EXECUTIVE SUMMARY

The Strategic Costs of Civilian Harm
Applying Lessons from Afghanistan to Current and Future Conflicts

June 2016

OPEN SOCIETY FOUNDATIONS
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Front cover: United States Special Forces soldier with Afghan civilians and militia members standing behind him, Kwaja Bahuddine, Afghanistan, November 15, 2001.
Photo credit: Brennan Linsley/AFP/Getty Images
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The purpose of this report is to improve understanding of civilian harm in Afghanistan and its strategic impact, to examine the efficacy of International Security Assistance Force (ISAF) reforms to reduce civilian harm, and to offer lessons on civilian protection for current and future conflicts.

The U.S. military is committed to upholding the Law of Armed Conflict (LOAC) and makes great efforts to protect civilians. The United States’ experience in Afghanistan demonstrated how civilian harm, even in accordance with LOAC, can cause irreversible damage to a U.S. mission—a serious risk that also applies to U.S. counter-terrorism operations and partnerships with foreign security forces.

We assess with high confidence that civilian harm by U.S., international, and Afghan forces contributed significantly to the growth of the Taliban, particularly during the crucial periods 2002-04, and 2006-08, and undermined the war effort by straining U.S.-Afghan relations and weakening the legitimacy of the U.S. mission and the Afghan government.

We also assess with high confidence that the reforms made by ISAF were successful in reducing civilian harm, while not impeding strategic aims and not undermining force protection. The most important factors in reducing harm were leader emphasis, training, and data collection-analysis-feedback loops. The reforms, however, were too late to reverse the strategic damage.

Third, we take a preliminary look at conflicts in Yemen, Iraq, Syria, and Pakistan. We find that the U.S. military is taking considerable steps to protect civilians, but there remains significant potential for improvement based on several lessons from Afghanistan. In particular, civilian harm by partners risks undermining U.S. credibility and interests.

Finally, we find that the United States has made significant strides to institutionalize civilian protection in military doctrine and tactics, but shortfalls remain that heighten the risk of errors, unnecessary restrictions, and harm to U.S. strategic objectives, now and in the future. “I’m a believer in American exceptionalism but only if you keep proving it,” said David Sedney, former deputy assistant secretary of defense.

The United States should develop a uniform policy on civilian protection, create standing data collection and analysis capabilities, sharpen learning and accountability, improve decision-making tools, enhance training and leader development, and strengthen partner accountability.
In this report we define *civilian casualties* as physical injury or death from military operations. We define *civilian harm* as damage from military operations to personal or community well-being. This may include wrongful targeting of key leaders through malign information, damage and destruction of personal property and civilian infrastructure, long-term health consequences, loss of livelihoods and other economic impacts, and offenses to dignity. Viewing civilian harm in this way is necessary to appreciate the full impact of military operations on civilian life and the choices people make. We concur with the U.S. Army definition of civilian protection as “efforts that reduce civilian risks from physical violence, secure their rights to access essential services and resources, and contribute to a secure, stable, and just environment for civilians over the long-term,” and its stated importance in contemporary war.

This report is based on interviews with over 60 experts, including current and former senior U.S. and Afghan government and military officials as well as UN officials and civil society experts—individuals who have been directly responsible for strategy, operations, and decision-making in Afghanistan. In addition, the report combines an analysis of UN and ISAF data and recent academic studies to assess the tactical and strategic impact of civilian harm and evaluate reforms.

**FINDINGS**

**Civilian harm can be fatal to counterinsurgency and counter-terrorism strategies**

- Civilian harm contributed significantly to the growth of the Taliban and undermined the war effort by weakening the legitimacy of the U.S. mission and the Afghan government and straining U.S.-Afghan relations.

- The U.S. military is committed to upholding the Law of Armed Conflict and has undertaken significant efforts to improve the protection of civilians; despite this, civilian harm can still undermine strategic interests.

- U.S. strategic interests were severely damaged by civilian harm caused by ISAF operations, predatory partners, and wrongful or overbroad targeting and detentions, often driven by intelligence failures and manipulation by local elites.

- Focus on “enemy-centric” intelligence leaves U.S. forces vulnerable to manipulation and less attuned to drivers of conflict.

- Harm inflicted by U.S. partners using “made in the U.S.A.” weapons, equipment, training or support undermines U.S. credibility.

- Afghan National Security Forces caused civilian harm is on the rise, and risks hardening support for the Taliban in contested areas while reducing cooperation with the Afghan government.
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• In Iraq, Pakistan, Syria, and Yemen, civilian harm caused by U.S. operations and by partner forces pose strategic risks analogous to those confronted by the United States in Afghanistan. Gaps in institutionalization and knowledge are exacerbating these risks.

• Increased collection and analysis of data on civilian harm can help guard against unnecessary restrictions on U.S. forces that create lost opportunities and fail to improve overall civilian protection.

**Addressing civilian harm is relatively low-cost, high-payoff for U.S. and its partners. However, many of these positive lessons have not been fully institutionalized**

• ISAF reforms significantly reduced civilian harm in Afghanistan; they did not undermine force protection or give the Taliban a significant military advantage.

• Reforms succeeded by combining tactical directives with leadership, training, and systematic data collection and analysis, and greater openness to civil society inputs.

• U.S. forces have not sufficiently prioritized civilian protection in ANSF development and strategic planning.

• Without consistent leadership attention, education, resources, and training, hard-learned lessons can be lost relatively rapidly.

• Sufficient data and academic research exist to develop much better decision-making tools and intelligence for commanders planning and directing military operations among civilian populations.

• Security sector reform and security force assistance efforts can be improved to address the impact of civilian harm caused by partner forces, lowering the risks to U.S. credibility and helping advance strategic interests.

• Institutionalization can help ensure lessons are not lost, and are effectively adapted to new operational contexts and transferred to partners.

• These lessons also apply to U.S. counter-terrorism operations, which are usually performed in a context within which U.S. partners are also engaged in counterinsurgency and stability operations.
RECOMMENDATIONS

Our research demonstrates that significant damage to U.S. strategic interests can be caused by civilian harm, broadly defined to include major disruption of local political, social, and economic stability, as well as civilian casualties. These broader impacts also apply to counter-terrorism operations where they undermine the wider counterinsurgency efforts of partners, and therefore U.S. strategic objectives.

A. To the Department of Defense

1. **Create a Uniform Policy on Civilian Protection** to establish institutional authorities and responsibilities; develop standards and methodology for tracking and monitoring civilian harm (as defined in the ATP 3-07.6 on Protection of Civilians), mitigation efforts, and post incident response, including amends; incorporate civilian protection into strategy and operational planning considerations; and outline expectations for partner support and accountability.

2. **Create Civilian Protection Cells in J3 or J5 of Joint Staff, Combatant Commands, and Operational Headquarters modeled after ISAF’s Civilian Casualty Tracking Cell.** These cells should:
   a) Monitor civilian harm and assess causes and strategic effects;
   b) Help commanders improve battlefield decision making;
   c) Communicate regularly with the State Department and relevant international organizations and civil society organizations;
   d) Consider using the Joint Staff cell to collect and analyze data from all Civilian Protection Cells, and ensuring ongoing lessons learned;
   e) Strengthen decision-making tools by complementing Collateral Damage Estimation with data and analysis of civilian harm and assessments of strategic impact.

3. **As part of a consistent post incident response policy and practice:**
   a) Respond to civilian harm in ways that avoid premature denials, provide timely and clear communication of the outcomes of investigations and accountability measures to host nations, victims, and the public.
   b) Create permanent policies and mechanisms for reporting, verification, and provision of amends to civilian victims of U.S. operations, including civilians harmed in operations outside of areas of active hostilities and in areas inaccessible to U.S. ground forces.
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c) Reflect in this policy the lesson learned in Afghanistan that a lower evidentiary bar for amends and ex gratia payments is more time efficient and cost effective long term.

d) Ensure that there is a robust and transparent investigation policy that incorporates civilian, NGO, and open source inputs, as well as a public, transparent means of communicating accountability.

e) While there will be some region-specific aspects to this policy, there should be openness to working through or with local government offices for information and delivery, and with international organizations and NGOs for information on harms caused.

4. In addition to threat reporting, develop intelligence priorities to collect and analyze the political, economic, social, and cultural dynamics of host nations in conflict zones and their effects on U.S. policy and strategic aims. Collection and analysis should include assessing the risk of U.S. military forces and resources being manipulated by local officials and elites and the strategic impact of civilian harm.

5. Incorporate tactical and strategic effects of civilian harm and protection into all levels of professional military education. Incorporate simulations and appropriate books and journals to give leaders intellectual experiences they can draw from before deploying to combat. Increase/target funding for combat training centers to improve pre-deployment training on civilian protection, including scenario realism and tactical judgment.

6. Develop a strategic plan for strengthening civilian protection and harm mitigation in U.S. partner forces, in conjunction with the State Department. Condition training, funding, and transfer of arms on clear benchmarks on partner forces’ commitment and performance on civilian protection. Indicators should include host nation policy guidance, demonstrated political and military leadership commitment, professional military education and training, and accountability.

B. To the State Department

1. Work with the Department of Defense (DoD) in creating a standing, uniform U.S. government policy on civilian protection including standard methodology, tracking, a centralized database and analysis unit, post-incident response, and civilian harm mitigation policy for partner forces.

2. Develop, with the DoD, standard operating procedures for requesting, assessing, and sharing information on civilian harm from international organizations, NGOs, and other civil society
sources. Work with the DoD to ensure effective implementation of a consistent post-incident response policy, including amends.

3. Support priorities for the intelligence community to collect and analyze the political, economic, social, and cultural dynamics of host nations in conflict zones and effects on U.S. policy and strategic aims. Collection and analysis should include assessing the risk of U.S. military forces and resources being manipulated by local officials and elites, and the strategic impact of civilian harm.

4. Refine existing security sector reform policies to ensure that work with partner forces reflects best practice on civilian harm assessment, mitigation, and response; include civilian protection and civilian harm lessons learned into capacity building and senior leader development efforts.

5. Develop metrics and information channels to independently assess civilian harm, and its strategic impact, including harm caused by and information received from partner forces. Increase capacity within embassies in conflict zones to monitor and report on the political and social impact of U.S. and partner-caused civilian harm, consistent with the Leahy Law.

6. Improve coordination with DOD and conditionality on foreign military assistance, including military sales, in order to enhance the willingness and capacity of partner forces to protect civilians and mitigate risks that civilian harm undermines long-term stability.

To the Intelligence Community

1. Collect and analyze information and intelligence about the impact of U.S. military engagement on a host nation’s political, economic, social, and cultural dynamics; collection and analysis should include assessing the risk of U.S. military forces and resources being manipulated by local officials and elites, and the strategic impact of civilian harm.

To the U.S. Congress

1. Support these recommendations with the necessary resources and accountability procedures.

To view and download the full report, go to: https://www.opensocietyfoundations.org/reports/strategic-costs-civilian-harm