

REVERSING THE TREND: CIVIC Blueprint for US Protection of Civilians Policy in 2021 and Beyond

December 2020

ABOUT CENTER FOR CIVILIANS IN CONFLICT

Center for Civilians in Conflict (CIVIC) is an international organization dedicated to promoting the protection of civilians caught in conflict. CIVIC's mission is to work with armed actors and civilians in conflict to develop and implement solutions to prevent, mitigate, and respond to civilian harm. Our vision is a world where parties to armed conflict recognize the dignity and rights of civilians, prevent civilian harm, protect civilians caught in conflict, and amend harm.

CIVIC was established in 2003 by Marla Ruzicka, a young humanitarian who advocated on behalf of civilians affected by the war in Iraq and Afghanistan. Building on her extraordinary legacy, CIVIC now operates in conflict zones throughout the Middle East, Africa, Europe, and South Asia to advance a higher standard of protection for civilians.

At CIVIC, we believe that parties to armed conflict have a responsibility to prevent and address civilian harm. To accomplish this, we assess the causes of civilian harm in particular conflicts, craft practical solutions to address that harm, and advocate for the adoption of new policies and practices that lead to the improved well-being of civilians caught in conflict. Recognizing the power of collaboration, we engage with civilians, governments, militaries, and international and regional institutions to identify and institutionalize strengthened protections for civilians in conflict.

I. OVERVIEW

Every day, 100 civilians are killed in armed conflict and countless more are harmed. Center for Civilians in Conflict (CIVIC) has been working for almost 20 years to put a stop to this unrelenting harm, devising concrete measures to protect civilians in conflict and other situations of violence by working directly with conflict-affected civilians, armed actors, and policymakers. When the Biden administration takes office on January 20, 2021, it will have the opportunity -- and the responsibility -- to better protect civilians caught in armed conflict through concrete improvements in US policy. This document, based on CIVIC's experience and expertise working on the protection of civilians globally, lays out our recommendations for the Biden administration in 2021 and beyond.

II. GENERAL RECOMMENDATIONS

Reorient US foreign policy away from endless war and towards diplomacy, human rights, and the protection of civilians.

The next president will assume office in the 20th consecutive year of American involvement in war and counterterrorism operations involving lethal force. These "endless wars", which have involved large-scale military campaigns, the use of drone strikes, paramilitary operations conducted in secret, and extensive arms sales and other security assistance to partner forces for counterterrorism purposes, have come with profound costs for civilians in conflict-affected areas and seldom



Joe Biden speaking with supporters at a community event at Sun City MacDonald Ranch in Henderson, Nevada, February 2020.

Gage Skidmore

any remedy or accountability. To set a new course, we urge the next administration to adopt policies that meaningfully constrain and limit the use of lethal force, and to work with Congress on structural reforms to reliably ensure that the use of force is subject to appropriate oversight, transparency, and accountability during this and future administrations. The United States should also work in partnership with other countries, through diplomacy, multilateral fora, and other non-military tools, to address shared security concerns and to prioritize peace, human rights and the protection of civilians from the effects of armed conflict in its foreign policy agenda.

Read more:

- [*Towards a New Approach to National and Human Security: End Endless War*](#)

Issue, implement, and iterate on the new DoD Instruction on civilian harm.

For the first time, the Defense Department is developing a uniform, Department-wide policy for minimizing and responding to civilian harm in conflict. The policy, expected in early 2021 in the form of a Department of Defense Instruction (DOD-I), presents a welcome opportunity for the United States to strengthen and systematize efforts to improve outcomes for civilians caught in the crossfire of armed conflict. As CIVIC and other humanitarian and human rights NGOs have detailed in [extensive recommendations](#) to the Department, the new policy should, at a minimum:

- Explicitly articulate that minimizing and responding to civilian harm caused by US military operations is a legal, moral, and strategic priority;
- Integrate considerations for the protection of civilians across the cycle of military operations, from

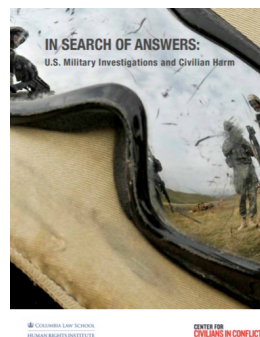
planning, training, and intelligence preparation; through targeting and executing operations; to post-harm response and lessons learned processes;

- Establish processes to predict, prevent, minimize, respond to, and learn from the damage and destruction of civilian objects and reverberating or knock-on effects;
- Require the creation of accessible and effective reporting mechanisms for victims and their representatives and provide standard guidance for conducting assessments of external reports of harm;
- Provide clear, standard guidance for conducting effective, thorough, timely, and impartial investigations for all reported incidents of civilian harm, including an expectation of site visits, witness interviews, and direct engagement with victims; facilitation of receipt of information from external sources; public disclosure of findings; and use of findings in lessons learned processes;
- Incorporate a comprehensive but flexible amends framework that establishes acknowledgment of harm as a minimum requirement, and makes available a range of possible amends options such as public and private recognition of harm, explanation or formal apologies, ex gratia payments, livelihood assistance, community-level support, and restoration of damaged property or public infrastructure;
- Provide guidance for mitigating civilian harm arising from US security cooperation activities (“advise and accompany”), ad hoc multinational coalitions, and partnered operations, to include interoperable protocols for responding to claims of harm;
- Recognize displacement as a key protection of civilians issue and outline steps to avoid causing displacement, ensure the safety and protection of voluntary movement, and minimize harm across the displacement cycle; and
- Ensure regular engagement with humanitarian and human rights organizations on civilian harm issues throughout the cycle of military operations.

Even prior to the DOD-I’s release, the White House can and should take steps, including through more rigorous policy oversight, to ensure that each combatant command and component involved in ongoing operations takes immediate steps to prevent harm, improve transparency and public reporting, and ensure a more thorough response to credible reports of harm. Once the DOD-I is issued, the White House and DoD should establish an implementation oversight process, involving regular consultation with civil society, to evaluate the effectiveness of the policy.

Read more:

- [Civil Society Guidance for a Model DoD Policy on Civilian Harm](#)
- [In Search of Answers: U.S. Military Investigations and Civilian Harm](#)
- [The Sum Of All Parts: Reducing Civilian Harm in Multinational Coalition Operations](#)



Recognize and address the totality of civilian harm caused by US operations post-9/11.

Over the course of the last twenty years, thousands of civilians have died as a result of named, covert, and clandestine operations in Iraq, Syria, Somalia, Pakistan, Afghanistan, Yemen, and Libya. The US Government’s record of acknowledging and addressing the civilian harm that has resulted from US operations during this time has been both inconsistent and inadequate. For example, the US military has

neither contacted nor offered any form of support or assistance to the nearly 1,400 US-confirmed cases of civilian harm caused during Operation Inherent Resolve, even when it knows the precise location of the incident. The new administration should make a bold commitment to address the totality of civilian harm caused as a result of both past and current operations. Specifically:

- Establish an effective and accessible claims system that provides those who have been harmed by US or US-led coalition operations a working and reliable channel to pursue *ex gratia* payments if they so choose, with safeguards for privacy and security, and available in local languages;
- In consultation with civil society and partner governments, establish a task force to conduct a review of claims of civilian casualties dismissed as “non-credible” for lack of information as well as cases deemed “credible” where no offers of *ex gratia* payments were made, and expedite a process of offering *ex gratia* payments to all eligible victims and families identified through the process;
- Either as part of the forthcoming DOD-I or as a standalone DoD policy, develop a comprehensive amends framework that 1) establishes the public or private acknowledgment of harm as a minimum requirement for all confirmed cases of harm and 2) provides for a range of options for supporting victims that are appropriate for different cultures, genders, abilities, and ages, including public and private apologies and explanation, *ex gratia* payments, livelihood assistance, restoration of damaged public infrastructure, and other offerings in accordance with victims’ needs and preferences; and
- Given the totality of the destruction and the disproportionate harm suffered by civilians in the wars since 9/11, work with Congress to develop a comprehensive plan for publicly recognizing and addressing the humanitarian consequences of war in each affected country, such as by increasing US foreign aid for reconstruction; medical and rehabilitation assistance for long-term injuries, disabilities, and mental health impacts; clearing unexploded ordnance; and working with the international community to ensure the reliable flow of humanitarian assistance.

Read more:

- [*The U.S. Military and Post-Harm Amends Policy and Programs: Key Considerations and NGO Recommendations*](#)
- [*DOD’s New Ex Gratia Policy: What’s Right, What’s Wrong, and What’s Next*](#)

Establish a dedicated position within the National Security Council to lead and oversee US policy on civilian harm.

Although most of the practical measures taken to prevent, mitigate, and respond to harm fall to US Government agencies (the State Department, Defense Department, and CIA), the White House can play an important role by ensuring that practices and procedures focused on preventing and responding to harm are both consistent and effective across the government. Moreover, the National Security Council (NSC) staff can promote more effective interagency coordination on preventing and responding to civilian harm, which carries both national security and foreign policy consequences. The Biden administration should delegate the responsibility for overseeing interagency policy on civilian harm to a Senior Director within the NSC staff. This position would, among other responsibilities:

- Lead the development and issuance of a new Executive Order that 1) commits the US Government to taking affirmative steps to better prevent, mitigate, and respond to civilian harm in the conduct of its own operations; 2) directs the interagency to integrate concern for civilians in all security assistance and cooperation activities and programs; and 3) establishes a clear commitment to publicly release information about civilian harm resulting from all US Government operations on a regular basis;
- Advise the Advisor to the President for National Security Affairs on civilian harm policy;



A man walks past a graffiti, denouncing strikes by U.S. drones in Yemen, painted on a wall in Sanaa, November 2014.

REUTERS/Khaled Abdullah

- Oversee interagency coordination on civilian harm issues, to include the implementation of, and adherence to, the Executive Order;
- Publicly clarify the policy views of the United States on civilian harm prevention and response;
- Provide policy guidance, derived from the President's intent, to relevant agencies on matters such as transparency, engaging with civil society, and improving technical and procedural safeguards that limit civilian harm; and
- Working with the Office of Management and Budget, ensure that the President's budget request includes adequate resources for preventing, mitigating, and responding to civilian harm.

End the practice of covert lethal strikes and reform and rein in covert and clandestine operations and activities.

Many of the authorities claimed as available to the President to use lethal force in secret today were justified as necessary based on the perception of an urgent threat two decades ago. To enable flexibility and speed, several secret programs and activities were exempted from traditional legal controls, expectations of transparency, and congressional oversight. Meanwhile, covert lethal strikes by armed drones and paramilitary operations with surrogate forces continue to be associated with a lack of accountability for civilian harm, human rights violations, and US involvement in wars not specifically authorized by Congress. The new administration should:

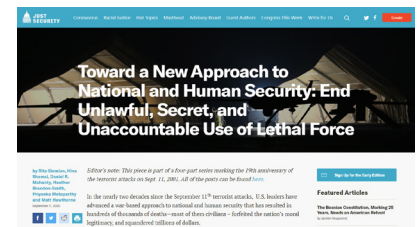
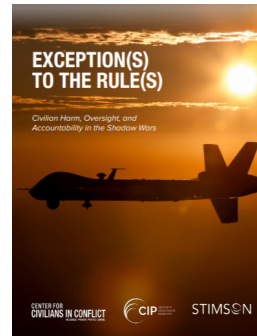
- Reverse a standing policy that allows for the use of force outside of the context of an armed conflict in the absence of an imminent threat to life and the lack of alternative options;
- Transfer the Central Intelligence Agency's (CIA) armed drone program to the DoD and end the

practice of covert lethal strikes, which preclude public acknowledgement, effective investigations, and recourse for victims and survivors of strikes that cause civilian harm;

- Include in a new or revised Executive Order on civilian harm a requirement for reporting of strikes and civilian casualties caused by *all* US Government agencies;
- Develop and make public a policy requiring meaningful human rights due diligence and clarifying the procedures for reporting and investigating reports of human rights violations and civilian harm for all CIA paramilitary activities; and
- Ensure all clandestine security cooperation activities, including those funded under the 10 U.S.C. § 127e authority, are subject to meaningful human rights due diligence and policies that reinforce the intent of DoD policies governing Assessment, Monitoring, and Evaluation.

Read more:

- [Exception\(s\) to the Rule\(s\): Civilian Harm, Oversight, and Accountability in the Shadow Wars](#)
- [Toward a New Approach to National and Human Security: End Unlawful, Secret, and Unaccountable Use of Lethal Force](#)



Structurally reform the arms transfer process to prioritize human rights and civilian protection in decision-making.

The past few years have seen US weapons used to bomb children in Yemen, enable gross violations of human rights in places like Cameroon and Nigeria, and drive homicide crises in Central America and the Caribbean. To ensure that US arms do not continue to fuel human rights violations, civilian harm, and criminal violence, the Biden administration should enact the following urgent reforms:

- Release a new Conventional Arms Transfer policy that elevates the importance of human rights, international humanitarian law (IHL), and civilian protection as a key factor in arms transfer decisions and establishes a threshold for withholding arms when there is a reasonably foreseeable likelihood that arms would facilitate human rights violations, atrocity crimes, or civilian harm;
- Undertake an immediate review of all major arms transfers that have been notified or signed but not yet delivered to ensure compliance with human rights and IHL standards;
- Require the State Department to undertake rigorous human rights, civilian harm, and corruption risk assessments of potential arms recipients and apply them in arms transfer decisions;
- Apply the Leahy laws to arms transfers as originally intended by the law's drafters, thereby requiring systematic human rights vetting for all potential transfers;
- Include human rights, IHL, and anti-corruption provisions in all standard terms of sale;
- Reinforce and support efforts underway at the Defense Security Cooperation Agency to ensure that purchasing states demonstrate the capacity to capably use weapons systems without significant risk of civilian harm as a prerequisite to final transfer;
- Require end-use monitoring to monitor the conduct of recipients of US arms, including violations of human rights and IHL; develop new programs to continually monitor, track, and report on end-use violations; and issue a policy to suspend ongoing support programs if violations occur;
- Strengthen the licencing and oversight regime for the transfer of semi-automatic weapons and ammunition, including by restoring control of these items from Commerce back to the US Munitions List;



After the Iraqi army reclaimed Mosul from ISIS, tons of explosive remnants still litter the city and hundreds of thousands of people remain displaced because it is too dangerous for them to return to their homes, July 2018. **European Union/Peter Biro**

- Revise US Government policies to limit the further proliferation of unmanned aerial systems (UAS) and to strengthen pre-sale conditions and post-sale monitoring of UAS on the basis of human rights and civilian harm risks; and
- Work with Congress to reform the Arms Export Control Act to restore Congressional oversight over arms transfers and related human rights and civilian harm concerns.

Read more:

- [*'With Great Power': Modifying US Arms Sales to Reduce Civilian Harm*](#)
- [*Great Responsibility: A Legislative Reform Agenda for U.S. Arms Transfers and Civilian Harm*](#)

Prevent and address civilian harm arising from urban conflict and the use of explosive weapons in populated areas.

Today, over half of the world's armed conflicts are taking place in urban areas, affecting over 50 million people. This trend is likely to continue with population growth, climate change, and competition over natural resources. Across these conflicts, the increasing use of explosive weapons in populated areas has resulted in significant levels of civilian casualties, the destruction of civilian objects and urban systems, and devastating reverberating effects for civilians, including loss of medical care and water supply, disease outbreaks, food insecurity, and mental health impacts. As evidenced by the challenges and large-scale damage during the battles for Mosul and Raqqa, the US military is ill-prepared to conduct operations in populated areas, where the risks to civilians and civilian objects grow exponentially. The Biden administration should:

- Ensure that the forthcoming DOD-I on civilian harm includes policies to predict, prevent, minimize, respond to, and learn from the damage and destruction of civilian objects and resulting reverberating or knock-on effects;
- Actively engage in Ireland-led discussions with Member States, the International Committee of the Red Cross, and civil society organizations on moving towards a political declaration to promote actions to enhance the protection of civilians in populated areas during conflict and reduce civilian harm from explosive weapons with wide area effects;
- Ban the use, production, and transfer of antipersonnel landmines and cluster munitions and accede to the Mine Ban Treaty and the Convention on Cluster Munitions;
- Direct the DoD to re-establish the Joint Urban Operations Command, dedicated to joint urban capabilities development, planning, and research, including integration of civilian protection practices in urban operations; and
- Direct the US Army to meaningfully respond to Congress's concern in the 2019 and 2020 National Defense Authorization Acts regarding the lack of Army preparedness for urban operations and recommendations to establish an Army Urban Warfare Center dedicated to study of urban warfare.

Read more:

- [*A Comprehensive Approach is Needed to Protect Civilians in Urban War*](#)
- [*Draft Political Declaration on Strengthening the Protection of Civilians from Humanitarian Harm Arising from the Use of Explosive Weapons in Populated Areas*](#)
- [*NGO Recommendations for DoD Policy on Civilian Harm: Protection of Civilian Objects including Critical Infrastructure in U.S. Military Operations*](#)
- [*Policies and Practices to Protect Civilians: Lessons from ISF Operations Against ISIS in Urban Areas*](#)
- [*U.S. Campaign to Ban Landmines-U.S. Cluster Munition Coalition Policy Memo for President Elected in 2020*](#)

Protection of Civilian Objects Including Critical Infrastructure in U.S. Military Operations NGO Recommendations for DoD Policy on Civilian Harm

Summary

The protection of civilian objects, including infrastructure, is a critical component of U.S. military operations. The purpose of this document is to provide recommendations for DoD policy on civilian harm prevention, response, and mitigation. The document is organized into three main sections: (1) Introduction, (2) Recommendations, and (3) Conclusion. The Introduction section provides an overview of the issue and the purpose of the document. The Recommendations section provides specific recommendations for DoD policy on civilian harm prevention, response, and mitigation. The Conclusion section provides a summary of the recommendations and a call to action.

Recommendations for DoD Policy on Civilian Harm Prevention, Response, and Mitigation

1. Establish a civilian harm prevention, response, and mitigation (CHPRM) center within the Department of Defense (DoD) to coordinate and oversee all DoD activities related to civilian harm prevention, response, and mitigation.

2. Develop and implement a civilian harm prevention, response, and mitigation (CHPRM) strategy that is based on the principles of proportionality, necessity, and distinction.

3. Establish a civilian harm prevention, response, and mitigation (CHPRM) training program for all DoD personnel involved in military operations.

4. Establish a civilian harm prevention, response, and mitigation (CHPRM) reporting system that allows for the timely reporting of civilian harm incidents.

5. Establish a civilian harm prevention, response, and mitigation (CHPRM) assessment system that allows for the timely assessment of civilian harm incidents.

6. Establish a civilian harm prevention, response, and mitigation (CHPRM) mitigation system that allows for the timely mitigation of civilian harm incidents.

7. Establish a civilian harm prevention, response, and mitigation (CHPRM) communication system that allows for the timely communication of civilian harm incidents.

8. Establish a civilian harm prevention, response, and mitigation (CHPRM) documentation system that allows for the timely documentation of civilian harm incidents.

9. Establish a civilian harm prevention, response, and mitigation (CHPRM) review system that allows for the timely review of civilian harm incidents.

10. Establish a civilian harm prevention, response, and mitigation (CHPRM) accountability system that allows for the timely accountability of civilian harm incidents.



Integrate stronger consideration for civilian harm prevention, mitigation, and response across US Government security cooperation and assistance programs.

Given the emphasis on working “by, with, and through” partners that is likely to endure as a feature of US foreign and national security policy, the Biden administration should ensure that the full range of US security assistance and cooperation programs reinforce a higher standard of protecting civilians and human rights. Among the most important priorities for the new administration:

- Ensure that all US military or contractor efforts to advise or accompany partner forces include joint preparation and compatible protocols for preventing and responding to any reports of civilian harm;
- Lead the establishment of an ad-hoc multinational coalition of governments and armed forces that can work together to develop a higher standard for mitigating harm to civilians in conflict and establish a formal executive fellowship program for senior military officers on civilian protection and civilian harm mitigation;
- Incorporate civilian harm prevention, mitigation, and response in multinational coalition operations;
- Support and maintain efforts underway at the Defense Security Cooperation Agency to integrate civilian harm mitigation into partner and institutional capacity building programs managed by the DoD;

- Seek support from Congress to sustain and expand State Department-administered security assistance programs designed to enhance the capacity of partners to prevent, mitigate, and respond to civilian harm;
- Undertake a comprehensive review to examine ways to further emphasize security force accountability and oversight in DoD-led institutional capacity building programs; and
- Take steps to inform and integrate civil society through consultation, support, or involvement in security cooperation and assistance decisions and programs.

Read more:

- [*Civilians and 'By, With, and Through': Key Issues and Questions Related to Civilian Harm and Security Partnership*](#)
- [*The Protection of Civilians in U.S. Partnered Operations*](#)
- [*Having Their Say: Guidelines for Involving Local Civil Society in the Planning, Design, Implementation, and Evaluation of U.S. Security Assistance and Cooperation*](#)
- [*The Sum Of All Parts: Reducing Civilian Harm in Multinational Coalition Operations*](#)

Consider the human costs of great power competition and ensure that the protection of civilians remains a priority in planning for great power conflict scenarios.

As the US military turns its gaze towards great power competition with countries like China and Russia, it is essential that policymakers and DoD planners undertake a clear-eyed assessment of the likely human costs of great power competition and related conflict scenarios, from “grey zone” operations to large-scale combat. Specifically, the Biden administration should:

- Understand and publicly articulate the risks to civilians posed by escalation of great power competition and, given the predictably catastrophic risks of escalation to conflict, prioritize diplomacy and commit to using force only as a last resort;
- Ensure that any strategy intended to “counter” the regional influence of another great power prioritizes civilian protection and human rights as a goal no less important than other objectives, recognizing that purely material or balance of power concerns risk undermining human rights and marginalizing the concerns, preferences, and needs of local civilians; and
- Ensure that the protection of civilians is integrated into all DoD planning processes, training, and exercises focused on great power conflict scenarios, and that assumptions around civilian behavior are adequately interrogated.

Read more:

- [*Anticipating the Human Costs of Great Power Conflict*](#)
- [*Protecting Civilians Still Matters in Great Power Conflict*](#)



Reaffirm US support for domestic and international criminal accountability for war crimes and crimes against humanity.

In the last year, the United States has lost significant international standing by sanctioning members of the International Criminal Court (ICC), which exists as a court of last resort to hold government officials and other powerful actors accountable when domestic courts are unable or unwilling to prosecute

the most serious international crimes. Moreover, the credibility and legitimacy of the US military justice system - which provides the most dependable source of insulation from claims of jurisdiction by the ICC or other courts in investigating US military personnel - have been damaged by the rhetoric and interference of the prior administration in military justice cases involving war crimes. The Biden administration should:

- Immediately rescind Executive Order 13928 on “Blocking Property of Certain Persons Associated with the International Criminal Court”;
- Recommit to an independent and credible domestic process of investigating and holding to account US citizens for alleged abuses, free from executive interference and consistent with US and international law; and
- Restore an official policy of supporting international criminal and transitional justice, to include through active cooperation and support for the ICC.

Read more:

- [*A statement from organizations working on the protection of civilians in conflict calling on the United States to immediately end sanctions against members of the International Criminal Court*](#)

III. UNITED NATIONS

Champion the protection of civilians agenda and support vital humanitarian response efforts through the United Nations.

2019 marked the twentieth anniversary of the United Nations (UN) Security Council explicitly adding the protection of civilians (POC) in armed conflict to its agenda. Some Member States have championed POC in UN bodies and legislation, but some do not ensure its implementation through UN and domestic actions, and others actively oppose POC in UN fora. Going forward, the United States should work through the Security Council and with the Secretary-General and Member States to ensure that UN bodies and members are matching public rhetoric in support of POC with actions. Specifically, the Biden administration should work with and through the UN to encourage:

- The prioritization of the protection of civilians at the national level;
- Minimizing harm to civilians in the conduct of hostilities in contemporary conflicts; and
- Engaging with conflict-affected communities to improve protection.

In addition, resuming US support to the UN system, including the World Health Organization, the UN Relief and Works Agency, the UN Human Rights Council, and the UN Population Fund, would help restore diminished credibility in multilateral fora, revitalize the UN at a critical time when international cooperation is most needed, and directly support civilians affected by conflict with health care, food relief and other vital services. The Biden administration should also support enhanced civil society participation in the debates and agenda in the Security Council in line with commitments made during the 75th anniversary of the UN to ensure the voices of civilians affected by conflict guide the Council's decisions.

Read more:

- [*POC20: Twenty Years of the Protection of Civilians – Challenges, Progress, and Priorities for the Future*](#)



UNMISS braves poor roads, inclement weather and damaged vehicles to complete road patrol to Kajo Keji, October 2020.

UN Photo/ Isaac Billy

Revitalize US leadership on United Nations peacekeeping.

United Nations (UN) peacekeeping operations remain the international community's most credible and affordable multidimensional mechanism available to respond to some of the world's most complex conflicts. Republican and Democratic administrations alike have deployed UN peacekeeping operations to help stabilize countries where international criminal networks, pandemics, and atrocities against civilians have emerged or flourished. Since 2015, UN Member States and the Secretary-General have invested significant political and financial capital to strengthening UN peacekeeping, including to protect civilians. These multilateral efforts have been most successful when the United States has provided public and private leadership, including through the high-level 2014, 2015, and 2016 peacekeeping summits and ministerial meetings and the issuance of the 2015 Presidential Policy Memorandum on U.S. Support to UN Peace Operations. To revitalize this US leadership role, the Biden Administration should:

- Host a summit of Heads of State to galvanize Member State contributions of and support for peacekeeping personnel, assets, reforms, and extra-budgetary funding;
- Ensure the United States pays its assessed contributions for UN peacekeeping in full and on time;
- Sustain the US position as the leading global contributor of peacekeeping training and equipping, in particular through strategic long-term partnerships, contributing high-end air assets and enablers, and providing in-depth training on the protection of civilians;
- Increase the number of military and police personnel the US contributes to serve in UN peacekeeping operations and ensure these US personnel are adequately trained and deployed for 12 months;
- Work collaboratively with other governments in UN legislative bodies to ensure UN peacekeeping

missions have the capabilities and financial resources they need to deliver on their mandates, in particular core capabilities that peacekeeping operations need to protect civilians;

- Ensure decisions to drawdown peacekeeping missions are not premature or based on fixed timelines, but instead on consideration of whether downsizing will negatively affect prospects for peace and the security of civilians; and
- Partner with the Secretary-General and Member State champions to ensure the implementation of the Action for Peacekeeping Initiative and Declaration of Shared Commitments on UN Peacekeeping.

Read more:

- [*Not Just a Numbers Game: Matching Peacekeeping Mandates with Adequate Resources Is Essential as the COVID-19 Pandemic Spreads*](#)
- [*"We Have to Try to Break the Silence Somehow:" Preventing Conflict-Related Sexual Violence through UN Peacekeeping*](#)
- [*Protecting Civilians in Mali: Why Air Assets Matter for MINUSMA*](#)
- [*Charting a Future For Peacekeeping in the Democratic Republic of Congo*](#)



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IV. EUROPE

Nagorno-Karabakh: While the most active phase of the conflict in Nagorno-Karabakh happened during the US elections, the area remains a highly volatile hotspot with high risks of civilian harm. Although its role in response to the recent outbreak of hostilities was limited, the US can play a role going forward in promoting accountability of parties to the conflict, supporting the ceasefire, and preventing future incidents. Specifically, the Biden administration should:

- Encourage transparency and accountability regarding the civilian harm and destruction of civilian infrastructure that occurred during the active part of the conflict;
- Encourage all stakeholders to keep protection of civilians at the center of their considerations post-ceasefire; and
- Encourage safe humanitarian access to all areas of Nagorno-Karabakh.

NATO: Over the last few years, NATO has undertaken a welcome agenda to improve the protection of civilians through the adoption of its Protection of Civilians (POC) policy in 2016 and its POC Concept in 2018. The United States should encourage the consolidation and continued improvement of the NATO POC agenda. Specifically, the Biden administration should work with NATO to:

- Support the prioritization, resourcing and operationalization of NATO's POC framework as well as its systematic integration in NATO's operations;
- Update, fully resource, and implement NATO's POC Action Plan;
- Ensure that NATO's Human Security Unit is sufficiently staffed, resourced, and directed to bolster Protection of Civilians across NATO; and
- Ensure that all current and future NATO missions explicitly integrate protection of civilians in planning, operations, and post-facto review and lessons learned.

Ukraine: Given the significant security sector assistance budget for Ukraine and the extent of military cooperation between the US and Ukraine, the US government should prioritize the protection of civilians at all stages of security cooperation with Ukraine and encourage the government of Ukraine to further develop its approach to the protection of civilians in military operations and activities. Specifically, the Biden administration should:

- Work with the government of Ukraine to develop and implement guidelines on the use of explosive weapons in densely populated areas with a focus on preventing civilian harm and damage to civilian objects including critical infrastructure, primarily by avoiding the use of such weapons and seeking alternatives; and
- Prioritize the protection of civilians in decisions regarding US military assistance to Ukraine, including the export of US arms and other military services.

Read more:

- [*Falling Through The Cracks: Improving Ukraine's Assistance to Conflict-Affected Areas*](#)
- [*"We Are Afraid of Silence": Protecting Civilians in the Donbass Region*](#)



V. MIDDLE EAST AND NORTH AFRICA

Afghanistan: As the United States draws down its military forces after 19 years and as intra-Afghan talks have commenced, the Biden administration should ensure any future US military engagement, support to partner forces, and support to intra-Afghan peace talks is rooted in protecting civilians. Specifically:

- Review and amend all tactical guidance for US forces in Afghanistan, including rules of engagement (ROE), changes to which have contributed to higher civilian harm attributed to the US in 2019 than in 2012; and ensure that ROEs and tactical directives integrate good practices to mitigate civilian harm;
- Ensure any US counter-terrorism operations are undertaken with full respect for Afghan sovereignty, Afghan laws and policies on civilian harm mitigation, international humanitarian and human rights law, US policies on civilian harm mitigation, and full regard for the safety and security of the Afghan people, including in their homes;
- End US support to paramilitary or irregular armed groups that are not in the Afghan government chain of command, given challenges in oversight, accountability, and high risk of harm to Afghan civilians;
- Encourage the Afghan government and Taliban to commit to an inclusive peace process that prioritizes protection of civilians and takes into account perspectives of women, ethnic, and religious minorities; and
- Support Afghan calls for recognition of victims and justice mechanisms for serious abuses committed by all sides.

Read more:

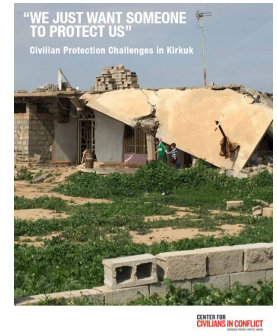
- [*Afghan Airstrikes: Good Practices and Challenges to Protect Civilians*](#)
- [*Reduction of Civilian Harm in Afghanistan: A Way Forward*](#)
- [*Exception\(s\) to the Rule\(s\): Civilian Harm, Oversight and Accountability in the Shadow Wars*](#)

Iraq: Despite the end of major combat operations in Iraq in 2017, civilians across the country continue to face the threat of violence and are mistrustful of the government's ability to protect them. Lingering attacks from ISIS and other unaccountable armed actors in Iraq, and the excessive use of force by some Iraqi Security Forces (ISF) in response to protestors is creating further instability for war-weary Iraqis. The lessons on civilian protection from the fight against ISIS are not being institutionalized in doctrine or training. The Biden administration should:

- Review US Counter-ISIS Train and Equip Fund (CTEF) program under Title 10 building partner capacity of the ISF, to integrate sharing of US civilian harm mitigation good practices in military operations, from planning, training, targeting, and execution.

Read more:

- [*Policies and Practices to Protect Civilians: Lessons from ISF Operations Against ISIS in Urban Areas*](#)
- [*Caught in the Middle: The Impact of Security and Political Fragmentation on Civilian Protection in Sinjar*](#)
- [*"We Just Want Someone to Protect Us:" Civilian Protection Challenges in Kirkuk*](#)



Yemen: Six years of war in Yemen has killed over 112,000 people and left 24 million in need of humanitarian assistance. The 2018 Stockholm Agreement stopped the offensive in Hodeidah, but the civil war is at a stalemate. Yemen is now divided into five political and military areas of control, whose buy-in is needed for a settlement of the conflict and ease the humanitarian suffering. The incoming Biden administration should:

Work with the UN Security Council for a new resolution calling for an immediate ceasefire and to work with the UN Envoy's office on an inclusive process with all Yemeni political and military factions, as well as regional actors, on a multi-party settlement of the conflict; and Review arms sales and military support agreements to parties to the conflict in Yemen, including the Kingdom of Saudi Arabia and United Arab Emirates, and condition all support based on demonstrated compliance with IHL and international human rights standards, thorough and effective investigations of civilian harm incidents, and proper redress of harm.

Read More:

- [*"We Did Not Know if We would Die from Bullets or Hunger": Civilian Harm and Local Protection Measures in Yemen*](#)

VI. SUB-SAHARAN AFRICA

Integrate civilian harm mitigation into all security force assistance and partnered operations with sub-Saharan African militaries and multilateral security forces.

The United States is positioned better than many governments to support African-led efforts to professionalize their security forces while ensuring that civilians do not suffer the consequences of harm resulting from military operations. This need is especially acute in environments where the US is providing assistance to partners who are conducting counterterrorism operations or places where the US is doing so in partnership or unilaterally. The Biden administration should:

- Ensure that any US-funded or -provided training of sub-Saharan African militaries – particularly in the Sahel, East Africa, and the Horn of Africa – includes training on civilian harm mitigation; and
- Ensure that all “advise and assist” missions integrate civilian harm mitigation into planning, rules of engagement, standard operating procedures, commander’s directives, and other operational processes for both US forces as well as partner forces.

Read more:

- [*Niger: A Bulwark Against Further Instability in West Africa*](#)

Improve engagement on civilian harm by non-state armed actors in sub-Saharan Africa.

Community militias and other non-state armed actors that are either neutral or cooperate with government security forces have proliferated on the continent in the last decade in response to localized security threats. Some groups were formed by civilians trying to fill a security vacuum left by governments, while in other cases, governments encouraged their formation in service of their own perceived security needs. While these groups can - and do - protect civilians in some areas, they are often less trained and have lower levels of accountability than many state militaries. In other areas, these groups prey on civilians. Nevertheless, these groups are a feature of the operating environment. Yet the US rarely engages such groups to either encourage protective behavior or to constrain harmful behavior. The Biden administration should:

- In the near term, improve tools to analyze the interests and capabilities of non-state armed groups and develop approaches to influence their behavior through tools such as diplomacy or training in civilian harm mitigation, rules of engagement, and codes of conduct; and
- Over the long-term, work with national governments to develop and implement plans for the eventual regularization or reintegration of these forces.

Read more:

- [*To Defend or Harm? Community Militias in Borno State, Nigeria*](#)
- [*Civilian Perceptions of the Yan Gora \(CJTF\) in Borno State, Nigeria*](#)



CIVILIAN PERCEPTIONS
OF THE YAN GORA (CJTF)
in Borno State, Nigeria

CIVILIAN
IN CONFLICT



TO DEFEND OR HARM?
Community Militias in Borno State, Nigeria

CIVILIAN
IN CONFLICT

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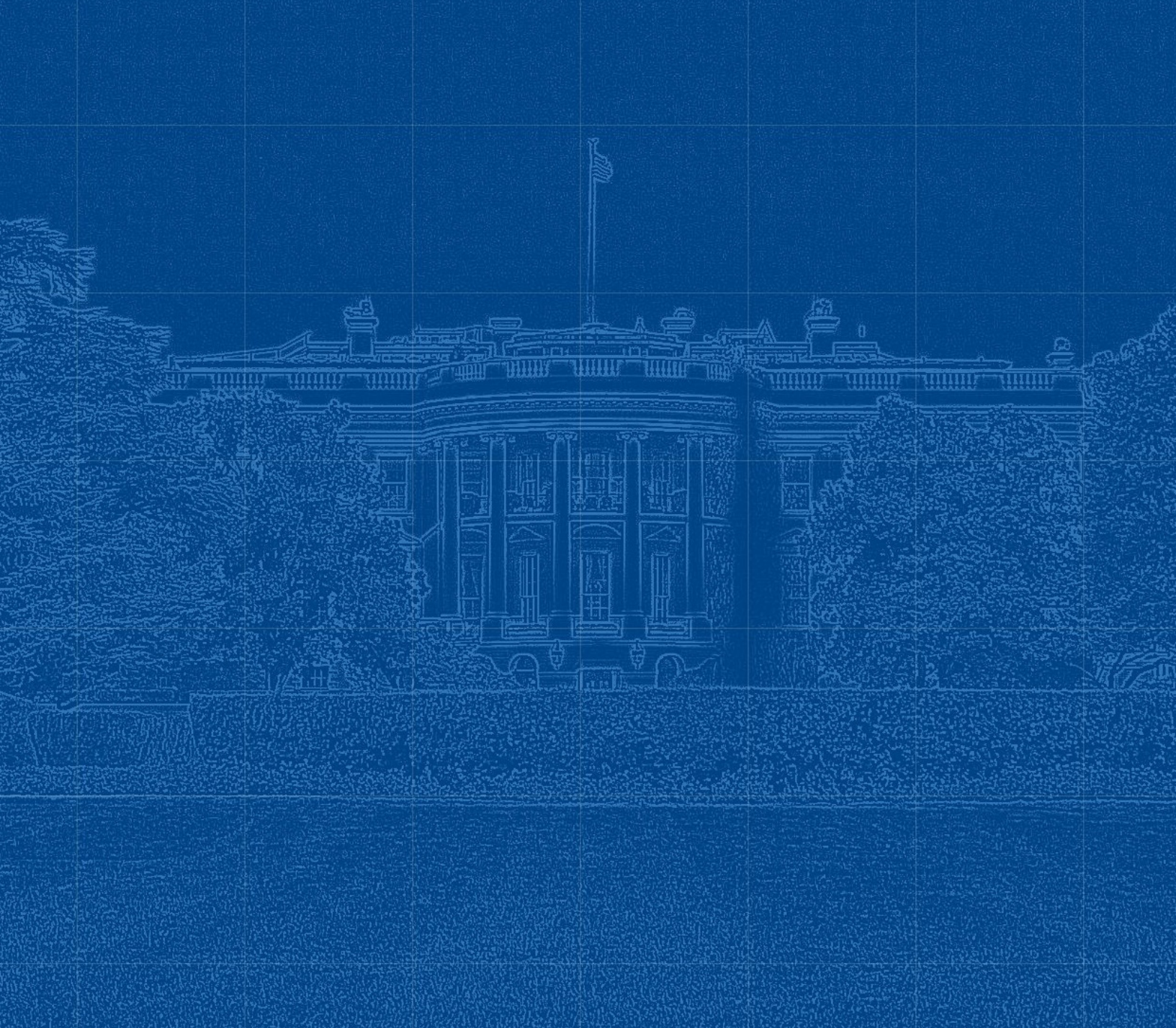
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