

Sahr Muhammedally, senior legal advisor at the Center, spoke at the OCHA conference on strengthening protection of civilians from use of explosive weapons in populated areas, UN ECOSOC Humanitarian Segment, June 24, 2014. (As prepared).

Thank you to OCHA and the mission of Norway for inviting me to discuss proactive steps taken by some multinational forces to curb the impact of explosive weapons in populated areas. I will share some key policies adopted by the African Union Mission in Somalia (AMISOM) and the International Security Assistance Force in Afghanistan (ISAF) to strengthen protection of civilians.

My organization—Center for Civilians in Conflict (CIVIC)—works with warring parties to improve their ability to prevent civilian harm and respond to it when it occurs, by providing pragmatic solutions. In 2010, our team began working with AMISOM on civilian protection. At that time, civilian casualties caused by the coalition force were getting a lot of media attention thanks to the research of human rights groups and Somali civil society. The operational problem was created by gaps in policy that allowed for civilian harm. Our team traveled to Mogadishu at the invitation of Major General (ret) Roger Lane of the British armed forces and the African Union. With General Lane and AMISOM, we developed an “indirect fire policy.”

We identified the main problem in AMISOM policy as permissive indirect artillery fire, often used in response to al-Shabaab attacks on AMISOM positions. The “indirect fire policy” solution has three pillars, each with specific recommendations to curb civilian harm:

- Avoid civilian harm,
- attribute responsibility for civilian harm, and
- make amends for any civilian harm caused through appropriate responses.

Key elements of the Avoid pillar were the introduction of new targeting procedures and checklist before a fire mission, restrictions on the use of certain rocket launchers, the use of collateral damage estimates, in-theater training, and after action reviews.

The AU adopted the policy, and, over time, civilian casualty rates dropped as a result both of the policy and of situational realities on the ground.

An important recommendation in the “indirect fire policy” was creation of a Civilian Casualty Tracking, Analysis and Response Cell, known as CCTARC. The CCTARC will allow a warring party to understand the impact of its operations on the civilian population, and to make tactical adjustments that could both lower casualty rates and enable appropriate responses to any civilian harm that does occur. The UN Security Council has supported the CCTARC and recommended its creation in two Security Council resolutions. The AU is in the process of implementing it.

In response to civilian casualties in Afghanistan, ISAF in 2008 began tracking civilian harm and created a civilian casualty tracking cell (CCTC). In 2011 it also created a civilian casualty mitigation team (CCMT), and ISAF commissioned studies to analyze trends in civilian harm and to recommend tactical changes. Subsequent changes included using weapons with adjusted blast patterns and munitions with delayed fuses. Collateral damage estimates and after action reviews were also improved and use of indirect fire was limited. ISAF undertook further studies to assess ordnances to ensure the right types were used to minimize civilian harm.

ISAF commanders also issued a series of tactical directives on use of air strikes, night raids, and on escalation of force. Many of the changes in harm mitigation also fed into pre-deployment and in-mission trainings. These measures reduced civilian harm as reflected in the annual UNAMA POC reports.

Mistakes have been made by ISAF and AMISOM, and civilians have paid the price for it regrettable deaths and injuries. But these forces changed course, and we now have examples of progressive policies and tools to reduce civilian harm.

These tools have enabled commanders to understand the impact the force's operations have on the civilian population, and thus to amend and respond to actions that cause needless risk to civilians. The changes enacted by ISAF and AMISOM reduced civilian harm – and should be used as emerging best practices. It is also imperative that NATO, the AU, US, UK, and other militaries engaged in bilateral security force assistance should include these progressive tools as part of their shared technical assistance, in order to better strengthen civilian protection.

Thank you.