

BACKGROUND: TRACKING CIVILIAN HARM

Overview

Tracking civilian harm caused by combat operations is an emerging best practice in places like Afghanistan and Somalia and—when properly implemented—has led to fewer civilian casualties. Any military operation that claims to prioritize civilian well being needs reliable data in order to understand how its operations impact the civilian population. The analysis of this data can allow a warring party to learn from their mistakes and appropriately respond to civilian harm by adjusting tactics and training and making amends¹ to civilians harmed.

Civilian harm remains a tragic reality in any conflict, not least in conflicts without clear battlefields to distinguish between combatant and civilian. By understanding the extent and circumstances of the harm through the process of tracking, analysis, and response, warring parties can get better at minimizing civilian suffering.

This backgrounder explains the basic components of civilian harm tracking, analysis, and response, offers examples of its history and implementation, and answers questions surrounding the practice.

What is a tracking cell?

A civilian harm tracking analysis and response “cell” requires specialized human resources, a database, and technological equipment. The cell staff at headquarters, using data coming in from the field (e.g. field liaison reports, spot reports, troop movements, weapons discharge, targeting data, etc.) would analyze that information for trends and note opportunities and challenges to be addressed by senior military officials. They would also manage the process of systematically documenting civilian harm; properly and fully investigating alleged incidents, communicating outcomes to victims and communities, and the making of amends for their losses.

Why track civilian harm?

There are ethical and strategic reasons why warring parties (such as international coalitions, host nation militaries, peacekeeping operations, even non-state actors) should track, analyze, and respond to civilian harm. There may be legal reasons for doing so as well.

Ethically, many warring parties, recently NATO member states in Afghanistan and the African Union in Somalia, have publicly stated their concern for civilians caught in the crossfire. Establishing a tracking cell backs those words up with actions and allows warring parties to demonstrate with defensible data that they are working hard to minimize civilian harm.

Strategically, warring parties may find that mission success depends on their ability to avoid harming civilians during their operations. This means that data gathered must be analyzed for lessons learned, adjustments made to tactics to ensure better avoidance of civilians, and systems put in place to address harm that occurs a result of operations. These actions can go a long way

¹ “Amends” is the emerging practice of warring parties providing recognition and assistance to civilians they harm within the lawful parameters of their combat operations. **At its core, the practice of making amends to civilians suffering combat losses is a gesture of respect to victims.** Amends can take a variety of forms, but must be culturally appropriate. They can include public apologies, monetary payments, livelihood assistance programs, and other offerings in accordance with victims’ needs and preferences.

toward showing the population that a military is there to protect them and recognizes civilian losses. An effective tracking, analysis, and response mechanism will not in itself ‘win’ the conflict, but the lack of one may very well lose it, turning tactical successes into overall strategic failure

Legally, civilian harm tracking can provide the information to properly report to political institutions and to illustrate adherence to international humanitarian law and mandates. The Laws of Armed Conflict (or international humanitarian law) require *proportionality* (the harm caused to civilians and civilian objects cannot be excessive in relation to the expected military gain) and *distinction* (an attack can not be directed specifically at civilians) in combat operations. While “tracking civilian harm” is not a formal requirement, we believe warring parties must fully understand what civilian harm has occurred as a result of a particular operation. This can be done in a cell by matching post-operation data with pre-operation estimates, ensuring that targeting assumptions are in fact correct.

What is the difference between civilian casualty recording and civilian harm tracking?

Both recording and tracking are emerging concepts in armed conflict. While the two terms are both efforts to ensure civilians harmed by violence are dignified, but by definition they refer to distinctive concepts and processes.

Civilian harm tracking refers to the warring party itself (state militaries, peacekeepers, coalition members) systematically gathering and analyzing data about their own operations and their effect on the civilian population including civilian injuries, death, and property damage. The focus of tracking is to use the data and analysis in order to ensure fewer civilians are harmed as a result of future operations. One of the public outcomes of a tracking cell might be a record of all civilian harm.

Civilian casualty recording is the process of civil society and states to record of deaths from armed violence in a systematic and continuous way.² Both processes are important and complementary. They can be used as a check and balance system and as way to verify qualification for amends or victims’ assistance programs.

How does civilian harm tracking work?

Civilian harm tracking, analysis, and response is defined as the process by which a military or peacekeeping operation gathers data on civilian harm caused by its operations and then uses that data to improve operations and properly respond to civilian losses. The process is internal and requires a centralized, professionally staffed information system or cell to house and analyze incoming data. This data can come from a variety of sources, both formal and informal, including reporting chains among troops, investigations of alleged incidents of civilian harm, and external sources such as victims themselves, civil society, hospitals, and the media.

Accurate and timely reporting of possible incidents of civilian harm is critical to ensure commanders and their staff have the information they need to investigate these events and the circumstances under which they occurred. Over time, internal recording of civilian harm accomplishes four things:

1. Creates a mindset among troops/peacekeepers in the field that the impact of their operations on the civilian population is documented and taken seriously;
2. Reduces civilian harm by providing commanders and military planners with information and analysis aimed at adjusting tactics to minimize future harm;
3. Helps commanders appropriately respond to confirmed incidents of civilian harm with

²EveryCasualty.org Questions & Answers, accessed at: <http://www.everycasualty.org/campaign/questionsandanswers>

- factual information and credible evidence to push back against false claims;
4. Enables forces to make amends to civilians suffering harm through the use of detailed information about who was harmed and where.

With any military mission—and especially those that claim civilian protection as their mandate—success can hinge on the ability and effort of the warring party to minimize civilian harm and respond to the harm that is caused. Expectations of protection among the civilian population are often high and when civilian harm is left unaddressed, the mission’s legitimacy suffers. A warring party must understand where, when, and how its operations have harmed civilians in order to improve and respond properly to such harm.

The internal process should include analysis of the data gathered on civilian harm and utilizing this analysis to avoid causing further harm. Officials can also use the data to report to political institutions such as NATO, the African Union, or the United Nations on mission progress, to respond publicly to any alleged civilian harm, and eventually to identify civilians in need of help to recover from the harm caused. These actions benefit the mission, the host nation government, and the civilian population.

Is there a single model that can be implemented in any conflict?

No. Just as military operations vary from conflict to conflict, civilian harm tracking, analysis, and response will also vary. While there will of course be similarities of staffing and structure, the way these variables interact within the mission may be very different. While a tracking cell created for Afghanistan or Somalia will not necessarily work in Mali or the Democratic Republic of the Congo, it is possible to learn lessons from their processes and procedures and apply those lessons to other environments.

How did civilian harm tracking come about in Afghanistan?

In the early years of the war in Afghanistan, the US Department of Defense did not keep track of civilian casualties and the numbers were publicly referred to as ‘minimal.’ Reports of civilian harm by the US were often denied in the media, only to be admitted days later as evidence arose. Lack of acknowledgement and inability to address civilian harm left the US and its allies with a massive credibility problem, both locally and eventually internationally.

Recognizing the importance of addressing the problem of civilian harm, in 2008 General David McKiernan, then head of the International Security Assistance Forces (ISAF) in Afghanistan, established the first Civilian Casualty Tracking Cell (CCTC).³ The aim of this cell was to document and analyze information in order to inform commanders of the impact of their and the insurgents’ operations on the civilian population. Though under-staffed and under-funded, the creation of this cell showed that ISAF recognized the importance of tracking civilian harm in a systematic way.

In July 2011, ISAF created the Civilian Casualty Mitigation Team (CCMT) to oversee the CCTC and to analyze data gathered, identify civilian casualty trends, and advise the ISAF Commander on ways to reduce civilian harm. These tracking mechanisms were one of the first steps ISAF took in identifying incidents of civilian harm and raising red flags about harmful trends. Information and analysis from the CCMT allowed commanders to make adjustments and tactical directives, resulting in a noticeable decrease in civilian casualties and better ways to address the harm caused.

The creation of these mechanisms also resulted in the first efforts to hold civil military working

³Throughout history, militaries have often ‘counted’ deaths of their adversaries in order to measure progress toward mission success or inform military planning. It should be noted that tracking goes far beyond this and is actually focused on all forms of civilian harm, including injury and loss of property, and analyzing data to inform better protection of civilians.

groups with civil society and ISAF in which they could compare notes and have a constructive dialogue about casualties and other forms of civilian harm.

The Afghan government has set up a "Civilian Casualty Tracking Team", but at the moment it does little more than aggregate reports from the field. They must also create a capacity to bring in additional data from relevant sources, analyze that data for trends and lessons learned and link the CCTT to existing assistance programs so that cases may be easily referred.

How did civilian harm tracking come about in Somalia?

In 2011, in response to several high profile cases of alleged civilian casualties, the African Union Mission in Somalia (AMISOM) contracted Ret. British General Roger Lane and Center for Civilians in Conflict to consult with AMISOM on an indirect fire (IDF) policy aimed at restricting the use of IDF in order to reduce civilian harm. The IDF policy (AMISOM 2011) recommended:

“Create a civilian casualty (CIVCAS) tracking cell, which collates all information from Operations, Intelligence, PA, legal staff, Force Fire Directive Center and contingents to brief the Force Commander on the incidents.... This cell will investigate all incidents to enable accurate attribution of responsibility and AMISOM’s follow up.... The cell will also contribute to the [After Action Reviews] and lessons learnt process.”

The United Nations Security Council (UNSC) also recognized the importance of civilian harm tracking in two subsequent resolutions. Their reauthorization of the AMISOM mission, states that: “AMISOM’s commitment to establish a Civilian Casualty Tracking, Analysis, and Response Cell (CCTARC), underlines the importance of its establishment, requests AMISOM to report on the progress made in establishing the CCTARC and calls on international donors and partners to further support the establishment of a CCTARC.”

Over the course of 2012 and early 2013, AMISOM mapped out existing information systems and created an implementation plan for their CCTARC. The plan is in the process of being approved and funded—hopefully in September 2013—and should be functional by December 2013.

What other current conflicts could particularly benefit from civilian harm tracking?

In Mali, the UN Department of Peacekeeping Operations has created a Civilian Harm Mitigation Advisor position. While not a fully functioning cell as the Center envisions, this position can be a good starting point for understanding civilian harm. The Center believes that all peacekeeping operations should have some way of understanding the impact of their operations and continues to advocate for the creation of cells, particularly on the Democratic Republic of the Congo (MONUSCO).

Who else is talking about tracking civilian harm?

While the Center has led the charge calling on warring parties to track civilian harm, there are many governments and international leaders talking about tracking. Statements including the following show a growing understanding of the importance of civilian tracking:

“We also welcome the establishment within the African Union Mission in Somalia and the International Security Assistance Force of cells tasked with tallying and identifying civilian victims. Such policies could be developed and extended to other missions so as to help identify the harm done to civilians and to enable the

Security Council to respond appropriately.”

Ambassador Gérard Araud, Permanent Representative of France to the United Nations, Press Statement at United Nations, June 25, 2012.⁴

“Creating civilian casualties tracking mechanisms should also be considered, as a way to provide insights into the causes and context of the harm done to civilians, leading to a better tailoring of actions needed to prevent such harm in the future.”

Ambassador Raimonda Murmokaitė, Permanent Representative of the Republic of Lithuania to the United Nations, UNSC Open Debate on the Protection of Civilians in Armed Conflict, February 12, 2013.⁵

“We call on the Security Council to remain focused on the issue. We believe that it is worth mentioning the positive experience of certain United Nations missions. For example, it seems important to examine in depth the experience of the United Nations Assistance Mission in Afghanistan, which, we understand, has developed a special mechanism for tracking civilian deaths.”

Ambassador Vitaly I. Churkin, Permanent Representative of the Russian Federation to the United Nations, UNSC Meeting on the protection of civilians in armed conflict, February 12, 2013.⁶

“On the situation in Syria, he urged that accountability issues be discussed with the Syrian National Coalition, and demanded that those taking up arms against the current regime respect international humanitarian law, and encourage any future Government to submit the situation to the Court’s jurisdiction. He also welcomed a centralized database tracking all civilian harm, stating that such a database would help improve tactical directives, rules of engagement and the training of troops in strategies that would minimize civilian harm and ensure compliance with international law.”

Christian Wenaweser, Permanent Representative of Liechtenstein to the United Nations, UNSC Meeting on the protection of civilians in armed conflict, February 12, 2013.⁷

“[...] The third issue I would stress is the need for more systematic recording of civilian casualties. Such recording, combined with regular reporting, can confirm the causes of harm to civilians and the actions needed to end such harm, including by the Council. It also allows parties to conflict to better understand the impact of their actions, enabling them to undertake prompt corrective action to ensure their compliance with the law. I am encouraged by the commitment of the African Union Mission in Somalia to establish a civilian casualty tracking analysis and response cell, as well as its adoption of the policy on indirect fire.”

Valerie Amos, Under-Secretary-General and Emergency Relief Coordinator, Meeting on Protection of Civilians in Armed Conflict, 25 June 2012.⁸

“As the Council considers further responses to the situation in Syria, it is worth looking at measures that have been taken to strengthen the protection of civilians in situations where more robust international action has been mandated. Under-Secretary-General Amos has already referred to the civilian casualty tracking

⁴ Accessed at: <http://www.franceonu.org/france-at-the-united-nations/press-room/statements-at-open-meetings/security-council/article/25-june-2012-security-council>

⁵ Accessed at: <http://mission-un-ny.mfa.lt/index.php?1009505534>

⁶ Accessed at: http://www.russiaun.ru/en/news/sc_poc

⁷ Accessed at: <http://www.un.org/News/Press/docs/2013/sc10913.doc.htm>

⁸ http://www.un.org/ga/search/view_doc.asp?symbol=S/PV.6790

analysis and response cell to be established in Somalia by the African Union Mission in that country. In Afghanistan, where conflict-related violence continues to exact a heavy toll on the civilian population, especially women and children, a civilian casualty mitigation mechanism by the International Security Assistance Force is being used to track incidents in which international forces have been responsible for civilian deaths and injuries. Such mechanisms can be an effective means to document incidents that result in civilian casualties, to launch investigations and to provide remedies to some victims.

“My Office is advocating for the creation of a similar mechanism within the Afghan security forces as an effective means of increasing civilian protection and accountability during the transition to full Afghan control of security. That would allow Afghan forces to perform accurate, professional and timely investigations into all incidents of civilian casualties caused by them and to reduce re-occurrences.”

Mr. Ivan Šimonović, Assistant Secretary-General, United Nations Office of the High Commissioner for Human Rights, Meeting on Protection of Civilians in Armed Conflict, 25 June 2012.⁹

“The United Kingdom continues to champion work on the protection of civilians. The informal Expert Group on the Protection of Civilians, chaired by the United Kingdom, has met regularly this year, instituting thematic and ad hoc briefings. The United Kingdom has supported the work of the African Union Mission in Somalia on the civilian casualty-tracking analysis and response cell, and we have recently launched an initiative on preventing sexual violence in conflict.”

Ambassador Mark Lyall Grant, Permanent Representative of the United Kingdom to the United Nations, Meeting on Protection of Civilians in Armed Conflict, 25 June 2012.¹⁰

“On 10 November, a UNCHR-commissioned report entitled “Civilian harm in Somalia: creating an appropriate response” was issued. The report, by the non-governmental organization Campaign for Innocent Victims in Conflict (CIVIC), recommends the establishment of a cell to track, analyse, investigate and respond to all incidents of civilian harm. AMISOM fully endorsed the report, and funding will be sought from donors to establish the cell and the related compensation mechanism.”

Report of the Secretary General on Somalia, December 2011.¹¹

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⁹ Ibid.

¹⁰ Ibid.

¹¹ http://www.un.org/ga/search/view_doc.asp?symbol=S/2011/759