

Civil Society Guidance for the Civilian Harm Mitigation and Response Action Plan (CHMRAP)

NGO Recommendations: July 2022

Executive Summary

On January 27, 2022, following [concerning media reports](#) and [civil society demands](#) for an urgent overhaul of U.S. civilian harm policies, U.S. Secretary of Defense Lloyd Austin mandated the creation of a Civilian Harm Mitigation and Response Action Plan (CHMRAP). He directed the CHMRAP entail the establishment of a center of excellence on civilian harm mitigation and response; the development of standardized processes for collecting and learning from data related to civilian harm; improvements in how the Department of Defense (DoD) responds to civilian harm, including through condolence payments and public acknowledgment; and the incorporation of guidance for mitigating and addressing civilian harm in future doctrine and operational plans.

This paper sets out priorities and expectations from humanitarian, human rights, and civilian protection organizations for the CHMRAP. Over the years, many of our organizations have worked to engage the DoD to improve its policies for preventing civilian harm and investigating, acknowledging, and providing amends for harm when it occurs.

We have repeatedly provided [concrete recommendations](#) on ways to address well-documented shortcomings, including prioritizing the protection of civilians in operational planning and addressing confirmation bias; improving civilian harm tracking and investigations through better engagement with civil society organizations and civilian survivors; offering amends for harm in accordance with the preferences and needs of survivors, such as the regular utilization of *ex gratia* payments authorized by Congress; and learning from civilian harm trends to improve future policy and practice.

The undersigned organizations¹ expect the DoD to use this opportunity to overhaul U.S. protection of civilian policies and address the longstanding, systemic concerns [raised](#) by civil society groups over the last two decades. In particular, the CHMRAP should:

- Emphasize the importance of mitigating and responding to civilian harm and humanitarian needs as an explicit objective in all operations and across all relevant guidance and training regardless of type, duration, and level of intensity.
- Go beyond civilian casualties to account for, prevent, mitigate, and address the reverberating civilian harms that result from use of force operations.
- Address persistent and well-documented issues that lead to civilian harm, such as target misidentification and confirmation bias.
- Improve transparency regarding the legal and policy standards applied to the use of force and ensure adherence to international legal standards as well as U.S. government rules, criteria, and required civilian protection safeguards.
- Identify a plan for reviewing and responding to past cases of civilian harm that may have been prematurely or falsely dismissed.
- Revise assessment and investigation processes to incorporate external information, including civil society documentation, survivor and witness interviews, and site visits.

¹ The undersigned organizations include: Airwars, Amnesty International USA, CARE, Center for Civilians in Conflict (CIVIC), Human Rights Watch, Humanity & Inclusion, InterAction, Norwegian Refugee Council, Oxfam America, and PAX.

- Ensure transparency on civilian harm assessments and investigations, and close feedback loops with civil society and survivors.
- Establish a comprehensive amends policy for responding to confirmed civilian harm and offer amends for past cases of civilian harm.
- When working with allies and partners, incorporate the protection of civilians throughout the life cycle of a partnership, and be willing to modify, reduce, or end support to security partners when the risk of civilian harm is too high.
- Establish the expectation at commanders' and headquarters' offices that the Department will take regular and systematic steps to understand the causes of civilian harm and means of minimizing civilian harm in U.S. military operations and security partnerships.
- Provide robust resourcing and staffing for implementation of protection of civilians efforts.

More detailed recommendations for the CHMRAP follow below.

We also expect the CHMRAP to be published in its entirety and for the DoD to be transparent and consultative regarding implementing and refining the Action Plan.

The CHMRAP is also intended to inform the completion of the long-awaited DoD Instruction on Minimizing and Responding to Civilian Harm in Military Operations (DoD-I). Civil society expectations for the DoD-I can be found [here](#).

Recommendations

1. Executive Leadership

Emphasize at all levels of U.S. military leadership that the protection of civilians is an enduring U.S. policy objective and priority. Leaders should use every formal and informal means of providing guidance to emphasize the importance of mitigating and responding to civilian harm, including planning documents, expressions of commander's intent, and face-to-face discussions. Leaders should articulate that the protection of civilians is a legal, moral, and strategic imperative.

2. Organization and Personnel

Establish and resource the mandated Center of Excellence (CoE) as the main hub responsible for implementing Department-wide protection of civilians policies. The CoE should be led by a Director, appointed by and reporting directly to the Secretary of Defense, who should be a civilian with significant experience and expertise in the protection of civilians. The CoE should be sufficiently staffed with full-time, dedicated personnel, including a General Officer with significant experience and expertise in the protection of civilians, and include analysts and investigators detailed from the Department of State, U.S. Agency for International Development, and Central Intelligence Agency. CoE staff should have access to all intelligence and other reporting possessed or acquired by the United States Government pertaining to civilian harm. The CoE should be responsible for the following functions:

- Advising the Secretary of Defense and senior U.S. government officials on efforts to prevent, mitigate, and respond to civilian harm during U.S. military operations and related issues that may arise due to the operations of other U.S. agencies and security partners.
- Supporting implementation of the forthcoming DoD-I on Responding to Civilian Harm in Military Operations and subsequent guidance on civilian harm prevention, mitigation, and response.
- Conducting oversight over civilian harm prevention, mitigation, and response policies and practices across the DoD, including at the Combatant Commands, to ensure alignment of Department policies, practices, and other guidance with law of armed conflict and other applicable international law.

- On a quarterly basis, convening an Interagency Task Force to assess progress on civilian harm prevention, mitigation, and response.
- Tracking civilian harm data—including data and evidence provided by civil society—analyzing such data over time for trends and ensuring the public release of such data on a regular basis.
- Conducting post-strike assessments and investigations of suspected civilian harm, including wherever possible through interviews with victims, survivors, and witnesses, and in consultation with civil society organizations and relevant U.S. government agencies. All post-strike assessments and investigations should be publically released with minimal redactions only for legitimately classified information.
- Recommending individual amends and remedies for civilian harm; accountability measures in cases of wrongdoing; and changes to policy and practice, based on post-strike assessments, investigations, and trend analysis.
- Issuing amends for civilian harm to include formal apologies, *ex gratia* payments, and other assistance in consultation with civilian victims, survivors, and their representatives.
- Regularly engaging with civil society to ensure that the most accurate and comprehensive information about civilian harm is known to the U.S. government and that U.S. government efforts to improve civilian harm policies and practice are informed by the experiences and needs of civilians affected by U.S. and partnered operations.
- Ensuring that lessons learned from civilian harm assessments, investigations, and other sources are reflected in updated doctrine, policies, procedures, and practices, and monitoring and assessing implementation of lessons learned.

Provide robust resourcing and staffing for implementation of protection of civilians efforts, including the CHMRAP and the DoD-I, at the Combatant Commands and Services. In addition to staff at the Center of Excellence and other Pentagon staff, the Combatant Commands and services must be sufficiently staffed with dedicated, full-time personnel to organize and implement policies, processes, and procedures and to serve as a liaison to the CoE and Pentagon. This should include Civilian Protection Cells/Civilian Harm Mitigation Teams at the J3 or J5 level of every Combatant Command who can track civilian harm, assess causes and strategic effects of civilian harm, assist commanders in improving battlefield decisions with data and analysis of civilian harm and assessments of strategic impact, and coordinate, share, and implement lessons learned. The CoE should collect and analyze data from all Civilian Protection Cells. The capabilities and competencies of personnel charged with civilian harm mitigation tasks should be continually assessed and cultivated.

3. Doctrine, Strategy, and Training

Emphasize the importance of minimizing and responding to civilian harm, including civilian deaths and injuries and humanitarian needs arising from the impacts of U.S. operations, as an explicit objective in all operations regardless of type, duration, and level of intensity. This includes but is not limited to:

- Establishing the protection of civilians and civilian harm mitigation as a core U.S. military value and objective.
- Emphasizing the protection of civilians and civilian objects in operational planning.
- Establishing policies and processes to understand, assess, and better mitigate the impact of U.S. military operations on civilians. Considerations should include humanitarian needs such as population displacement, unique vulnerabilities of members of the civilian population (e.g., based on age, gender, disability, or membership of a marginalized group), and the long-term effects of civilian harm and damage to civilian infrastructure and civilian objects.
- Systemically integrating civilian harm mitigation considerations across the cycle of operations—including planning, conduct and targeting, response, and reconstruction efforts—to include accurate analysis of civilian pattern of life, particularly vulnerable segments of society, and the presence of civilian objects or other resources critical to civilian life, society, and wellbeing.

- Recognizing and learning from how conflict may change patterns of civilian life and ensuring up-to-date analysis to better protect civilians and civilian objects.²
- Observing and learning from civilian harm, including the reverberating or knock-on effects of harm to civilians and civilian objects, through research, post-facto assessments, and lessons learned processes.

Integrate the protection of civilians as an explicit objective in commander’s intent, rules of engagement, and other guidance. From a strategic lens, civilian harm mitigation and response should be integrated into commander’s intent and operational plans and tied to the end state of the operation. This sets the framework that minimizing harm to civilians and civilian objects is an ethical, legal, policy, and strategic objective, and ensures follow-on resources, trainings, tools, and coordination with external actors, to enable implementation of commander’s intent.

Adapt tactics, training, and equipment for civilian harm mitigation, especially in urban or populated areas. This includes—but is not limited to—training for urban operations with a protection of civilians lens; learning from civilian harm during past urban operations; avoiding fighting in populated areas where possible and avoiding the use of explosive weapons with wide-area effects in populated areas (EWIPA); planning for evacuation and safe route options for civilians who wish to leave voluntarily; and planning to restore essential services and clear explosive remnants of war.

To better prevent, mitigate, and address civilian harm and humanitarian need arising from conflict, ensure and build expertise on, *inter alia*:

- Civilian harm tracking, assessments, investigations, and trend analysis.
- Humanitarian need and response mechanisms across humanitarian sectors.
- The interconnectedness of urban systems and the reverberating impacts of attacks in populated areas, including urban planning, engineering, energy, economics, and other technical specialties focused on critical infrastructure and service provision.
- The many interconnected sectors and areas of civilian life that are likely to be impacted by operations, including public health, livelihoods, education, food security and agriculture, water and sanitation, the natural environment, and other essential services.
- Data analysis and modeling to assess information on civilian life and civilian objects and integrate it into relevant DoD processes that seek to anticipate and avoid reverberating harms.
- The cultural, societal, and psychological impacts of conflict, including anthropology, sociology, and psychology.
- The unique ways in which men, women, children of all genders, and other marginalized groups may be impacted by conflict/operations.
- Displacement and migration.

Recognize the value of civil society engagement, information, and expertise. DoD policies should ensure regular, proactive engagement with civil society on civilian harm issues. This should include dialogue on risks to civilian populations and ways to mitigate risk; ensuring the receipt and exchange of information on alleged civilian harm incidents; maintaining humanitarian deconfliction processes; the examination of civilian harm data trends; and recommendations for improvements in relevant policies and practices.

² For example, if a school or hospital is destroyed or inaccessible, temporary facilities to meet those needs may be set up elsewhere. This also requires understanding the likely routes civilians will take to flee operations and what steps must be taken to ensure protection through the communication and management of evacuation routes.

Additional Information and Recommendations on Doctrine, Strategy, and Training:

- *NGO Recommendations to DoD Policy on Civilian Harm, "[Civil Society Guidance for a Model Policy](#),"* March 2020.
- *NGO Recommendations to DoD Policy on Civilian Harm, "[Protection of Civilian Objects including Critical Infrastructure in U.S. Military Operations](#),"* March 2020.
- *NGO Recommendations to DoD Policy on Civilian Harm, "[DoD Engagement with Humanitarian and Human Rights Organizations on Civilian Harm in U.S. Military Operations](#),"* March 2020.
- *Sahr Muhammedally, "[Preparedness in Urban Operations: A Commander's Planning Checklist to Protect Civilians](#),"* International Committee of the Red Cross, May 2021.
- *InterAction and Stanford University, "[Building the Evidence Base: Addressing the Reverberating Effects of Military Operations on Civilian Life](#),"* November 2020.

4. Operational Capabilities and Processes

Address persistent target misidentification issues that lead to civilian harm. Numerous DoD and Department-sponsored studies and NGO analyses have found that target misidentification is a leading driver of civilian harm from airstrikes.³ The Department must revise all policies, practices, and relevant regulations to ensure that in case of doubt about the status of a target, a person is presumed to be a civilian, as set out in Additional Protocol I and customary international law. The Department should publicly clarify its definitions of civilian and combatant and the rules for determining combatant status.

Ensure that tactics, techniques, and procedures (TTP) and relevant operational processes across the targeting cycle go beyond civilian casualties to account for, prevent, mitigate, and address civilian harm from reverberating or knock-on effects.⁴ This includes:

- Developing the means, processes, and systems to consistently analyze the significance and value of civilian objects in relation to civilian life and specifically the protection of civilians concerns.
- Evaluating and integrating potential reverberating or knock-on effects in military planning and intelligence preparation.
- Anticipating and preventing harm resulting from the damage or destruction of civilian objects during target development, including dual-use objects and civilian objects harmed as collateral damage.
- Assessing and learning from observed reverberating or knock-on effects through research, post-facto assessments, and lessons learned processes, to include incorporating the findings and recommendations from civil society and academic studies on knock-on effects, civilian harm, and humanitarian need.

Review and revise Collateral Damage Estimation (CDE) Methodology to address longstanding concerns, including:

³ A 2013 Joint Staff study identified misidentification of a target as the "primary cause of [civilian casualties] in Afghanistan," particularly due to "perceived hostile intent" from individuals who were later revealed to be civilians. Eight years later, the Air Force Inspector General investigation into the August 29, 2021 Kabul strike would make the same finding: that confirmation bias played a critical role in the wrongful targeting and death of aid worker Zemari Ahmadi. Source: Joint and Coalition Operational Analysis (JCOA), "Reducing and Mitigating Civilian Casualties: Enduring Lessons," April 12, 2013 [[link](#)]; and "Air Force Inspector General's findings of errant drone strike in Kabul on Aug. 29, 2021," The Washington Post, November 3, 2021 [[link](#)].

⁴ Reverberating effects, also referred to as knock-on effects, indirect effects, second- and third-order effects, or cascading effects, should be understood as the consequences of an operation or strike outside of immediate damage, loss of life, or injury. Such effects may occur anywhere but are especially likely in urban settings where populations depend on densely networked urban infrastructure systems. Effects may include interrupted or restricted service delivery, loss of or damage to civilian assets, loss of skilled technicians, disease outbreaks and other public health emergencies, loss of livelihoods and other economic losses, displacement of the civilian population, food insecurity, trauma, and other mental health impacts.

- Incorporate validation of collateral damage estimates to ensure outcomes and estimates match in some meaningful way. If estimates are off, determine the cause of the error and incorporate lessons learned into the CDE process to improve future outcomes.
- Require regular updates to population density figures used to calculate CDE.
- Review and address the disconnect between strict CDE for deliberate strikes and rapid CDE for dynamic strikes, and determine ways to improve TTPs for dynamic strikes. This can include collecting and applying lessons learned to improve dynamic strike protocols; investigating technological options to improve rapid CDE; and emphasizing in targeting guidance that strikes should be delayed or canceled if CDE is not possible due to time constraints.

Make public the legal and policy standards and justifications for invoking “unit self-defense” or “collective self-defense” for a strike—including the level at which such decisions must be approved and the definition of “partner forces.”

Establish a process for post-strike reviews of dynamic and self-defense strikes to ensure adherence to international legal standards as well as U.S. government rules, criteria, and required civilian protection safeguards.

Publish standards on Pattern of Life Assessments (POLA). Current minimum requirements for POLA are not transparent. The Department should determine and publish the minimum amount of time necessary to conduct POLA and the platform minimum requirements for loiter, coverage, and optical resolution. The Department should also synergize U.S. capabilities across partnered and allied systems to ensure standardization where possible.

Improve humanitarian deconfliction processes, including humanitarian notification systems. The U.S. military must take care to deconflict its operations with humanitarian actors. Deconfliction helps remove obstacles to humanitarian action so that humanitarians can reach civilians in need and ensure they can reach goods and services. It helps protect civilians and humanitarian personnel, as well as civilian objects. Humanitarian notification systems allow humanitarians to share information with DoD on their locations and movements. These systems must ensure the protection of data, and care must be taken in how data is handled. Any effective platform must not only work for the military but for humanitarian organizations and any other civilian users as well. Deconfliction is meant to be a two-way street: humanitarians provide the information, but the military must also communicate whether it has received it.

Additional Information and Recommendations on Operational Capabilities and Processes:

- Ryan Goodman, [*“Clear Error in the Defense Department’s Law of War Manual: On Presumption of Civilian Status,”*](#) *Just Security*, February 2022.
- NGO Recommendations to DoD Policy on Civilian Harm, [*“Protection of Civilian Objects including Critical Infrastructure in U.S. Military Operations,”*](#) March 2020.

5. Data Management

Ensure transparency around data management processes and design databases to maximize alignment and sharing among partners, the U.N., and civil society organizations. This includes transparency around and alignment of the use of data fields and definitions (e.g., definitions/criteria for civilian fatalities, injuries, etc.) to facilitate harmonization of multiple streams of data from multiple organizations (e.g., OHCHR, NATO, and NGOs).

Additional Information and Recommendations on Data Management:

- *Every Casualty Counts*, [*“Standards for Casualty Recording,”*](#) November 2016.

6. Assessments & Investigations

Identify a plan for reviewing and responding to past cases of civilian harm that may have been prematurely or falsely dismissed. NGO reporting, government-sponsored studies such as the [RAND report](#) and media reporting have consistently found that shortcomings in U.S. assessments and investigations—including reliance on internal information, lack of consultation with outside sources, and faulty initial assessment practices—mean that many credible instances of civilian harm have likely gone unacknowledged. Most recently, the *New York Times* found that the U.S. military repeatedly prematurely dismissed claims of civilian casualties based on flawed reviews of evidence, for example, by failing to conduct simple internet searches. To ensure acknowledgment for these families and to allow the U.S. military to learn for the future, it is essential that the forthcoming Action Plan include a commitment to reviewing these cases and issuing amends for credible cases, including acknowledgment and *ex gratia* payments. **This is an NGO priority and a requirement of a credible process to address systemic civilian harm issues.**

Revise assessment and investigation processes to incorporate external information, including civil society documentation, survivor and witness interviews, and site visits. Government-sponsored studies (such as the [recent RAND study](#)), [NGO research](#), and [media investigations](#) have repeatedly found that DoD tends to rely solely on its own internal records and sources when assessing civilian harm, missing critical information from civil society organizations and affected civilians themselves. Assessment and investigation processes should proactively seek information from civil society and civilians; make efforts to contact and interview survivors and witnesses (including by remote means of contact where necessary); and conduct site visits in cases where remote means are insufficient to corroborate civilian status. Where site visits are legitimately not possible, DoD should invest in effective options for conducting remote assessments and investigations, including reaching affected civilians via phone and/or video conference, via representative organizations, and/or contact via a U.S. or partner embassy. Contact mechanisms should vary depending on considerations such as civilian safety, technological access, and government presence. DoD can also obtain other evidence from remote sources, such as photo and video evidence and information from victims and witnesses.

Remove civilian harm investigations from the implicated chain of command to improve the independence of civilian harm investigations and reduce bias in findings.

Ensure transparency on assessments and investigations and close feedback loops with civil society and survivors by:

- Providing public information on the status of ongoing or backlogged assessments and investigations.
- Publishing—in English and local languages—full civilian casualty assessments and investigations, with minimal redactions only for legitimately classified information and to protect the privacy of civilian victims and survivors, based on civilian consultation.
- Publishing DoD methodologies for civilian harm assessments and investigations, including the standards DoD uses to assess credibility.
- Providing feedback to civil society organizations and affected civilians regarding the status of relevant assessments or investigations, the results of relevant assessments or investigations, and how their information was utilized.
- Standardizing information sharing and fields for civilian casualty assessments. For example, provide 10-digit MGRS codes for all credible assessments; continue to provide civil society reference codes for assessments conducted after reporting from databases; and ensure that the information shared is consistent and designed to maximize cross-checking between DoD results and civil society reports.

Track, assess, and investigate damage and destruction of civilian objects, resulting in reverberating effects, and other impacts of both kinetic and non-kinetic operations, such as psychological harm.

Ensure that assessments and investigations feed into data and trend analysis and inform improvements in DoD policy and practice to prevent future civilian harm. For example—assessment and investigation findings should feed into the collateral damage estimation methodology to improve collateral damage estimates.

Ensure independent investigations into possible violations of international humanitarian law, and ensure such investigations are followed up with legal accountability where appropriate.

Additional Information and Recommendations on Assessments and Investigations:

- *NGO Recommendations to DoD Policy on Civilian Harm, [“Military Assessments, Investigations, and Tracking of Civilian Harm,”](#) March 2020.*
- *Center for Civilians in Conflict and Columbia Law School Human Rights Institute, [“In Search of Answers: U.S. Military Investigations and Civilian Harm,”](#) February 2020.*
- *Annie Shiel and John Ramming Chappell, [“DoD Can’t Move Forward on Civilian Casualties Without Looking Back,”](#) Just Security, April 19, 2022.*
- *Sam Dubberly, Alexa Koenig, and Daragh Murray, [Digital Witness: Using Open Source Information for Human Rights Investigation, Documentation, and Accountability,](#) Oxford University Press, 2020.*

7. Amends for Harm

Establish a comprehensive amends policy for responding to confirmed civilian harm. This policy should:

- Clarify that the purpose of amends is to express condolence and contrition for civilian harm and to recognize the agency and dignity of civilian victims and that this practice is in the interests of the United States.
- Establish the acknowledgment of civilian harm as a minimum requirement.
- Provide for a range of options to ensure flexibility, local sensitivity, and culturally appropriate responses to civilian harm, including—but not limited to—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.
- Emphasize the importance of consultation with civilian victims and survivors.
- Establish an accessible and context-appropriate process through which civilians can submit reports, claims of civilian harm, and a desire for specific amends or responses.
- Provide a mechanism to transparently inform affected civilians and civilian communities about changes to processes and procedures the U.S. military has taken as a result of tracking and investigating civilian harm incidents to prevent similar harm in the future.

Offer amends for past cases of civilian harm. Thousands of civilians harmed by U.S. operations and their grieving families continue to wait for acknowledgment and other amends, including *ex gratia* payments. Yet despite repeated Congressional authorizations for such payments, DoD has regularly failed to offer payments even in the many cases where the Department has confirmed civilian casualties and has the information necessary to contact survivors. It is essential that the forthcoming Action Plan not only establish improved amends processes for the future but also include a commitment to reviewing past cases and issuing amends for credible cases, including *ex gratia* payments as well as other offerings in consultation with victims and survivors.

Ensure appropriate accountability for civilian harm, including by:

- Reviewing the Department’s tools for holding military personnel and civilian officials to account for guidance or actions—or a lack thereof—that lead to civilian deaths, injuries, and other harms. Just as the U.S. military ensures accountability in other cases of incompetence, disobedience, or other disregard for stated policy and procedures, so too should such accountability tools apply to failures in civilian harm mitigation.

- Ensuring investigations into possible violations of international humanitarian law (IHL), as required under IHL, and pursuing appropriate punitive measures including criminal accountability for violations; and
- Reforming the military justice system to ensure independence from the chain of command.

Additional Information and Recommendations on Condolences, Acknowledgements, and Other Responses:

- *NGO Recommendations to DoD Policy on Civilian Harm, [“The U.S. Military and Post-Harm Amends Policy and Programs,”](#) March 2020.*
- *Madison Hunke, [“Making Amends: A Guide to U.S. Law and Policy on Post-Harm Amends,”](#) Center for Civilians in Conflict (CIVIC), January 2021.*

8. Working with Allies and Partners

Incorporate the protection of civilians and measures to minimize and respond to civilian harm throughout the life cycle of a partnership, and be willing to modify, reduce, or end support to security partners when the risk of civilian harm is too high. This includes:

- Performing assessments of partners’ capacity and will to adhere to IHL and international human rights law, and to prevent, minimize, and mitigate harm to civilians during military operations, optimally before a partnership commences and in collaboration with the Department of State (Embassy country teams, Bureau of Political-Military Affairs, Bureau of Democracy, Human Rights, and Labor, and relevant regional desk).
- Conditioning, leveraging, or sequencing security assistance and cooperation activities to promote the protection of civilians, encourage adherence to IHL and human rights, and strengthen efforts to minimize and mitigate civilian harm.
- Establishing formal and—where appropriate—informal agreements to define the scope, objective, responsibilities, and expectations of the partner/partnership and security assistance activities as they relate to the protection of civilians, to include a joint statement of principles and identification of the responsibilities specifically pertaining to civilian harm as well as broader objectives that will affect civilian protection outcomes;
- Including civilian harm prevention and mitigation scenarios, practices, and procedures in security assistance and combined exercises with all partners, including peacetime training and pre-deployment training, and tailoring assistance based on assessments to address identified gaps in the protection of civilians and civilian harm mitigation capabilities.
- Working with partners at both the strategic and operational levels to develop policies and procedures for protecting civilians.
- Undertaking periodic reviews/evaluations of the partnership throughout its lifetime, in collaboration with the Department of State, to ensure that it continues to meet the interests and objectives outlined at the outset (e.g., as established in a partner agreement), including as they relate to the protection of civilians.
- Undertaking early and continuous planning for responsible U.S. exit strategies from the partnership and the full transition of civilian harm mitigation and rights-based security provision to the host partner.
- Ensuring clear communication to the U.S. and host-nation public on the nature, purpose, and activities of its partnerships to ensure public awareness of U.S. partnered operations and security partnerships.
- Supporting efforts to instill and prioritize the protection of civilians in partner force operational planning, including strategies to minimize and mitigate harm to civilians and measures to avoid exacerbating harm during operations.
- Modeling best practices and encouraging engagement by senior commanders to reinforce IHL compliance and the protection of civilians with partner leaders; urging concrete action to follow up on alleged abuses and violations; and cultivating a culture of respect for IHL and the protection of civilians at all levels of the partner force.

- Considering how U.S. expertise can be leveraged in the targeting process to improve compliance with IHL and practical measures to enhance distinction, proportionality and precaution in the partner's military operations.
- In combined operations, developing processes and procedures to (a) ensure that U.S.-provided intelligence does not contribute to IHL violations or incidental civilian harm and (b) mitigate the risk of faulty, incomplete, outdated, or manipulative intelligence or analysis collected from or shared by partnered forces.
- Ensuring a clear and thorough process for tracking, assessing, investigating, acknowledging, disclosing, and responding to all credible allegations of civilian harm that arise through partnered operations—including harm caused by both U.S. and partnered forces.
- Establishing clear guidance on U.S. military forces' responsibilities in monitoring partners' conduct in partnered operations and reporting on civilian harm incidents—including suspected human rights abuses and IHL violations as well as incidental harm.
- Regularly engaging with humanitarian and human rights organizations—including international and local civil society as well as UN missions and bodies—to encourage frank and open dialogue on the protection of civilians, human rights, and humanitarian concerns in partnered operations and security cooperation activities undertaken by the United States.

Additional Information and Recommendations on Working With Allies and Partners:

- *NGO Recommendations to DoD Policy on Civilian Harm, [“U.S. Partnered Operations and the Protection of Civilians,”](#) March 2020.*
- *Center for Civilians in Conflict, [“The Sum of All Parts: Reducing Civilian Harm in Multinational Coalition Operations,”](#) January 2019.*
- *Center for Civilians in Conflict, [“Having Their Say: Guidelines for Involving Local Civil Society in the Planning, Design, Implementation, and Evaluation of U.S. Security Assistance and Cooperation,”](#) October 2020.*

9. Lessons Learned

Establish the expectation at commanders' and headquarters' offices that the Department will take regular and systematic steps to understand the causes of civilian harm and means of minimizing civilian harm in U.S. military operations and security partnerships. This should include:

- Integrating and applying lessons learned in real-time—including by ensuring that collateral damage estimations, pattern of life analysis, battle damage assessments, and civilian harm assessments and investigations are regularly carried out and that their findings are applied to inform planning and targeting processes.
- Requiring periodic and regular evaluation of policies and procedures using internal and external, independent sources of oversight and evaluation—including civil society sources.
- Ensuring regular distillation of good practice in minimizing, mitigating, and responding to civilian harm and ensuring continuous rollout across military commands, missions, joint task forces, coalitions, and security partnerships.

Additional Information and Recommendations on Lessons Learned:

- *NGO Recommendations to DoD Policy on Civilian Harm, [“Civil Society Guidance for a Model Policy,”](#) March 2020.*
- *Larry Lewis, [“Hidden Negligence: Aug. 29 Drone Strike is Just the Tip of the Iceberg,”](#) Just Security, November 2021.*

The following organizations have signed on to this document:

