

Displacement and the Protection of Civilians in U.S. Military and Partnered Operations

NGO Recommendations for DoD Policy on Civilian Harm

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Summary

U.S. military and partnered operations may significantly contribute to the displacement of civilian populations in armed conflict. Displacement is typically prompted by threats to civilian life and/or destruction of civilian property or the fear of such harm. Fleeing one's home inevitably exposes civilians to additional risk in the course of displacement. It is often one of the most traumatic and visible consequences of military operations with short, medium, and long-term impacts on civilian populations.

Displacement is so disruptive and dangerous to civilian life that it must be avoided unless the security of civilians or military necessity requires it. If the scale and spread of threats to civilian life becomes so pervasive that remaining in one's home become untenable, displacement may also become a critical means of "self-protection". Forced displacement is also prohibited under international law. International humanitarian law (IHL) provides for the possibility of evacuation of the civilian population as a temporary, last-resort, life-saving measure.² In the case that displacement becomes inevitable, the U.S. and its partners should ensure that this is conducted in a safe and orderly manner in order to minimize and mitigate civilian harm.³ It is therefore critical for the U.S. military and its security partners to better understand its impact, avoid its occurrence, and mitigate its effects when it occurs.⁴

Risks associated with displacement can include civilians being trapped where they are and unable to reach evacuation routes; dangerous evacuations and exit routes, for example, due to exposure to crossfire, mines/IEDs, etc.; the lack of a safe destination to flee to; and abuses such as gender-based violence (GBV) perpetrated in transit, during screening and detention processes and while in displacement. Hosting large numbers of displaced people is disruptive to host communities, depletes their resources, and creates enormous pressure on their social services and other infrastructure, and may exacerbate tensions, fragility, and lead to further conflict. Additionally, this can long-term displacement which has dramatic impacts on individuals in terms of their quality of life (health outcomes, poverty, education rates, etc.).

¹ Recommendations compiled by Jenny McAvoy, Director of Protection and Archibald S. Henry, Senior Program Associate for Protection at InterAction, drawing on materials referenced herein, with inputs from various NGOs and informed by ongoing NGO dialogue with counterparts at the U.S. Department of Defense (DoD). These recommendations were submitted to DoD in December 2019.

² International Committee of the Red Cross (ICRC), "[Rule 129 of Customary IHL. The Act of Displacement](#)." In particular, see sections: "Evacuation of the civilian population" and "Prevention of displacement." See also ICRC, "[Displacement in times of armed conflict: How international humanitarian law protects in war, and why it matters](#)," April 2019.

³ See ICRC 2019. Per the UN High Commissioner for Refugees (UNHCR), "States have a duty to avoid the displacement of populations unless absolutely necessary and to protect against the displacement of groups with a special dependency on their lands. When displacement is unavoidable, certain guarantees must be established for displacement to be lawful." UNHCR, "[Handbook for the Protection of Internally Displaced Persons \(IDPs\)](#)," 2010. See also ICRC, Rules 129-133 of Customary International Humanitarian Law. In particular, see [Rule 131. Treatment of Displacement Persons](#); [Rule 132. Return of Displaced Persons](#); and [Rule 133. Property Rights of Displaced Persons](#). See also Art. 49 of the Fourth Geneva Convention and Art. 17 of Additional Protocol II.

⁴ See ICRC, "[Displacement in times of armed conflict: How international humanitarian law protects in war, and why it matters](#)."

In the longer term,⁵ civilians run the risk of being unable to return home – for example, due to destruction of their homes and property, contamination by explosive remnants of war (ERWs) of areas origin, and misappropriation of their land and assets. Beyond misappropriation, property seizures may be politically driven and undertaken as means to force displacement and permanently prevent return by certain ethnic or religious groups, which may further exacerbate conflict dynamics. Widespread displacement and loss of assets can lead to protracted instability and challenges to rule of law, governance, and social and economic rehabilitation and recovery.⁶ As such, the organized evacuation of people when their lives are at risk must also not be undertaken lightly.

Comprehensive DoD policy on civilian harm must consider displacement as a key protection of civilians’ issue, and outline the necessary steps to anticipate, avoid, minimize, and mitigate civilian harm in military operations. This includes:

1. Incorporating into strategy, operational planning, targeting processes, and training the potential for, and risks associated with, displacement, with a view to avoiding causing displacement, ensuring safety and protection of voluntary movement, minimizing harm across the displacement cycle;
2. Seeking and facilitating robust engagement with civilian populations and humanitarian and human rights organizations throughout the duration of hostilities to inform steps to avoid forced displacement, minimize civilian harm during displacement, and develop contingency planning options;
3. Including displacement in post-facto assessments of civilian harm and lessons learned processes to improve operational planning, and systematizing good practice on avoiding, minimizing, and mitigating the effects of displacement.

Recommendations on Displacement for DoD Policy on Civilian Harm

The following recommendations on displacement should be included in DoD policy to minimize civilian harm in U.S. military operations. Ideally, these recommendations would form the basis of a section or annex focusing on displacement or embedded in relevant sections throughout the DoD-Instruction (DoD-I).

Doctrine, training, strategy and planning

- Increase the focus on displacement and associated civilian harm in all relevant doctrine, including air and land warfare, and across all contexts. Doctrine and manuals should include an understanding of key displacement issues, trendlines, and responsible prevention, protection, and mitigation steps such as: avoiding military operations in populated areas and seeking to minimize its impact when it does occur, including by avoiding the use of explosive weapons with wide-area effects in populated areas; planning for and communication of

⁵ For background, people are displaced for an average of about 10 years. See World Bank Blogs, [“How many years do refugees stay in exile,”](#) 15 September 2016. As for Internally Displaced Persons (IDPs), Overseas Development Institute (ODI) writes: “every country experiencing conflict related displacement has reported IDP numbers over periods of 23 years on average” and, as of 2014, more than 50 percent of conflict induced IDPs have been displaced for more than 3 years. See ODI, [“Protracted displacement: uncertain paths to self-reliance in exile,”](#) 2015. On challenges related to data for IDPs, see Internal Displacement Monitoring Center (IDMC), [“Global Report on Internal Displacement 2019,”](#) 2019, p. 53, 68. According to UNHCR, 70.8 million people globally were forcibly displaced at the end of 2018. That year, more than 13 million new people were forcibly displaced, meaning 25 people per minute. See UNHCR, [“Global Trends Report,”](#) 2018.

⁶ See diagram [“Protection Risks Faced by Civilians at all Stages of Movement”](#) in Center for Civilians in Conflict (CIVIC) and InterAction, [“Protection of Civilians in Mosul: Identifying Lessons for Contingency Planning,”](#) October 2017.

safe exit routes and evacuations; and ensuring evacuations are conducted in an orderly, safe, free, and voluntary manner.

- Encourage and establish guidance for Combatant Commands (CCMDs) and other military organizations to develop plans from Phase 1 (run-up to hostilities) which anticipate and plan for the risks of displacement in military operations, avoid causing forced displacement wherever possible and feasible and mitigate its risks and effects on civilian populations, ensure safety and protection of voluntary movement, and minimize harm to displaced populations.
- Strategy development and operational planning should consistently include displacement and associated civilian harm as a key protection of civilians' concern, including in intelligence preparation and analysis, development of targets, weaponeering decisions, engagement with external organizations, and monitoring, analysis and post-facto lessons-learned processes.
- Training relevant to IHL and measures to minimize civilian harm should include modules specifically focused on the risks of displacement associated with military operations and partnered operations and options for the U.S. military to minimize forced displacement wherever possible and mitigate associated risks, as well as ensure safety and protection of voluntary movement and the protection of displaced populations. Training on the risks of displacement should examine key operational issues from a diverse selection of case studies, including U.S.-led anti-ISIS Coalition operations in Mosul and Raqqa, U.S. military and U.S.-led international and partnered operations in Afghanistan, as well as lessons learned and best practices in humanitarian-military coordination to mitigate displacement and its effects, including associated civilian harm.

Articulation of commander's intent

- Commander's intent, developed through orders, directives, and/or instructions, including the rules of engagement (ROE), should include emphasis on: the risks of forced displacement in military operations and associated protection of civilians concerns, and viable options to avoid forced displacement; minimize civilian harm associated with displacement, including through safe and responsible measures for exit and evacuations; considerations for mitigation and protection in contexts of existing displacement, including measures to mitigate the risks faced by displaced communities and vulnerable populations, and ensure protection of their rights and property, in line with IHL, throughout the displacement cycle.

Engagement with civilian populations

- Throughout the duration of hostilities, ensure information on the risks of displacement, displacement trends and locations and planning for exit and evacuation routes, includes and is informed by perspectives of the civilian populations directly affected by those risks and trends. Information should ideally come directly from populations and local civil society actors where relevant and appropriate or be channeled through an operational humanitarian organization or field-based human rights group.⁷
- Before conducting specific ground operations and/or airstrikes, ensure that effective and timely warning is given to civilian populations in the vicinity of the impact zone, in advance of the operation/strike, to avoid driving forced displacement and ensure the protection of civilians.⁸ Adequate and timely warning to civilian populations should take place in all kinds of strikes including, to the extent possible, in dynamic and time-sensitive strikes. In addition, before and during the conduct of operations, avoid sending conflicting

⁷ See CIVIC and InterAction, "[Protection of Civilians in Mosul: Identifying Lessons for Contingency Planning](#)."

⁸ See ICRC, "[Displacement in times of armed conflict: How international humanitarian law protects in war, and why it matters](#)."

information and advice to civilian populations on whether to flee or shelter, and ensure clarity in instructions regarding safe exit routes and evacuations.

- When planning for mitigation measures in contexts where displacement is likely or ongoing, ensure that safe options for civilians are systematically considered by military commanders and their civilian counterparts. Exit routes and evacuations must always take place in a voluntary, free and informed basis, and be conducted in a planned and orderly manner.⁹ Exit and evacuation planning should systematically consider the safety of the evacuation/exit route proposed, including along the route and at the destination civilian populations are fleeing to. In cases where it is anticipated that civilians will try to access routes towards safety, steps should be taken to ensure appropriate communication with civilians, ERW decontamination, and sustained protection of the routes. When military operations are conducted in the vicinity of camps, other shelters and settlements, or routes/corridors for Internally Displaced Persons (IDPs), refugees, or other displaced populations, ensure adequate and timely liaison with affected populations and incorporate relevant concerns to ensure their safety and protection.

Engagement with humanitarian and human rights organizations

- U.S. forces should regularly engage with humanitarian and human rights organizations, including international and local civil society actors as well as UN offices, to gather information of displacement risks and trendlines, and coordinate plans for safe exit routes and the delivery of assistance across conflict lines, including for the evacuation or treatment of wounded civilians. Ensuring the safety and protection of voluntary movement and those already displaced should also be a focus of engagement and information sharing with humanitarian and human rights organizations.
- Engagement with humanitarian and human rights organizations should take place in a forward-leaning manner, including by proactively reaching out to relevant actors, including international and local civil society as well as UN offices. Similarly, the U.S. military should also establish a viable channel for humanitarian and human rights organizations to provide insight on risks, trends, and analysis on displacement; coordinates of protected objects/structures; perspectives and concerns of the civilian populations; viable or unviable options for exit, evacuation, or shelter; and other protection concerns and risks associated with the displacement of civilian populations in U.S. military and partnered operations, including risks to populations already displaced or in movement. The establishment of a channel for external organizations to provide relevant information on displacement and civilian harm should not preclude the U.S. military from proactively reaching out to these organizations throughout its operations.

Managing the risk of displacement and mitigating associated civilian harm

- During hostilities, targeting and strike decisions should actively avoid causing, or minimize, displacement wherever possible. adjustments in weaponeering (such as avoidance of explosive weapons with wide-area effects) to mitigate the impact of strikes on civilian locations, and spare trapped civilian populations from any harm arising from strike decisions.
- It may be necessary and appropriate to implement a temporary cessation of strikes to plan for alternative routes and safe exit corridors, to support negotiation for the release of trapped civilians, to allow time for civilians to evacuate, or to facilitate emergency evacuations for the injured and critically ill.¹⁰

⁹ ICRC and InterAction, “[Trapped in Conflict: Evaluating Scenarios to Assist At-Risk Civilians](#),” July 2015.

¹⁰ Ibid. For an illustration of adapting pace and tactics of operations to minimize impact on civilians, see the case of Fallujah (Iraq), CIVIC and InterAction, “[Protection of Civilians in Mosul: Identifying Lessons for Contingency Planning](#),” p. 8.

- When displacement cannot be avoided or sufficiently minimized, ensure adequate steps are taken to mitigate the fallout from hostilities for civilian populations, including the effects and risks associated with displacement. In consultation with U.S. civilian agencies, local civilian populations (where feasible), and humanitarian organizations, the U.S. military should explore the range of options to responsibly manage displacement and minimize and mitigate civilian harm:

Key considerations for people to leave the area include:

- Exit routes need to be accessible to civilians, safe, clear of mines or improvised explosive devices (IEDs). Avoid communicating to the civilian population that safe routes exist where there are ongoing security challenges such as the presence of mines and active fighting. Civilians should not be encouraged to use exit routes or passages unless they are indeed safe.
- Periodic humanitarian pauses/cessations of hostilities to enable people to reach exit routes and evacuate, facilitate or provide frontline trauma care to wounded civilians, and other measures to minimize and mitigate harm.¹¹
- Checkpoints along exit routes should be staffed by professionally trained security forces with monitored by human rights or humanitarian observers. Civilians transiting through such checkpoints should not be subject to arbitrary detention or confiscation of identification or other legal documents.¹²
- Civilians should be able to reach a secure and stable area where they will have access to timely medical care and other humanitarian assistance. This requires coordination and communication with humanitarian actors as well as host communities where displaced people are likely to find shelter.¹³

Key considerations for people to stay in their homes:

- Failure to evacuate does not mean that individuals who remain behind are targetable in subsequent military operations. Critically ill or elderly individuals may be unable to flee. Individuals may choose not to flee in order to protect their property or care for remaining family members. Whether unable or unwilling to flee, civilians trapped in the combat zone remain protected.¹⁴ Their presence must be assumed and taken into account in subsequent operational decisions.
- Every effort should be made to communicate to civilian populations warnings of airstrikes, areas contaminated by Explosive Remnants of War (ERWs) or other hazardous materials, resumption of hostilities following a humanitarian pause or temporary cessation, or increased military activity/foreseen change in operational tempo.
- Military forces should work with humanitarian organizations to help facilitate delivery of humanitarian aid across conflict lines, including for the evacuation or treatment of wounded civilians.

¹¹ See ICRC and InterAction, [“Trapped in Conflict: Evaluating Scenarios to Assist At-Risk Civilians.”](#)

¹² On the Iraqi context, see for example International Rescue Committee (IRC) and Norwegian Refugee Council (NRC), [“In Search of Safety,”](#) July 2016. In 2016, populations fleeing Fallujah saw checkpoints as a deterrent to leaving because they feared being detained or arrested, which led to family separation and people remaining in unsafe areas.

¹³ For additional information on the humanitarian needs of IDPs, see for example Ceasefire Center for Civilian Rights and Minority Rights Group International, [“Civilian protection in the battle for Mosul: critical priorities,”](#) October 2016.

¹⁴ See ICRC, [“Displacement in times of armed conflict: How international humanitarian law protects in war, and why it matters.”](#)

Engagement with partner forces

- Regularly engage with partner forces on risks and trends associated with displacement caused by or occurring in the context of U.S. partnered operations as well as partners' own military operations. Incorporate considerations related to displacement and the protection of civilians into all relevant stages of engagement with partner forces, including planning, procedures, monitoring, training, information sharing, mentoring, and dialogue with partner forces.¹⁵
- In particular, U.S. engagement with partner forces, including in joint and partnered operations,¹⁶ should include attention to: IHL requirements and measures to avoid forced displacement; steps to ensure safety and protection of voluntary movement and minimize harm resulting from displacement; managing displacement and planning for contingency options; information sharing with humanitarian and human rights organizations; protection of civilians and their rights, including their non-combatant status and their property, in all stages of displacement (i.e. before and during displacement, in displacement settings, and during returns).

U.S. interagency engagement

- Throughout the operational cycle, engage with the State Department, USAID, Intelligence agencies and other relevant U.S. civilian agencies to supplement information on displacement risks and trends, safe exit routes and evacuation options, civilian populations' location and concerns, risks to those already displaced, and other issues, and continuously embed such information into decisions around protection of civilians and harm mitigation measures, including during contingency planning.

Monitoring, analysis, and post-facto assessment

- Monitoring of civilian harm in U.S. military and partnered operations, including during operations and in post-facto assessments, should include a process for continuous analysis of displacement trends and associated civilian harm, including civilian populations vulnerabilities' during the displacement cycle; options/measures to avoid forced displacement and minimize harm associated with displacement, including operational decisions and contingency planning for safe exit routes, humanitarian pauses, and evacuations; engagement with relevant stakeholders to plan for and mitigate the fallout from hostilities; extent to which those fleeing were safe in the areas where they sought refuge; risks to civilian populations already displaced; human and economic costs associated with displacement, including loss of civilian property and livelihoods, damage to public infrastructure, as well as prospects for returns.
- Monitoring and analysis of displacement, including on a continuous basis during operations as well as in post-facto assessments, should inform lessons learned and best practices to anticipate displacement, avoid and minimize forced displacement, secure and protect voluntary displacement, and mitigate civilian harm associated with displacement resulting from or occurring in U.S. military and partnered operations.¹⁷

¹⁵ For additional information on engagement with partner forces, see NGO Recommendations for DoD Policy on Civilian Harm, "[U.S. Partnered Operations and the Protection of Civilians](#)."

¹⁶ For background on the terminology of "partnered operations," see above paper, pp. 1-2.

¹⁷ While efforts should be made to avoid triggering displacement, no party to conflict should prevent civilians from voluntarily displacing. See for example UNHCR, "[Handbook on the Protection of Internally Displaced Persons \(IDPs\)](#)," and Rules 129-133 of Customary International Humanitarian Law, ICRC, "[List of customary rules of international humanitarian law](#)," 31 March 2005. See also Art. 49 of the Fourth Geneva Convention and Art. 17 of Additional Protocol II.

- Battle Damage Assessment (BDA) and/or Collateral Damage Assessment (CDA) methodology should not only evaluate civilian casualties and the impacts of strikes on civilian structures and systems but consider mass displacement as a significant direct and indirect form of civilian harm.

Response

- Policies on post-harm amends (e.g., assessment and acknowledgement of harm, provision of ex-gratia or solatia payments, livelihood and other assistance) and public guidance for filing claims should apply to damage or destruction of civilian property (which may drive some displacement) as well as civilian casualties.
- The U.S. military and civilian agencies should consider policy responses, including the provision of foreign aid, to address and mitigate the conditions that lead to displacement and create conditions for a safe return.

Lessons learned

- As part of lessons learned processes on U.S. military operations and the protection of civilians, devote the necessary resources to understanding, assessing, and analyzing displacement issues and trends, as well as good practice for humanitarian-military coordination and engaging with civilian populations and partner forces to minimize harm associated with displacement and its consequences. After-Action Reviews (AARs) should include review of the U.S.-led anti-ISIS Coalition operations in Mosul and Raqqa, U.S. military and U.S.-supported operations in Afghanistan, and other relevant cases. Lessons learned processes should examine, review, and evaluate commonly-held assumptions underpinning planning and decision-making regarding the consequences of military operations for civilian populations, including the risk of displacement, and identify options to avoid forced displacement and ensure the protection of civilians across the displacement cycle.
- Lessons learned processes, including AARs, should feed into a continuous process to systematize and sustain good practice to avoid, minimize, and mitigate civilian harm from displacement in U.S. military and partnered operations, and inform the design and planning of U.S. military and partnered operations.

Resources and staffing

- Devote resources to learning about types of conflicts and violence that cause and precipitate displacement, factors that exacerbate civilian harm during the cycle of displacement, as well as the long-term costs and consequences of displacement.¹⁸ Learning should include measures to prevent forced displacement and causing harm to those already displaced, the consequences from U.S. military and partnered operations for displacement, steps to minimize, mitigate and manage consequences from displacement, and ways to adapt and tailor operational planning accordingly.
- Devote resources to understanding and utilizing all communication channels available for sharing information with people, including informal methods, social networks, cell phone, and internet connections, as well as to understand the situation and concerns of civilians who may be at risk and/or attempting to flee or shelter. This should be done with a view to facilitating engagement with civilian populations and humanitarian and human

¹⁸ Consequences for civilian populations during displacement can include: physical violence from the conduct of hostilities, other attacks, ERWs or other threats; disease and public health concerns; malnutrition; lack of access to basic services such as education; trauma and other psychological and psychosocial effects; loss of property, livelihoods and independence; tensions or conflict with host communities; economic consequences; and limited prospects for returns (ICRC 2019). For additional information on protection concerns across the displacement cycle, see also diagram “[Protection Risks Faced by Civilians at all Stages of Movement](#)” in CIVIC and InterAction, “[Protection of Civilians in Mosul: Identifying Lessons for Contingency Planning](#)”

rights organizations throughout the duration of hostilities to strengthen information receipt and sharing processes on exit routes, safety and security issues, and contingency plans.

- Ensure that issues of displacement are included in the tasks of personnel devoted to the protection of civilians, either as part of Casualty Tracking Cell (CCTC), Civilian Casualty Mitigation Team (CCMT), or other relevant body/unit of the mission. Additionally, external experts on displacement, protection, and civilian harm mitigation should be consulted or embedded within missions where appropriate from the earlier stages of mission planning and deployment.
- Across missions, ensure closer and more timely coordination between the teams involved in the targeting process (including dynamic targeting/strikes), and the teams which facilitate/conduct engagement with external organizations and civilian populations on protection and displacement concerns. This should be done with a view to promoting stronger and timely information-sharing feedback loops informing real-time decision making to better avoid, minimize, and mitigate civilian harm across the displacement cycle.

Standardization and flexibility

- Standardize processes to integrate information on displacement and associated civilian harm throughout the stages of mission planning and across the operational cycle, with a view to better anticipate displacement, avoid forced displacement, , protect voluntary displacement and freedom of movement, and minimize and mitigate civilian harm associated with displacement in U.S. military and partnered operations.
- Recognize the context-specific nature of displacement; across contexts, approach displacement in a way responsive to the dynamics of the conflict and range of military options available, informed by terrain, geography, social structures, civilian populations' own assessment of their threat environment and vulnerabilities, as well as information and analysis from external organizations.

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