENCES BETWEEN STATE FORCES AND NON-STATE ARMED GROUPS

Thinking about state forces and non-state armed groups in a binary manner is largely unhelpful, as each can vary widely in structure, professionalism, experience, and capacity. Rather, recognizing a variety of types based on the groups' characteristics is more useful and should underpin approaches to partnerships. Assessing a group's characteristics can also help track changes in power dynamics, incentives, motivations, relationships, and capabilities over time. State forces may operate with more predictable channels of communication, oversight and accountability, but functional internal command and control over the behavior of its forces may be uneven. At the same time, this does not absolve lower level commanders of responsibility for the professionalism of their units. In addition, non-state armed groups may present more flexible options for direct influence if their hierarchy is non-traditional or decentralized. Capacities and responsibilities will also differ between state forces and non-state armed groups; for example, a relatively new state may comprise of less experienced military units than a long-standing armed group. Still, many non-state armed groups do not have the same level of cohesion and institutional history regulating their conduct and operations that many state armed forces enjoy; for example, the Syria Democratic Forces (SDF) has undergone multiple adaptations and variations since its founding early in the Syrian civil war. When partnering with a non-state armed group, eventual post-conflict scenarios for governance, legal responsibility, and legitimacy should be considered. With a view to avoiding the proliferation of well-armed and trained predatory non-state actors, the United States should anticipate and prepare for challenges following the cessation of hostilities by, for example, ensuring that they are demobilized and reintegrated into society or, alternatively, integrated into national armed forces.

Reactive vs. Preventative Civilian Protection Measures

According to practitioners, clearly signaling the priority of protecting civilians early in the planning process for partnered operations allows for consistently reinforcing related concepts, monitoring conduct, and correcting issues when they arise. However, ensuring the adoption and implementation of measures to minimize civilian harm can be an arduous process. To effect changes in partner policy and practice, the United States may have to coax and convince its security partners to (1) adopt new measures while an operation is underway and (2) gain approval from their civilian and military leadership to devote appropriate resources for this purpose. U.S. and humanitarian

practitioner experience in Afghanistan and Iraq suggest that it is more challenging—though not impossible—to influence policy, practice, and institutional culture as a response to problems, as compared to more preventative approaches, incorporated earlier and with more deliberation into training, doctrine, and operational planning and design. Humanitarian practitioners in Afghanistan report that incorporating measures to minimize civilian harm into security force training involves significant time and effort; with U.S. involvement in Afghanistan spanning 17 years, progress is slow but possible, as evidenced by ISAF efforts to track civilian casualties and transfer capabilities to Afghan forces. Continual learning and positive impacts result when host governments ask for support and experienced NGOs and UN entities, as well as provide expertise and capacity building. Military officials are uniquely influential in engaging with their military counterparts, but equally important from the outset of a partnered operation are the roles of humanitarian and human rights organizations who directly observe and respond to the effects of armed conflict on civilian populations. The International Committee of the Red Cross (ICRC), Geneva Call, CIVIC, and other organizations engage directly with state forces and non-state armed groups for education and training, to develop formal codes of conduct, and to encourage changes in practice in the conduct of hostilities, detention, displacement, child recruitment, and gender-based violence, among other concerns.

Data and Trend Analysis of Civilian Impact of Military Operations

Thoroughly analyzing data and identifying trends is critical to protecting civilians, according to practitioners. Analysis of civilian harm during partnered operations, including deaths, injuries, displacement, and infrastructure damage, allows actors to identify circumstances contributing to civilian harm, identify relevant measures to minimize harm, and adapt operations accordingly. A data-informed approach also provides the basis for monitoring and evaluating the effectiveness of measures to minimize harm, creating an important feedback loop informing real-time adaptation of operations as well as future training, planning, operating procedures, and tactical directives. Recognizing high civilian casualty rates in Afghanistan in 2007—led to a concerted effort to track casualties and analyze data about those incidents to better understand the primary causes and trends of civilian harm and also led to the subsequent creation of ISAF’s CCMT. That analysis was conducted by a variety of actors, including U.S. officials, and was informed by data collected by the United Nations Assistance Mission in Afghanistan.¹⁵ The combination of that analysis, the prioritization of civilian harm reduction by the Afghan government, and the issuance of new tactical directives for U.S. and NATO forces resulted in a significant decrease in civilian casualties.¹⁶

CCMTs come in a variety of forms and can be structured differently based on the context, force structure, communications modalities, among other factors. However, to

15. “Reports on the Protection of Civilians in Armed Conflict,” United Nations Assistance Mission in Afghanistan (UNAMA), <https://unama.unmissions.org/protection-of-civilians-reports>.

16. CIVIC and Every Casualty, *Examining Civilian Harm Tracking and Casualty Recording in Afghanistan* (Washington, D.C.: CIVIC, 2014), https://civiliansinconflict.org/wp-content/uploads/2017/09/CCCCERP_4_page_FINAL_May_19.pdf; “Civilian Casualty Tracking in Afghanistan,” Army War College, Peacekeeping and Stability Operations Institute, June 2013, http://pksoi.armywarcollege.edu/default/assets/File/LMS-ISAF_1256_CIVCAS_Tracking_in_Afghanistan.pdf; UNAMA and UN Office of the High Commissioner for Human Rights (OHCHR), *Afghanistan: Protection of Civilians in Armed Conflict Annual Report 2017* (Kabul: UNAMA, 2018), https://reliefweb.int/sites/reliefweb.int/files/resources/afghanistan_protection_of_civilians_annual_report_2017_final_140218.pdf.

be successful, a CCMT requires dedicated human resources, ideally reporting to a force commander, to collect and analyze data and reports from the field. Using incident reports and data points requires synthesizing input from a variety of sources, for example, field liaison reports, spot reports, troop movements, weapons discharge, targeting data, and media and NGO reports. A CCMT looks for trends or patterns of civilian harm and elevates its observations to the force commander or other senior military officials to take action. Members of a CCMT manage the process of systematically documenting civilian harm, properly and fully assessing alleged incidents, communicating outcomes to victims and communities, and ensuring offers of appropriate amends are made by the U.S. and/or coalition governments.

Collecting data for trend analysis is not only important for diagnosing challenges of civilian harm mitigation in ongoing military operations, it is also critical in informing public advocacy and private dialogue, including through civil–military engagement on the protection of civilians. Evidence-informed dialogue between humanitarian and military actors about risks facing civilian populations in armed conflict presents an opportunity to collectively identify problems and trends and to develop relevant mitigation measures and supporting policies. Humanitarian organizations should provide their analysis of protection concerns and use existing or adapted civil–military coordination mechanisms to engage U.S. military officials and representatives of partner forces.

Transparency

Given the lack of public awareness, both in the United States and other countries, of the extent of U.S. security partnerships, the United States should communicate the nature and purpose of its partnership arrangements and activities in a transparent manner. Publicly and safely engaging civil society can reinforce oversight and accountability for the United States and its partners and enable adaptations that serve to minimize civilian harm. For example, publicly discussing and releasing data on the civilian impact of partnered operations—possibly through regular reporting on websites related to each combatant command, press releases at the beginning of a new security partnership, or briefings to journalists and monitoring organizations—provides a measure of accountability for those affected by operations and can foster greater awareness of issues within the broader civilian population. U.S. Central Command (CENTCOM) already publishes monthly civilian casualty reports related to its campaigns, including U.S.-led coalition operations, which could be adapted to add information about partners and their individual operations and replicated in other theaters.¹⁷ This transparency can foster better informed local advocacy, which can be more persuasive, effective, and credible than similar efforts by the United States.

Transparency in sharing best practices helps build trust between partners, leading to better implementation of civilian harm mitigation measures. If the United States shares hard-won lessons learned from years of military operations, partner forces may be

17. For example, see June’s monthly civilian casualty report in CJTF–OIR, “Combined Joint Task Force–Operation Inherent Resolve Monthly Civilian Casualty Report,” U.S. Central Command, July 26, 2018, <http://www.centcom.mil/MEDIA/NEWS-ARTICLES/News-Article-View/Article/1584728/combined-joint-task-force-operation-inherent-resolve-monthly-civilian-casualty/>.

encouraged to take up similar lessons. For instance, according to individuals involved with advising Saudi military officials on their operations in Yemen, Saudi officials became more responsive to U.S. concerns after hearing about past U.S. experience responding to trends of civilian harm, including how the United States dealt with mass casualty incidents resulting from its own operations.

Leadership

U.S. civilian and military leaders play a critical role in prioritizing the protection of civilians at the strategic, operational, and tactical levels of warfare. Through their interactions with partners, U.S. military and civilian leaders should emphasize and reinforce the importance of a command climate that prioritizes the protection of civilians and professional conduct. For example, U.S. officials could regularly check-in with partners on civilian harm and human rights indicators and make U.S. good practice available; consistently raising the issues signifies their importance. Similarly, civilian and military leaders from within the partner community or state play a key role in influencing cultural and behavioral norms of conduct related to the protection of civilians. This is especially vital where U.S. direct involvement is minimal, and partners play a dominant role in carrying out operations. For example, in the first decade of the twenty-first century, Afghan government leadership emphasized the importance of minimizing civilian harm as a means of securing populations for which it was responsible and distinguishing itself from the tactics of the Taliban. Continued emphasis by the Afghan government on minimizing civilian harm recently culminated in the development of a national policy on the protection of civilians, approved in fall 2017.¹⁸

Sufficient Resourcing and Sustained Commitment

Making the protection of civilians a core policy element of partnership activities requires commitment from civilian leaders in U.S. government to adequately resource the development of personnel with the requisite core competencies and expertise, aid in the design of partnerships, and deploy when an opportunity or need develops. Efforts to address shortcomings in the design or implementation of partnerships have fallen short in the past, and will likely do so again, without sufficient available technical expertise to match a legitimate interest and desire of a partner to refine its practices.

18. UNAMA and (OHCHR), *Afghanistan*, 54.

3 | Case Studies: Nigeria and Northeast Syria

Several recent examples offer lessons learned and innovations for reinforcing civilian protection in partnered operations. This report highlights two cases, Nigeria and Northeast Syria, with each illuminating opportunities, challenges, and best practices.

Nigeria

Ten years of violent conflict between and among Nigerian state forces, community militias, and the armed opposition group Boko Haram has displaced two million Nigerians and killed, injured, or otherwise harmed thousands more.¹⁹ In the northeast, civilians of all ages, genders, and ethnic and religious backgrounds experienced a wide range of harm caused by Boko Haram and security providers, including the Nigerian armed forces and community militias, whether operating independently or alongside Nigerian state forces. Civilians face killings, sexual exploitation and abuse, unlawful detention, family separation, restrictions on freedom of movement, and frequent displacement.

President Muhammadu Buhari won the 2015 election on a campaign promise to crush Boko Haram. Despite some successful efforts to quash armed opposition groups and secure major towns—and the government’s insistence that the group is defeated—the conflict continues.²⁰ In the absence of state security forces during the early days of the conflict, community militias formed to provide protection from the armed opposition groups. Some of these community defense forces were amalgamated into the Civilian Joint Task Force (CJTF) which civilians credit with fostering stability and preventing the fall of Maiduguri to Boko Haram.²¹ CJTF now performs a variety of security functions, often alongside Nigerian armed forces, and has achieved tactical successes that reduced Boko Haram’s territorial control. As CIVIC’s recent research has shown, community militias provide valuable security functions but also cause much civilian harm.²² CJTF’s abusive behavior

19. Office for the Coordination of Humanitarian Affairs, *Humanitarian Needs Overview: Nigeria 2018* (2017), https://reliefweb.int/sites/reliefweb.int/files/resources/13022018_ocha_humanitarian_needs_overview.pdf

20. Ibekwe, Nicholas, “Updated: We Have Beaten Boko Haram, Buhari Insists,” *Premium Times Nigeria*, January 1, 2018, <https://www.premiumtimesng.com/news/top-news/254117-updated-we-have-beaten-boko-haram-buhari-insists.html>.

21. CIVIC, *Civilian Perceptions of the Yan Gora (CJTF) in Borno State, Nigeria* (Washington, D.C.: CIVIC, 2018), <https://civiliansinconflict.org/publications/research/cjtf-yan-gora/>.

22. CIVIC, *Civilian Perceptions*.

is attributed, in part, to the fact they are separated from their communities of origin, thus diluting relationships with the civilian population which allowed for positive checks on their behavior in the past. Overall, the Nigerian military's approach comes at a high cost to civilians and its long-term strategic objectives. Fragmented and dispersed, Boko Haram forces are now increasing the intensity and frequency of attacks on civilians, further destabilizing the northeast, contributing to anger at the Nigerian government, and fueling violent extremism.²³ What is commonly referred to as "Boko Haram" actually now consists of two main groups: Jama'atu Ahlis Sunnah Lidda'awati w'al Jihad (JAS) and Islamic State West African Province (ISWAP). JAS employs extreme violent tactics harmful to civilians while the ISWAP focuses its attacks on the Nigerian military and purportedly sanctions those who harm civilians.²⁴



Joint Military Task Force (JTF) patrol the streets of restive northeastern Nigerian town of Maiduguri, Borno State, on April 30, 2014.

Source: PIUS UTOMI EKPEI/AFP/Getty Images

Meanwhile, the Nigerian military restricts humanitarian activities to geographical areas where it maintains a presence, thus putting some 823,000 individuals out of reach of humanitarian aid.²⁵ The Nigerian government continues to view the challenges in the northeast as a counterterrorism issue, justifying excluding any other considerations and treating internally displaced persons (IDPs) and individuals outside of garrison towns with suspicion.

Although the conflict drags on and civilians continue to bear the brunt of it, the Nigerian government has

made some meaningful progress in mitigating civilian harm. In partnership with civil society organizations, in 2016–2017 the Nigerian government developed a draft policy on protecting civilians and mitigating civilian harm. On July 19th, Nigerian Minister of Information, Culture and Tourism Lai Mohammed announced that "very soon" the government would adopt the draft policy.²⁶ In addition, the National Human Rights Commission recently announced that it would hold a consultative meeting to push the

23. Dowd, Caitriona, and Adam Drury, "Marginalisation, Insurgency and Civilian Insecurity: Boko Haram and the Lord's Resistance Army," *Peacebuilding* 5, no. 2 (2017): 151, <https://www.tandfonline.com/doi/pdf/10.1080/21647259.2016.1277011>.

24. Virginia Comolli, "The evolution and impact of Boko Haram in the Lake Chad Basin," *Humanitarian Exchange* 70 (October 2017), <https://odihpn.org/magazine/the-evolution-and-impact-of-boko-haram-in-the-lake-chad-basin/>.

25. Hajer Naili, "What you should know about the humanitarian crisis in north-east Nigeria," Norwegian Refugee Council, June 21, 2018, <https://www.nrc.no/news/2018/june/what-you-should-know-about-the-humanitarian-crisis-in-north-east-nigeria/>.

26. Alhaji Lai Mohammed, "Presentation By The Hon. Minister Of Information And Culture, Alhaji Lai Mohammed," (Presentation, The Atlantic Council's Africa Centre, Washington, D.C., July 19, 2018), http://www.atlanticcouncil.org/images/2018-07-19_Remarks_Atlantic-Council.pdf.

policy forward.²⁷ Lastly, at the request of the Nigerian military, CIVIC is in talks to support the military's efforts to mitigate harm to civilians during operations.

Although the United States provides substantial security assistance to Nigeria—over \$14.5 million in FY 2017—its in-country military presence is limited.²⁸ U.S. Special Forces and army personnel have trained some Nigerian infantry in counterterrorism operations, but given the light footprint of U.S. military forces, the training is neither regular nor widespread and Leahy restrictions inhibit a U.S. role to improve the conduct of CJTF forces.²⁹ While the United States has invested significant resources in its military partnership with Nigeria, it lacks the presence and access required to effectively oversee partner forces and reduce exposure to reputational and possibly legal risks. Nor does the U.S. military have the influence or degree of cooperation needed to overcome deficits in Nigerian capacity or conduct.

Northeast Syria

While fighting between the Syrian government and its allies with a range of armed opposition groups continues in several parts of the country, operations by the SDF against ISIS in the city and governorate of Raqqa in 2017 present an opportunity to consider the U.S. government role and relationship with local partners in northeast Syria. Recent estimates suggest that U.S.-led anti-ISIS coalition airstrikes resulted in 1,400 civilian casualties in Raqqa alone, with an additional 300 civilian deaths attributable to SDF forces.³⁰ As of July, UN OCHA reports that despite increasing returns to Raqqa and other cities, at least 119,300 people remain displaced throughout northeast Syria.³¹

As part of its sweep through Syria and Iraq in 2014, ISIS captured Raqqa and established the city as the capital of its self-declared caliphate. Military operations conducted from June to October 2017 by Kurdish People's Protection (YPG) units under the broader SDF umbrella, with air support from the U.S.-led Combined Joint Task Force Operation Inherent Resolve (CJTF-OIR), drove ISIS from Raqqa. Military operations in the Raqqa governorate displaced nearly 300,000 people in 2017, and the city of Raqqa saw intense urban conflict, resulting in pervasive damage to residential buildings, schools, hospitals, and other critical infrastructure.³² Extensive contamination from improvised explosive devices placed by ISIS and unexploded munitions from the SDF and coalition bombardment continue to harm civilians months after the city was declared clear of ISIS fighters; according to OCHA, in January 2018 an average of 50 incidents a week related to

27. "Adoption of Protection of Civilians Policy to Serve as a Safeguard NHRC," PM News <https://www.pmnewsnigeria.com/2018/08/29/adoption-of-protection-policy-to-serve-as-safeguard-nhrc/>.

28. "Nigeria," Security Assistance Monitor, <https://www.securityassistance.org/nigeria>.

29. Myers, Meghann, "Army Troops, Special Forces Train Nigerian Infantry for Fight against Boko Haram, ISIS," *ArmyTimes*, February 23, 2018, <https://www.armytimes.com/news/your-army/2018/02/23/special-forces-troops-train-nigerian-infantry-for-fight-against-boko-haram-isis/>.

30. SDF casualty estimates as of December 2017. Tom O'Connor, "U.S. Coalition admits to killing more civilians in Iraq and Syria, but activists say numbers still don't add up," *Newsweek*, July 26, 2018, <https://www.newsweek.com/us-coalition-admits-killing-more-civilians-iraq-syria-activists-say-numbers-1003519>

31. OCHA, *Syria Crisis: Northeast Syria, Situation Report No. 26 (15 June 2018 - 15 July 2018)*, https://reliefweb.int/sites/reliefweb.int/files/resources/north_east_syria_sit_rep_15_june_to_15_july.pdf

32. OCHA, *Syria Crisis: Northeast Syria, Situation Report No. 24 (15 April - 15 May 2018)*, <https://reliefweb.int/sites/reliefweb.int/files/resources/North%20East%20Syria%20Sit%20Rep%2015%20April%20to%2015%20May%20Final.pdf>

explosive remnants of war caused deaths and injuries in Raqqa.³³ Access restrictions and dangerous conditions limit comprehensive assessments, and humanitarian organizations estimate that these numbers represent only a fraction of the harm caused by explosive hazards in the city. Increased tensions between Arab and Kurdish actors, compounded by Turkish perceptions of threat from the Kurdish leadership of the SDF, intensify instability and abuses by all sides, and hamper humanitarian aid and operational access to northeastern Syria.



Members of the US-backed Syrian Democratic Forces (SDF) transport civilians near Tabqa Dam, on May 11, 2017, as they advance in their battle for the Islamic State's (IS) stronghold in nearby Raqqa.

Source: DELIL SOULEIMAN/AFP/Getty Images

Throughout the fight against ISIS in northeast Syria in 2017, the U.S.-led coalition provided weapons, supplies, intelligence, surveillance, and air and ground support to Syrian opposition forces under the SDF umbrella.³⁴ While similar to the type of partnership the United States maintained with Iraqi Security Forces in its fight against ISIS in Iraq, this partnership involves two key and uniquely challenging differences: the SDF are a non-state armed actor in a conflict against ISIS, with an often hostile relationship with the Assad-led government, and the U.S.-led coalition operates in Syria without consent from the Syrian government. While these challenges do not invalidate SDF

obligations under international humanitarian law, there are implications for the conduct of hostilities, added to the unique challenges of stabilization and governance in areas under the control of a non-state actor with an uncertain future.

With intense fighting at an end within Raqqa, the SDF and semi-autonomous city councils now face the task of securing civilian infrastructure and instituting law and order in the areas retaken from ISIS. This includes administering internal displacement sites, detaining suspected ISIS fighters, and, for civilian authorities, facilitating humanitarian access. Humanitarian organizations have expressed concerns about the conduct of SDF forces, especially concerning freedom of movement of internally displaced people, the recruitment and use of children, and the treatment of women and children suspected of affiliation with ISIS fighters. The United Nations Commission of Inquiry for Syria reported in February 2018 that children as young as 13 were recruited and trained by SDF, then sent to active frontlines.³⁵ Syrian Democratic Council (SDC) camp administrators maintain separate sections in IDP camps for women and children suspected of family affiliation with ISIS fighters, due to security concerns; however, these people are sometimes referred

33. OCHA, *Syria Crisis: Northeast Syria, Situation Report No. 21 (1 - 31 January 2018)*, <https://reliefweb.int/sites/reliefweb.int/files/resources/North%20East%20Syria%20Sit%20Rep%20January%202018%20-Final.pdf>

34. John Beck, "Syria's SDF rebels: ISIL's nemesis or American proxy?" *Al-Jazeera*, 26 October 2017, <https://www.aljazeera.com/news/2017/10/syria-sdf-rebels-isil-nemesis-american-proxy-171025143136500.html>

35. United Nations Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, A/HRC/37/72 (1 February 2018)*, <http://undocs.org/A/HRC/37/72>.

to as “ISIS families” or “Daeshis,” and are vilified by other IDPs.³⁶ Children of foreign ISIS fighters are especially vulnerable, with many at risk of becoming stateless. Human rights groups advocate for fair trials, humane treatment in detention, and basic standards for due process for the thousands of ISIS fighters detained by the SDF.³⁷

Through humanitarian-military coordination in Amman, Jordan, humanitarian organizations have raised these protection concerns since early 2017 with officials from the CJTF-OIR coalition but received little concrete feedback. Tangible outcomes related to specific requests by the humanitarian organizations remain unclear. Still, some progress has been made, with the coalition designating a protection advisor tasked with engaging humanitarian actors on these issues. Humanitarian actors have also established direct dialogue with the SDC and SDF leadership on issues concerning children. On September 7, 2018, the General Commander of the SDF announced a military order prohibiting recruitment of children among SDF forces.³⁸

Military officials point out several challenges in influencing the SDF: a limited U.S. military footprint in northeast Syria, an operational focus on combat rather than governance or security, a proliferation of security actors beyond the SDF umbrella, and a lack of real-time, actionable information about protection concerns, due to a high threshold of what constitutes “specific” information. As U.S. military forces move away from Raqqa to other military fronts and few U.S. representatives remain, engaging the SDF on protection concerns in the aftermath of major hostilities becomes more challenging. Additionally, regional geopolitical dynamics, such as Turkish offensives in Afrin and Manbij, complicate the U.S. relationship with the predominantly Kurdish SDF and diminish influence over their conduct.³⁹ The scale and complicated nature of the issues also present challenges for military support, as the U.S. military, the broader anti-ISIS Coalition, and its SDF partners are not fully equipped or resourced to manage displacement sites, provide governance structures for large civilian populations, or conduct demining exercises to clear areas of explosive remnants of war.

36. Martin Chulov, “Scorned and stateless: Children of ISIS fighters face an uncertain future,” *The Guardian*, October 7, 2017, <https://www.theguardian.com/world/2017/oct/07/children-isis-fighters-syria-raqqa-orphans-uncertain-future>.

37. “Syria: Thousands of Displaced Confined to Camps,” Human Rights Watch, 1 August 2018, <https://www.hrw.org/news/2018/08/01/syria-thousands-displaced-confined-camps>; “Ensure fair trials of Syria ISIS suspects: Foreign ISIS detainees raise due process, victim participation issues,” Human Rights Watch, February 13, 2018, <https://www.hrw.org/news/2018/02/13/ensure-fair-trials-syria-isis-suspects>.

38. “General Commander Of SDF Issues An Important Military Order” SDP-Press, September 8, 2018, <http://sdf-press.com/en/2018/09/general-commander-of-sdf-issues-an-important-military-order/>.

39. Carlotta Gall, “U.S. and Turkey agree on Kurds’ withdrawal from Syrian town,” *The New York Times*, June 4, 2018, <https://www.nytimes.com/2018/06/04/world/middleeast/turkey-syria-kurds-manbij.html>.

4 | Recommendations

Although discussions and analysis of partnered operations tend to focus on the military, a range of stakeholders play important roles in effectively designing, implementing, and overseeing any “by, with, and through” activity.

Any actions planned by policymakers and practitioners should consider the experience and perspectives of civilian populations from the outset. Although civilians are overwhelmingly affected by conflict and its disruption of everyday lives, the impact of armed conflict on civilians does not feature prominently enough in military planning, operations, and post-conflict stabilization and peacebuilding efforts. Even where direct engagement between military forces and vulnerable civilians is not possible—for example, if civilians are effectively trapped under the control of an opposing force—there is ample experience to support steps to assess and minimize the risks the civilians face in the context of military operations.⁴⁰

We recommend the following actions for the policy and practitioner communities to improve civilian protection in partnered operations.

For Policymakers

U.S. policymakers include members of Congress, DOS, DOD, the National Security Council, and other administration representatives. These policymakers set the tone and establish the parameters for partnered operations and should be accountable for the results.

- **In early planning stages, design partnerships that incorporate and prioritize protection of civilians and civilian objects.** Lessons from past U.S. experiences highlight the difficulty of implementing measures to mitigate civilian harm when missions are already underway. By thoroughly analyzing and anticipating potential issues arising from partnered military operations from the outset, the United States can emphasize and impart the importance of civilian protection to its allies and partners from the nascent stages of a program or mission, thereby proactively

40. CIVIC and InterAction, *Protection of Civilians in Mosul: Identifying Lessons for Contingency Planning* (Washington, D.C.: CIVIC and InterAction, 2017), https://www.interaction.org/sites/default/files/CIVIC%20InterAction%20Protection%20of%20Civilians%20in%20Mosul%20-%20October%202017_Final.pdf

mitigating civilian harm. Successful operations, based on true alignment of interests, with adequate concern for the protection for civilians, can enhance perceptions of government legitimacy and effectiveness, and yield concrete operational results.

- **Comprehensively assess the benefits and limitations of specific partnership options, as well as the partner’s capacities and capabilities.** Policymakers must consider the local political context where an operation takes place, relevant partner capabilities, the incentives and interests driving the partner. They should also consider how closely they correspond with those of the United States, as well as perceptions of the partner by the communities most affected by the operations.
- **Ensure professional conduct in existing partnerships by deploying a sequence of incentives and punitive measures.** For ongoing partnerships from which the United States cannot completely withdraw based on overriding political variables, the government should initiate and sequence incentives and punitive measures that can guide the partner towards improved conduct and should possess the political will to follow through if partners fail to improve. This approach may include a range of steps like training, advising, education, and leveraging partnerships with civil society to increase awareness of—and perhaps expose—areas or activities susceptible to civilian harm.
- **Establish partnership standards and exit strategies for discontinuing U.S. support based on partner behavior.** To manage a difficult partnership and prevent miscommunication, the United States should clearly and unequivocally articulate standards that its partners must uphold from the start, provide technical assistance designed to help meet those expectations, and establish exit strategies—ways to disengage from the relationship incrementally—if partner performance does not improve. If these terms are built into the partnership in the planning stages, it allows for a more transparent, constructive, and measurable form of accountability for the partnership.
- **Establish a common framework for partnered operations.** DOD and DOS should ensure they have a common framework to assess benefits, risks, and opportunities for partnered operations and potential effects on civilian populations, along with dedicated and adequately-resourced capabilities for developing and implementing mitigation plans and programs. The U.S. ambassador and diplomatic country team play a vital role in a partnership, particularly in reinforcing the importance of accountability with the partner authorities and ensuring that the affected public is adequately involved, informed, and considered in partnership activities.
- **Oversight and accountability leveraged by Congress.** As seen in previous legislation and recent objections to continued U.S. support for the Saudi-led coalition’s operations in Yemen, members of Congress are increasingly setting limits on U.S. security partnerships due to concerns about civilian harm. Congress should continue to leverage this important function; it should go further to institute conditions making U.S. arms transfers contingent on compliance with international humanitarian and human rights law. Congress should continue to request public reports on the conduct of U.S. partners and ensure that funding for civilian harm mitigation capacities are included in appropriations legislation.

For the U.S. Military

Military personnel are well placed to assess the policy doctrine, tactics, techniques, procedures, and even the administrative features of a partner military that lend themselves to effectively mitigating civilian harm. U.S. military officials also have unique credibility in appealing to cross-cultural values of honor and discipline and the role of the military in defending civilian populations. International law provides a framework for basic standards of conduct and has been supplemented by U.S. military doctrine on the protection of civilians, which in turn provides the basis for training and operations.

- **Reinforce good partner policy and practice.** U.S. military personnel are often the first U.S. government representatives to engage partner counterparts in discussions about assistance or partnership and therefore can set the tone and ensure both forces have a common understanding and shared expectations of norms of conduct and accountability. An important, but often understated, opportunity for the U.S. military is to demonstrate constructive dialogue and interaction with civilians, local leaders, and non-governmental organizations. This includes respecting the independence of humanitarian organizations and carefully considering and acting upon their observations about partner force conduct or the ways in which operations could or do expose civilians to risks.
- **Ensure partners have the capacity and capability to track and assess civilian harm.** In current operations, the U.S. military should ensure that its partners are aware of their obligations under international law and have the appropriate means to track and assess claims of civilian harm, including real-time feedback loops to inform operational decision-making, channels for receiving allegations, and a robust process for evaluating and investigating claims, especially claims levied in local languages. This not only ensures real-time adaptability of tactical measures as well as proper accountability and attribution for harm but can also inform future operations by identifying trends and patterns. The U.S. military can and should draw upon and systematize lessons learned from past partnered operations.
- **Support partners in establishing good practice for detention.** The U.S. military can assist partner forces to ensure the establishment of appropriate policies and capacities for humane detention in accordance with international law. U.S. forces must abide these guidelines and should encourage partners to do the same.

For Humanitarian and Human Rights Organizations

Given their role to alleviate human suffering and mitigate the worst impacts of conflict on civilians, NGOs often maintain the closest access to people experiencing the direct effects of conflict, and therefore have a significant role to play in raising concerns around the effect of military conduct and recommending measures to mitigate harm.

- **Play an active role in operational planning to mitigate civilian harm.** Civil society actors should dedicate time and resources to understanding military operations, including educating staff, and to develop relationships with military counterparts responsible for protecting civilians and mitigating civilian harm. Humanitarian and other civil society organizations may also help ensure civilian perspectives are

represented in discussions about military planning or operations and should be invited to provide feedback on planned actions.

- **Ensure channels of communication with military counterparts and, where possible, regular engagement on issues of civilian harm.** Human rights and humanitarian organizations are uniquely placed to provide critical information to military counterparts about the impacts of military operations on civilian populations, such as the consequences of damage to civilian infrastructure or the possibility of displacement. Recent experience suggests that the nature and quality of interaction between the U.S. military and NGOs—including the consistency with which either side proactively engages the other and the degree to which they operate within a common frame of reference regarding the obligations of conflict parties towards civilians—is still highly variable across different contexts and operations. Guided by the principle of neutrality, humanitarian and human rights organizations can engage all parties to a conflict, no matter their affiliation or character. In practice, this means humanitarian organizations should invest in capacities to engage in dialogue for the protection of civilians with U.S. military officials, broader international coalition representatives, national forces of the affected states, and representatives of non-state armed groups. Communication channels should provide real time dialogue and information exchange on civilian harm that arises from military operations from U.S., joint, or partner actions, both at the theater and the headquarters levels, whether the U.S. military may be directly conducting operations or playing an advisory role.

Regional Recommendations

Stakeholders should take specific steps to prevent and minimize civilian harm in partnered operations in Nigeria and Northeast Syria.

NIGERIA

- **Establish clear expectations for continuing the U.S.-Nigerian partnership.** This would include expectations for future conduct to protect the civilian population, adhere to international humanitarian law, and respect human rights.
- **Encourage the Nigerian military to adopt and implement its draft national policy on protecting civilians and mitigating civilian harm.** The United States and allies such as the United Kingdom should continue to encourage Nigerian counterparts to assume ownership of the policy while highlighting the strategic benefits of mitigating civilian harm. Stakeholders should continue to support the Nigerian military's efforts to mitigate civilian harm by providing technical assistance.
- **Clarify Nigeria's security needs and match them with appropriate support, including enhancing capacities to reduce civilian harm.** Any form of military assistance, including arms sales, training, and advising, should be customized to account for specific risks and opportunities based on the past conduct of the military and its real defense needs.
- **Support Nigerian and international civil society in an increasingly hostile environment via U.S. and international engagement.** The United States and other

security partners should encourage greater access for civil society.⁴¹ This should include regular communication with civil society to understand their perspectives and incorporate this feedback into engagement with the Nigerian government. Finally, the U.S. government should continue to fund the important work of international and Nigerian civil society organizations and highlight their successes.

- **Strengthen U.S. Congressional oversight on the U.S.–Nigerian partnership.** The reporting requirement in the FY 2018 NDAA, a positive first step, compels the President to submit “a comprehensive strategy to support improvements in defense institutions and security sector forces in Nigeria,” which will feature an assessment on the Nigerian government’s efforts to improve civilian protection, accountability, and respect for human rights.⁴² Congress must hold the executive branch accountable for the successful implementation of this strategy. Lawmakers may also wish to consider undertaking parliamentary exchange with Nigerian legislators to reinforce shared interest in the protection of civilians in the U.S.–Nigeria security partnership.
- **Reinforce the importance of human rights and accountability across the full spectrum of U.S. military and diplomatic engagements.** The United States should model good practices for civil–military engagement through regular dialogue with international and Nigerian civil society, and reinforce efforts to institutionalize the protection of civilians and respect for human rights within the Nigerian military culture by (1) encouraging buy-in from Nigerian military leadership for the protection of civilians as a cornerstone of effectiveness; (2) supporting internalization of civilian protection into norm training, especially in early stages; (3) enhancing institutions of external and internal accountability and oversight, such as military justice; and (4) peer-to-peer socialization at the unit level.

NORTHEAST SYRIA

- **Match diplomatic and political efforts with military support.** As the small scale of U.S. government civilian presence in northeast Syria limits the type and depth of capacity building, influence, and support available to the SDF, local councils, and other security actors, the United States should match its military support with other forms of political and diplomatic support, especially as local authorities move toward governance and stabilization of areas retaken from ISIS.
- **Ensure SDF forces are equipped and trained to interact with and fulfill their obligations toward the civilian population in territory they control, including detainees.** This should include developing standard operating procedures to allow freedom of movement, administrative capacity for identification and documentation, and corrective actions to mitigate abusive practices such as child recruitment. It should also include engagement between humanitarian and human rights organizations and displacement site authorities to allow access to vulnerable people (including detainees) and address concerns about the protection of civilians, including to prevent sexual exploitation and abuse.

41. Ibezim-Ohaeri, Victoria, “Confronting Closing Civic Spaces in Nigeria,” *Sur: International Journal on Human Rights* 26, (December 2017), <http://sur.conectas.org/en/confronting-closing-civic-spaces-in-nigeria/>.

42. National Defense Authorization Act Fiscal Year 2018, <https://www.congress.gov/115/bills/hr2810/BILLS-115hr2810pcs.pdf>.

- **Build SDF capacity to mitigate harm to civilians in military operations.** With joint U.S.–SDF operations still ongoing, the United States should articulate specific expectations for SDF conduct, then help the group meet those expectations, instituting consequences if needed. The U.S. military should share its own good practices and training procedures with the SDF to ensure that when the group conducts military operations, it is prepared to identify patterns of civilian life and take precautionary measures to limit harm to civilians and damage to civilian infrastructure. This should also include working with NGOs with expertise in civilian harm mitigation, who can help develop policies and procedures to avoid the use of prohibited weapons, end the recruitment of children, and issue policies that place the protection of civilians at the forefront. In addition to its existing obligations under international humanitarian and human rights law, the SDF should be encouraged to adopt specific, public commitments, and the United States should recognize and support compliance with existing deeds of commitment signed by various groups affiliated with the SDF and witnessed by Geneva Call.⁴³ Given the multi-year partnership between the United States and SDF, it is too late for an upfront conversation about expectations for conduct. However, it is not too late to articulate expectations as it relates to the current context in Syria and ensure that the future of the partnership accounts for the protection concerns of the civilian population.
- **Assess and account for civilian harm.** U.S. and other coalition forces should help the SDF build their capacity to identify any harm resulting from SDF operations, through analysis procedures such as battle damage assessments, which should include damage to infrastructure. SDF personnel should also communicate with civilian populations affected by military operations, which promotes information-sharing about incidents and improves ways civilians can seek compensation for harm caused. One way to encourage transparent assessment of civilian harm could be for coalition forces to provide more public information about harm caused by their own operations and take steps to prevent and minimize harm in the future.
- **Improve coordination, communication, and broad engagement between the humanitarian and human rights community and military forces, including the SDF.** Further engagement between humanitarian and human rights organizations and the SDF is needed for the protection of civilians in Syria. Current mechanisms for engagement with the U.S.-led coalition do not function effectively to facilitate the needed feedback loops, especially related to the conduct of the SDF. The UN Humanitarian–Military Coordination Cell in Amman is one tool for information sharing; it should be complemented by more frequent in-person discussions between relevant actors that go beyond humanitarian issues to concerns about stabilization, governance, accountability, and transitional justice. Civil–military arrangements should go beyond information-sharing to cultivate a more transparent and consultative approach to engagement that aims to address critical protection problems in an ongoing way.

43. For more information on Geneva Call's engagement with non-state armed groups and deeds of commitment, see "Deed of Commitment," Geneva Call, <https://genevacall.org/how-we-work/deed-of-commitment/>, and for specific deeds of commitment signed by Syrian non-state armed groups, including the YGP/YPJ, see "Syria," Geneva Call, <https://genevacall.org/country-page/syria/>.

- **After-action reviews on the anti-ISIS operations in northeast Syria by DOD should distill lessons on partnered operations with non-state armed groups and implications for protecting civilians.** Reviews of military operations in Raqqa and surrounding areas should examine the short- and long-term impacts on the civilian population and civilian infrastructure in order to distill lessons for future security partnerships. DOD should consult local civil society and invite national and international humanitarian and human rights organizations to contribute their observations and analyses during this exercise.
- **Sustain U.S. government commitment.** Enacting these measures and influencing SDF conduct will require significant resources and commitment on the part of the U.S. government, which remains the primary challenge for creating change in northeast Syria. The reality of the anti-ISIS fight, geopolitical dynamics in Syria, and the U.S. administration's uneven interest in stabilization efforts will significantly complicate any attempt at supporting and enabling the SDF to better ensure the protection of civilians.

5 | Conclusion

Designing and implementing effective security partnerships requires stronger dialogue, strategies, and tools for mitigating civilian harm. Civilian harm mitigation measures must reflect the nuance and context in which the partnership occurs. It also requires strong support from the highest levels of civilian and military leadership in both the United States and its partner force to ensure commitment to the protection of civilians in armed conflict. By no means exhaustive, this report's findings and recommendations would benefit from deeper analysis and stakeholder engagement through country case studies and field research, trend analysis of partnerships evolving over time, allied and coalition approaches to partnered operations and mitigating civilian harm, and additional cross-sectoral dialogue with humanitarian and human rights organizations and U.S. military operators in geographic and special operations combatant commands. Working by, with, and through partners in military operations is clearly a preferred approach in U.S. security policy. Reinforcing a principled approach to civilian protection during these partnerships will enable the United States to ensure better outcomes for civilians, achieve more enduring results, bolster the professionalism of the U.S. military and its partners, and strengthen adherence to universal norms and values.

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