

DoD Engagement with Humanitarian and Human Rights Organizations on Civilian Harm in U.S. Military Operations

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Summary

This paper sets forth NGO recommendations for the U.S. Department of Defense (DoD) regarding its engagement with humanitarian and human rights organizations on civilian harm in U.S. military operations. While engagement has improved over the years in specific theaters and missions, a number of challenges remain, including how DoD assesses external reports of civilian harm, limited available channels for external actors to exchange information with the U.S. military on the impact of military operations, as well as DoD's resourcing and staffing gaps to engage with external actors on civilian harm. Comprehensive DoD Policy on Civilian Harm must ensure:

Timely, regular and tailored engagement with all actors: NGOs, UN entities and missions, local populations and civil society

- DoD should have a pro-active information-seeking posture about incidents, issues, and trends of civilian harm, and be prepared to **engage with the full array of actors** including local, national, and international humanitarian and human rights NGOs, UN humanitarian and human rights entities, UN missions, as well as local civil society and civilian populations, including victims and affected communities.
- DoD should **tailor dialogue on civilian harm to the external actors engaged**, considering the modalities, needs, concerns, and constraints in engagement across actors. DoD should pursue iterative, two-way engagement with humanitarian and human rights organizations as well as culturally sensitive, direct engagement with local populations, particularly those who have suffered harm associated with U.S. military operations.
- DoD engagement with all actors should be based on **determining the facts, establishing trust, building rapport, and respect** in all phases of engagement. DoD should undertake **consistent public reporting** on civilian harm to bolster transparency and public accountability and stimulate dialogue on measures to minimize and respond to civilian harm.
- DoD should make every effort to **actively seek information from victims and affected communities** whenever feasible, including by inviting witnesses to locations where they might be interviewed, or interviewing them remotely, to most accurately determine whether and when civilians were harmed, the precise nature of harm and whether and how DoD can provide meaningful compensation.

¹ Recommendations compiled by 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 July 2019. On 13 May 2019, InterAction convened a DoD-NGO consultation to explore DoD engagement with humanitarian and human rights organizations on civilian harm associated with U.S. military operations with a view to provide practical recommendations to feed into the development of DoD policy pursuant to Section 936 of the FY19 National Defense Authorization Act (NDAA). Specifically, the DoD-NGO consultation discussed the purpose, scope, means, and timing of DoD's engagement with external organizations on issues of civilian harm at various levels, and provided some initial recommendations. The consultation focused on instructive recent and current experience in Afghanistan and Northeast Syria and discussed examples from other contexts including Iraq, Somalia, and Libya.

Consistent engagement during full cycle of military operations

- DoD should engage with relevant external actors **throughout the cycle of military operations** – as part of operational planning, during military operations, and in the aftermath of military operations – on measures to minimize, assess, investigate, report on, and respond to civilian harm. Issues of civilian harm should include civilian casualties, damage to civilian objects, including but not limited to critical infrastructure, and the consequences of damage to civilian objects, displacement, emergency medical care, and detention operations, among others.

Consistency and standardization

- DoD should **institutionalize, standardize, disseminate, and replicate best practices** of sustained engagement with humanitarian and human rights organizations within and across contexts, while **allowing for flexibility** according to operational theater and local needs. DoD should systematically capture and disseminate lessons learned from engagement on civilian harm and use such lessons to inform policy development and future planning and conduct of operations.

DoD resources, staffing, and training

- DoD should devote the **appropriate resourcing, expertise, and training** to ensure capacity for credible investigations and regular, open, constructive engagement in its operational theatres and at the combatant command level. DoD should **adequately staff key engagement roles**, simplify guidance and SOPs, ensure smooth rotations, and adequately and consistently resource after-action reviews and other lessons-learned processes.

DoD processes, structures, and procedures for engagement

- DoD should establish the required **processes and structures for engagement from the earliest stage of deployment** to facilitate timely engagement with a range of actors. DoD should establish and adequately resource civilian casualty tracking and mitigation teams, promote transparency with the assessment process, to include the meaning of terminology and the criteria used to make assessments, and develop effective engagement channels with affected local populations and other possible sources of information on civilian harm, such local media, civil society and UN actors.
- A DoD **internet-based standardized database** for civilian harm reports should be accessible for local populations, enable individual submissions, be sensitive to the needs of affected people. An internet-based system should not, however, replace **timely and regular in-person dialogue** on civilian harm with the full range of external actors. In addition, DoD should develop alternative means for civilians to report civilian harm in places where the U.S. conducts operations and civilians may not have internet access.

Inter-agency collaboration and USG-wide engagement

- DoD should encourage and facilitate **greater inter-agency collaboration** on and buy-in for civilian harm engagement, particularly in contexts where DoD field presence is limited.

Background

In a number of recent conflicts, the value of engagement between the U.S. Department of Defense (DoD) and humanitarian and human rights organizations on issues of civilian harm has been evident, allowing the military to understand civilian perspectives and concerns with its activities and NGOs to understand the effort made and challenges faced by the military in minimizing civilian harm. Engagement has improved over the years but a number

of challenges remain, including how the DoD assesses external reports of civilian harm, a focus on civilian casualties resulting from kinetic operations to the potential exclusion of other forms of civilian harm, and regarding the available channels for external actors to communicate to the military the impact of military operations on civilians and potential means of minimizing harm. Section 936 of the FY19 National Defense Authorization Act (NDAA) regarding the development of DoD policy relating to civilian casualties resulting from United States military operations, and the role of the senior-level civilian official designated for this purpose, includes specific provisions for:

- The development of publicly available means, including an Internet-based mechanism, for the submittal to the United States Government of allegations of civilian casualties resulting from United States military operations
- Regular engagement with relevant intergovernmental and non-governmental organizations

More broadly, there are a range of issues relating to DoD's relationship with external organizations on civilian harm which warrant reflection and would benefit from explicit attention in DoD policy and guidance. These include:

- Processes, structures, and channels to exchange information with external organizations on civilian harm before, during, and after military operations. Timing of dialogue between the Military and external organizations on critical risks faced by civilian populations in relation to U.S. military and partnered operations and possible means of minimizing harm.
- Purpose, scope, means, and timing of DoD engagement with humanitarian and human rights organizations at different levels (e.g. operational commands/Joint Task Forces (JTFs)/Coalitions, tactical level, Geographic Combatant Commands (GCCs), etc.). DoD familiarity with the roles, principles, standards, and methods of humanitarian and human rights organizations as well as UN entities and the existing scope and architecture of UN-led civil-military coordination.
- DoD receptivity to external sources of information and criteria and challenges related to the determination of the credibility of information. Expectations of human rights and humanitarian NGOs for the information DoD shares with them on civilian harm, such as that relating to submitted cases. Challenges or obstacles impeding the flow of information between the Military to external organizations.
- How individuals can independently provide information to the Military about civilian harm. Facilitating direct engagement between DoD and affected individuals and/or populations, including victims, their families, and/or witnesses, to promote local ownership and ensure DoD engagement on civilian harm is not solely channeled through an external organization.
- Resourcing and staffing implications of civilian harm engagement for DoD. Institutionalization of civilian harm engagement for DoD and balancing standardization and flexibility in approach across operational commands and GCCs.
- The potential utility, risks, and possible approaches to address the NDAA requirement to develop an internet-based mechanism for the submission of information on civilian casualties. Recognition that populations in some areas may lack internet access for various reasons, including prohibitions by local armed groups on the civilian use of certain technology, and fear by local civilians that use of technology could lead to their being targeted for air strikes. Recognition of the importance of person-to-person contact and dialogue with affected people and external organizations on risks faced by civilian populations, not only the transmission of information on civilian harm incidents.
- Ensuring communication channels respect the safety, security, and privacy of those the U.S. military engages with, particularly for local organizations or populations which may face security risks.

- USG Inter-Agency responsibilities and means for engagement on civilian harm; the appropriate roles for the Chief of Mission, DoS, and USAID in countries where the U.S. conducts operations and has diplomatic representation.

The following recommendations on DoD Engagement with Humanitarian and Human Rights Organizations on Civilian Harm should be included in comprehensive DoD policy to minimize civilian harm. They incorporate insights from a DoD-NGO consultation held on 13 May 2019 at InterAction and advance a series of guiding principles from the non-government community for DoD's consideration in drafting its policy.

Recommendations

1. Timely, regular and tailored engagement with all actors: NGOs, UN entities and missions, local populations and civil society

- Need for iterative process of engagement.** DoD should actively seek information on incidents of civilian harm as well as broader trends and pursue regular dialogue with external actors on civilian harm: it should maintain open channels of communication, actively seek out external input on civilian harm risks, trends, and allegations, and hold regular meetings with the relevant actors to exchange and corroborate information and discuss practical steps to minimize harm and provide appropriate remedy where harm occurs. Civil-military coordination in Northeast Syria (2015-2017) and in Afghanistan (2011-2013) provide instructive lessons for the role that more sustained dialogue could play in minimizing civilian harm in U.S. military operations.²
- Promote rapport, trust building, and respect during all phases of engagement.** In support of sustained engagement, and together with NGOs and other actors, DoD should strive to build rapport and a culture of trust with all actors from the earliest stages of engagement. Well before of the start of military operations, there is a need to clearly communicate desired outcomes, process, strategy, objectives, and goals.³ Clear articulation of each side's needs, capacities, and constraints from the outset will help build a solid foundation and constructive process for two-way engagement on civilian harm. Whether in pre-operations planning, humanitarian deconfliction processes, examination of civilian casualties data trends, or responding to specific instances of civilian harm, dialogue should take place in an environment of trust and reciprocal exchange of information and views. Regular information-sharing meetings on civilian casualties data in Afghanistan and exchanges on geo-localization of civilian casualty incidents in Northeast Syria have both benefited from, and further fostered, a strong coordination relationship between military forces and external organizations on civilian harm.⁴

² See for example Airwars' engagement experience with CENTCOM and subsequently OIR's CIVCAS Team. See Airwars, "[Interim Better Practice Recommendations for DoD: US military assessments of civilian harm: Lessons Learned from the international fight against ISIS](#)," 2019, p. 5. See also the UN Assistance Mission in Afghanistan (UNAMA)'s engagement experience with ISAF including the Civilian Casualty Tracking Cell (CCTC) and subsequently Civilian Casualty Mitigation Team (CCMT). See for example Sahr Muhammedally, "[Minimizing civilian harm in populated areas: Lessons from examining ISAF and AMISOM policies](#)," *International Review of the Red Cross*, 2016, pp. 236-8. See also Center for Civilians in Conflict (CIVIC), "[Civilian Harm Tracking: Analysis of ISAF Efforts in Afghanistan](#)," 2014.

³ See for example CIVIC and InterAction, "[Protection of Civilians in Mosul: Identifying Lessons for Contingency Planning](#)," October 2017, p. 12.

⁴ Airwars, "[Interim Better Practice Recommendations for DoD: US military assessments of civilian harm: Lessons Learned from the international fight against ISIS](#)," p. 5, 9.

- c) **Undertake consistent public reporting on civilian harm.** Public reporting on civilian harm by the U.S. military should be valued and pursued in a sustained and consistent fashion, supported by regular engagement with NGO and UN humanitarian and human rights actors. Operational commands should regularly meet with external actors to exchange, assess, verify data and publish monthly reports of civilian harm.⁵ For example, dialogue between the United Nations Assistance Mission in Afghanistan (UNAMA) and the International Security Assistance Force (ISAF) in Afghanistan and engagement between Airwars and Coalition Joint Task Force-Operation Inherent Resolve (CJTF-OIR) in Syria on civilian casualty incidents illustrate the significant role public reporting can play in shaping the conduct of conflict parties and mitigating civilian harm.⁶ As granular two-way engagement helps improve the quality of public reporting, sustained public reporting helps promote transparency on civilian harm and contributes to constructive dialogue on measures to minimize civilian harm.
- d) **Hearing from and communicating with people directly affected by civilian harm.** DoD engagement on civilian harm should incorporate local perspectives and elevate individual voices to understand the experience and risks of affected populations and acknowledge harm where it occurs.
- DoD should establish direct channels for communication with civilian populations – including victims or their relatives, representatives of affected communities, local civil society, and individuals who have witnessed civilian harm.⁷ DoD should harness local language skills, ensure translation, and maintain cultural sensitivity in all stages of engagement with local populations, and take the necessary steps to preserve the safety and security of civilians where engagement is feasible.⁸ DoD should establish lines of communication with local civil society actors, which often have a more complete picture and nuanced understanding of the concerns and needs of civilians on the ground than INGOs or UN offices.⁹
 - Comprehensive civilian harm response requires adequate **DoD transparency in the eyes of local populations.** DoD should engage directly with local populations and not assume that NGOs will perform that function. In contexts like Lower Shabelle, Somalia, local populations do not have the means to report civilian casualties to DoD.¹⁰ In Yemen, civilians have expressed frustration at the lack of transparency, acknowledgement or apology from DoD for civilian harm incidents.¹¹ In Afghanistan,

⁵ Airwars, [“Interim Better Practice Recommendations for DoD: US Military assessments of civilian harm: Lessons Learned from the international fight against ISIS,”](#) p. 8.

⁶ On Afghanistan, see Sahr Muhammedally, [“Minimizing civilian harm in populated areas: Lessons from examining ISAF and AMISOM policies,”](#) pp. 236-8.

⁷ For example, in Afghanistan in the “best practice” years of 2011-2013, civilian mitigation teams made site visits and spoke with affected families as well as local officials. While security on the ground may not permit such site visits currently, the greater problem is that the Resolute Support civilian casualty mitigation team is understaffed and under-resourced, since there are still ways of seeking information from people on the ground. See Guiding Principles 4. b) and 5. b) for further recommendations on resourcing and structures. See also Human Rights Watch, [“Australia: Protect Civilians in Iraq and Syria,”](#) 22 May 2017, and Airwars, [“Australia admits killing two civilians during battle for Mosul,”](#) 29 March 2018.

⁸ See also Guiding Principle 6 in NGO Recommendations for DoD Policy on Civilian Harm, [“The US Military and Post-Harm Amends Policy and Programs: Key Considerations and NGO Recommendations.”](#)

⁹ For further information, see the experience of Iraqi civil society during anti-ISIS operations in Mosul: CIVIC and InterAction, [“Protection of Civilians in Mosul: Identifying Lessons for Contingency Planning,”](#) p. 11.

¹⁰ See Amnesty International, [“The Hidden US War in Somalia: Civilian Casualties From Airstrikes in Lower Shabelle,”](#) 2019. See also: Rahma Hussein, Abdifatah Hassan Ali, and Alex Moorehead, [“Transparency on Civilian Harm in Somalia Matters – Not Just to Americans,”](#) *Just Security*, 9 April 2019.

¹¹ See Mwatana for Human Rights and Open Society Foundations, [“Death by Drone: Civilian Harm Caused by U.S. Targeted Killings in Yemen,”](#) 2015.

local communities have reported that they felt further harmed by the limited response or lack of follow-up on incidents. While media outlets or NGOs can play a useful role to report allegations, DoD should invest in its own capacity and procedures to engage directly with affected people. In addition to direct engagement with local populations, DoD practice in Syria to publish civilian harm reports in both English and the country/regional language (Arabic) should be replicated across all operational theatres so as to promote transparency for local populations.¹²

2. Consistent engagement during full cycle of military operations

- a) **Pre-strike/pre-hostilities engagement for civilian harm prevention.** Before operations, DoD should proactively reach out to humanitarian organizations and relevant UN actors and clearly outline desired outcomes, overall strategy, and protection of civilians capacity of the mission, as well as civilian harm mitigation measures.¹³ In fact, engagement on civilian harm should start well ahead of hostilities and initiation of operations – including during (pre)deployment, operational planning, intelligence preparation of the operating environment (IPOE), and target development phase. Before anti-ISIS operations in Mosul, Iraq, the Coalition pre-positioned “first response” mechanisms to mitigate civilian harm risks and plan for the fallout from hostilities.¹⁴ Across missions and contexts, DoD should pro-actively seek and be receptive to information from NGOs, UN, and local civil society on populated areas, civilian locations and movements, civilian objects and critical public infrastructure, displacement trends and related risks in order to build in measures to anticipate and minimize risks to civilian populations from the outset of operational planning, such as measures of precaution and safe evacuations or planning for the fallout from large-scale displacement.
- b) **Engagement on civilian harm in the conduct of hostilities.** During operations, including dynamic targeting/strikes, DoD should continue consulting with NGO and UN humanitarian and human rights organizations on civilian harm risks and mitigation measures. DoD should be receptive to external engagement on the full array of protection concerns beyond civilian casualty incidents. Other protection issues for regular dialogue include damage to civilian property, public services, and infrastructure, and the second- and third-order effect of such damage, such as displacement, family separation, access to emergency medical care, public health impacts, etc. In Mosul operations, the anti-ISIS Coalition liaised with humanitarian organizations through UN Office for the Coordination of Humanitarian Affairs (OCHA)-led Civil-Military Coordination mechanisms.¹⁵ ¹⁶ In some contexts, it may be appropriate for DoD to participate in protection working groups or other thematic working groups on civilian harm convened for this purpose.

¹² Airwars, “[Interim Better Practice Recommendations for DoD: US Military assessments of civilian harm: Lessons Learned from the international fight against ISIS](#),” p. 8.

¹³ See CIVIC and InterAction, “[Protection of Civilians in Mosul: Identifying Lessons for Contingency Planning](#),” p. 12.

¹⁴ Examples include providing medical kits to public health facilities, positioning humanitarian supplies in areas of anticipated displacement, and planning for fallout and reconstruction of critical civilian structures. In addition, to build up Coalition capacity for engagement on civilian protection ahead of Mosul operations, CENTCOM added a dedicated Civil Affairs staff based in Kuwait. See CIVIC and InterAction, “[Protection of Civilians in Mosul: Identifying Lessons for Contingency Planning](#),” p. 7.

¹⁵ For more on CJTF OIR-UN engagement in Iraq (2016-2017), see: Srinjoy Bose, Jacqueline Parry, and Nadia Siddiqui, “Lessons Learned Study on UN Humanitarian, Civil-Military Coordination and Stabilization Efforts in Mosul,” *SREO Consulting*, Erbil, Iraq. See also CIVIC and InterAction, “[Protection of Civilians in Mosul: Identifying Lessons for Contingency Planning](#),” p. 10.

¹⁶ See CIVIC and InterAction, “[Protection of Civilians in Mosul: Identifying Lessons for Contingency Planning](#),” p. 7.

For example, in Syria, the Civil-Military Trauma Working Group (involving UN, NGOs, and SOJTF/CJTF-OIR) was particularly effective in mobilize coordinated action in support of frontline trauma care for wounded civilians. The Protection Working Group for northeast Syria (involving OCHA, UN and NGO Protection focal points and Special Operations Joint Task Force (SOJTF) high level representative – deputy commander) was unfortunately only formed after major Raqqa operations had been completed, thus missing the opportunity to address civilian harm concerns in real time, but has nevertheless served as a valuable coordination channel in the aftermath of the Raqqa operations.¹⁷

- c) **Post-strike/hostilities engagement on civilian harm reporting, response, and amends.** Where civilian harm incidents have been reported post-strike or following the conduct of hostilities, DoD should consult with humanitarian and human rights organizations, including local civil society and affected populations, where feasible and appropriate, on claims of civilian harm. Where incidents have been verified by such sources, DoD should consult with these same actors on the nature of amends to provide to affected populations and communities – including recognition and acknowledgement of harm, public apology, condolence (*ex-gratia*/solatia) payments, and restoration of private property or community goods.¹⁸ In areas without U.S. military ground presence and limited internet connectivity, DoD/GCCs should establish viable points of contact for receiving submissions of civilian harm, for example at U.S. embassies, consulates, or with partner forces where vetted and appropriate.¹⁹

3. Consistency and standardization

- a) **Institutionalizing sustained, open, constructive engagement across contexts.** DoD should prioritize systematizing good practice in DoD-NGO engagement across GCCs and value wherever possible systematizing assessment, investigation and reporting processes across commands and conflicts to the highest standards.²⁰ For example, while DoD has been working with CENTCOM on standardization to replicate best practices, several other contexts show that the U.S. military's efforts to engage with external actors on civilian harm remains particularly limited and/or constrained by lack of capacity or institutional memory.²¹ Other GCCs remain far behind CENTCOM in their own ways of working with the UN and NGOs.

¹⁷ See Guiding Principles 4. c) and d) for recommendations on DoD resourcing and staffing to facilitate regular high-quality engagement on civilian harm mitigation.

¹⁸ See NGO Recommendations for DoD Policy on Civilian Harm: "[The US Military and Post-Harm Amends Policy and Programs: Key Considerations and NGO Recommendations](#)." See also Joanna Naples-Mitchell, "[Condolence Payments for Civilian Casualties: Lessons for Applying the New NDAA](#)," *Just Security*, 28 August 2018.

¹⁹ For further information on submissions of civilian harm claims, see Guiding Principle 6 in NGO Recommendations for DoD Policy on Civilian Harm, "[The US Military and Post-Harm Amends Policy and Programs: Key Considerations and NGO Recommendations](#)."

²⁰ See for example Airwars, "[Interim Better Practice Recommendations for DoD: US Military assessments of civilian harm: Lessons Learned from the international fight against ISIS](#)," p. 11.

²¹ In the case of NATO's intervention in Libya, the U.S. military's capacity to engage with external organizations on civilian harm started from scratch. The same could be said about ongoing AFRICOM operations in several contexts where there is little to no U.S. military ground presence and limited institutional memory/experience to engage external organizations on civilian harm. In 2016 in Sirte, Libya, CENTCOM provided advice to AFRICOM on setting up a civilian casualties monitoring system based on their own, but it remains unclear to what extent this advice was implemented.

DoD should promote institutionalization *within* theaters as well, e.g. when CENTCOM has two or more active operations or task forces.²²

- b) **Capturing, internalizing, and applying lessons learned.** Consistently documenting experience and capturing lessons learned related to DoD engagement with external actors on civilian harm is a critical element for developing and implementing quality training and education programs. DoD should ensure it systematically invests in, applies, and disseminates those lessons across levels and operational theaters. In most instances there is no DoD assessment or lessons learned process that incorporates perspectives and insight from NGOs and other external actors.
- c) **Systematizing good practices while allowing for flexibility across different operational theaters.** DoD should use examples of good practice from a number of contexts like Afghanistan, Syria, and Iraq and tailor measures and engagement procedures to different scales and formats based on the given operational context, external actors, local players, and local needs. For example, where U.S. military ground presence is limited, standardization should not be an obstacle to flexible solutions for U.S. engagement with external actors, whether UN, NGOs or local civil society and affected populations. Tailored processes and means for continued DoD engagement on civilian harm may include establishing appropriate roles for civilian representatives of the U.S. government, establishing and maintaining remote lines of communication, and utilizing internet-based mechanisms where applicable and feasible.²³ It is also important to recognize that overly rigid or formalized direct engagement with U.S. military forces may present challenges for operational humanitarian NGOs, which may have constraints on the information they can provide to military actors or may face risks that could compromise their ability to engage impartially. Similarly, local civil society organizations may face security or reputational risks from visible and consistent engagement with DoD. Therefore, DoD policy should allow for flexibility based on context and the nature, mandate, needs, and constraints of external actors engaged civilian harm.

4. DoD resourcing, staffing, and training

- a) **Ensuring DoD-wide capacity to engage on civilian harm across deployments.** Personality-driven civil-military engagement has been the predominant experience in most contexts including Iraq, Syria and Afghanistan. Airwars, UNAMA, and OCHA-led humanitarian engagement and coordination with U.S. military has been subject to ups and downs based on the individual military staff officer's interest and knowledge level as units rotate through deployments. There is a need to strengthen and expand relevant DoD civil-military coordination and protection of civilians training and education so that there is greater consistency in frequency and quality of engagement with humanitarian and human rights organizations. The training should ensure U.S. military leaders, staff, and their security partners are willing and able to prioritize, engage on, and incorporate civilian harm mitigation into planning and operations. It should also include skills development for handling civilian casualties data, sources, analysis methods to credibly investigate and effectively engage on civilian harm issues. Training should also equip military personnel with a basic understanding of the roles and mandates of humanitarian and human rights organizations, including in-

²² DoD should consider utilizing the Center for Excellence in Disaster Management and Humanitarian Assistance (and DoD resident expertise on civil-military coordination), which has both the expertise and mandate to engage across and at all levels in DoD, to promote DoD-wide institutionalization of engagement with external actors on civilian harm.

²³ See NGO Recommendations for DoD Policy on Civilian Harm, "[The US Military and Post-Harm Amends Policy and Programs: Key Considerations and NGO Recommendations.](#)"

country coordination structures led by UN entities. Pre-deployment training should familiarize personnel with local NGOs and civil society, and prepare for engagement with affected local populations on civilian harm. Additionally, there is a need for devoted capacity to support After Action Reviews (AARs) and other processes of capturing and internalizing lessons learned. DoD maintains resources with civil-military coordination expertise that focus on capturing lessons learned and translating into training.²⁴

- b) **Adequately resourcing focal points to support information flows, sharing, and access in engagement.** While authorization levels for information sharing can constrain engagement with external organizations on civilian harm, such as during a Request for Information (RFI) and/or civilian casualty review process, it is crucial that Public Relations/Affairs not be the main point of contact for external engagement on civilian harm. Public affairs officers do not have expertise on civilian harm to act as an intermediary for external engagement with humanitarian and human rights organizations on these issues and experience with CENTCOM/CJTF-OIR in northeast Syria illustrate that while senior public affairs officers may be helpful, their role as focal point for engagement inhibited information flows and practical dialogue civilian harm trends and measures to minimize harm.²⁵ As far as possible, focal points for engagement should be individuals with relevant operational responsibilities, such as within a Civilian Casualties Tracking Cell or Civilian Casualty Mitigation Team.²⁶ DoD should also devote sufficient personnel and adequate resourcing for engaging with local civil society and affected populations on civilian harm, including through interviews or by arranging meetings at secure sites.
- c) **Adequately resourcing Humanitarian Liaison Officers.** Humanitarian Liaison Officers are frequently a key point of engagement with the military for humanitarian NGOs and UN entities on a broad range of civilian harm concerns beyond civilian casualty assessments and investigations. They should be adequately prepared for the role through a combination of training and experience. In Syria, SOJTF and CJTF staffed ‘humanitarian liaison officers’ with military officers who had no training, professional expertise or experience related to their roles. Furthermore, the liaisons were not included in planning and operations. These factors significantly diminished their ability to perform their function and was a source of frustration for those they were tasked with engaging. DoD staff serving in a humanitarian liaison and/or protection advisor role should have the requisite training, expertise and situational awareness to support productive engagement.
- d) **Adequately resourcing Protection Advisors.** Protection Advisors should be considered a good practice and staffed at both field and GCC levels and at a rank appropriate to the role and responsibilities. Protection Advisors should be between O5 and O6 levels, as was done by CJTF-OIR. The decision by CJTF-OIR leadership to appoint Protection Advisors at the O6 level for Iraq and Syria was a welcome step and held the potential to greatly strengthen the DoD-NGO dialogue and understanding on potential measures to minimize civilian harm. Unfortunately, the Protection Advisors had no assigned responsibilities, tasking, or designated coordination with SOJTF, nor training to prepare them for the role. All of these should be clearly defined in order for the position to be effective. The reporting line should be of sufficient rank to directly report to command leadership, ideally the commanding general.
- e) **Facilitating smooth handovers.** Staff rotation especially at the field level is one of the most common factors impacting engagement progress and DoD relations with humanitarian and human rights

²⁴ See for example U.S. Department of Defense, [Center for Excellence in Disaster Management and Humanitarian Assistance](#).

²⁵ See for example Airwars, “[Interim Better Practice Recommendations for DoD: US Military assessments of civilian harm: Lessons Learned from the international fight against ISIS](#),” p. 3.

²⁶ Ibid.

organizations. Handovers related to external engagement should be more robust than a “meet-and-greet”. If engagement standards and protocols exist, this will support smoother handovers, convey an open-door policy for engagement, maintain high-level buy-in and generally institutionalize a commitment to engagement. DoD should simplify guidance and SOPs on civilian harm engagement to prevent friction related to staff turnover, expand timeframe for internalizing guidance, invest in mechanisms of engagement, and help new staff understand their roles and responsibilities.

5. DoD processes, structures, and procedures for engagement

- a) **Setting the stage pre-/early deployment.** Before engagement, DoD should ensure comprehensive and nuanced understanding of the range of civil society and UN actors working on civilian harm – including their mandates, scope of issues addressed, processes of information gathering, assessment, and review, as well as means of engagement with the Military. DoD should encourage missions to set up structures, devote the right personnel, and generate buy-in for external engagement as early as possible before operations to effectively set the stage for regular dialogue and transparency with external organizations going forward. The delay in establishing channels for dialogue on protection concerns before the Coalition offensive in Raqqa, Syria hindered capacity for timely information flow on extensive civilian harm resulting from these operations, and potential means of minimizing harm, illustrating the importance of timely engagement for the protection of civilians. It is critical that DoD be well-prepared and -equipped to engage on civilian harm in advance of deployment and commencement of operations – including strong familiarity with the processes for external engagement and adequate personnel and liaisons for two-way engagement and multi-stakeholder coordination structures in country/region.
- b) **Establishing civilian casualties tracking cell and mitigation teams.** Missions should build in (and adequately staff) civilian casualty tracking cells from the earliest point of deployment, and where possible, facilitate the expansion of these cells into civilian harm assessment/mitigation teams. These teams should be explicitly tasked with constructive engagement with external actors – i.e. not only on civilian harm data, but also on mitigation measures and response. Civilian harm mitigation teams have shown to provide a more institutionalized outfit for DoD engagement with external actors, as illustrated by ISAF’s Civilian Casualty Mitigation Team (CCMT) in Afghanistan and its valuable engagement with UNAMA and affected local populations.²⁷
- c) **Promoting transparency in information assessments.** Clarity and transparency around information assessments is particularly important from the perspective of civil society organizations as it shapes public accountability, strengthens DoD ownership over the civilian harm it causes, encourages other military actors to follow suit,²⁸ and helps mitigate risks to civilians in the future. When assessing and reporting on civilian harm allegations, DoD should strive to clarify grounds for “credibility” / “non-credibility” determination of civilian harm incidents to external actors and avoid terminology to describe reports which

²⁷ See Sahr Muhammedally, [“Minimizing civilian harm in populated areas: Lessons from examining ISAF and AMISOM policies,”](#) pp. 237-8. See also CIVIC, [“Civilian Harm Tracking: Analysis of ISAF Efforts in Afghanistan,”](#) p. 7.

²⁸ Other military actors include U.S. military allies, coalition and partner forces, but also enemy forces in some contexts. UNAMA engagement in Afghanistan and reduction in overall civilian casualty numbers. See for example see Sahr Muhammedally, [“Minimizing civilian harm in populated areas: Lessons from examining ISAF and AMISOM policies,”](#) pp. 236-8. See also United Nations Assistance Mission in Afghanistan (UNAMA), [“Afghanistan Annual Report 2014: Protection of Civilians in Armed Conflict,”](#) February 2015, p. 10, 73-74.

includes unhelpful categories like “disputed” and “rejected.”²⁹ Instead DoD should use the fourth category “open” in addition to “confirmed,” “unconfirmed,” and “non-credible.”³⁰

- d) **Standardized process and other publicly available means for submissions on civilian harm.** While a DoD-wide standardized database may be a useful mechanism for receiving submissions of civilian harm reports across GCCs, an internet-based portal presents a number of possible challenges and should be developed in an accessible manner for individuals and local populations.³¹ In addition, such a mechanism must not be seen as a substitute for regular DoD dialogue with humanitarian and human rights organizations and, wherever possible, direct engagement with local civil society and affected people. Sustained two-way, in-person engagement between DoD and external actors is invaluable for transparency and public accountability and helps shape and foster dialogue on mitigation measures in operational theatres.
- e) **Feasible and accessible engagement channels and reporting systems for local populations.** DoD should establish viable, safe, and culturally sensitive communication channels for engagement with local populations on civilian harm incidents and measures to mitigate and respond to harm. For example, a standardized database should plan for and address the breadth of logistical issues individuals may face when reporting civilian harm claims, particularly in contexts where submitters are themselves victims, relatives of victims, or belong to affected communities. Affected populations or witnesses may experience trauma or memory gaps, face literacy or language barriers, or security risks, and may not be able to communicate effectively or report the exact date, time, location, and/or description of an incident with full accuracy. An internet system should offer considerable flexibility in its parameters to avoid “shutting off” credible claims and should provide clear solutions to circumvent problems for local populations to report harm. Other mechanisms for engagement should similarly plan for the range of issues and concerns for civilian engagement in dialogue with DoD.

6. Inter-agency collaboration and USG-wide engagement

- a) **Encourage and facilitate interagency buy-in and coordination in engagement on civilian harm.** DoD engagement with humanitarian and human right organizations on civilian harm requires a comprehensive approach, considering the shared roles and responsibilities among the civilian offices of the U.S. government alongside DoD on the full scope of protection of civilians’ issues. The Department of State and USAID/OFDA can inform civilian casualties reporting and help address civilian harm concerns during the full cycle of hostilities. In the northeast Syria Protection Working Group with SOJTF and CJTF-OIR, both State (START representative) and USAID participated and provided valuable insights and perspective. This model should be sustained as a good practice for other contexts.
- b) **Support flexibility in the division of roles and responsibilities on civilian harm engagement according to context.** DoD’s larger footprint, and often stronger relationships with local actors, does not obviate the need for DoS and USAID to play important roles in engagement with external actors. For example, DoS and USAID’s links to civil society actors and understanding of local grievances may prove helpful in facilitating engagement with local populations, including to identify instances where civilian harm should be addressed

²⁹ See for example Airwars, “[Interim Better Practice Recommendations for DoD: US Military assessments of civilian harm: Lessons Learned from the international fight against ISIS](#),” p. 8.

³⁰ See Center for Civilians in Conflict (CIVIC), “[The Sum Of All Parts: Reducing Civilian Harm in Multinational Coalition Operations](#),” 2018, p. 30.

³¹ See following Guiding Principle 6. e) on accessible systems for engagement with local populations.

through public acknowledgement and amends. Across the full cycle of hostilities, and especially in contexts with limited DoD field presence such as Somalia, State, and USAID may act as an intermediary with civil society and with local populations where needed and appropriate. DoD should consult with and encourage those agencies to assist its efforts to investigate, report and respond to all aspects of civilian harm.

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