
A Conversation with the Center for Civilians in Conflict on Preventing Civilian Suffering

SARAH HOLEWINSKI AND MARLA KEENAN

FLETCHER FORUM: *The Center for Civilians in Conflict just marked its tenth anniversary. Over the past decade, how has the Center's mission, or its priorities, changed?*

SARAH HOLEWINSKI: In the beginning, a decade ago, there was only Marla Ruzicka. She was a young Californian who went to Afghanistan and Iraq soon after the U.S. invasions, and noted that no one in the U.S. government was helping civilians harmed. She spent the next two years

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documenting civilian harm door-to-door, while likewise knocking on senators' doors to get war victims help.

In 2003, she founded Campaign for Innocent Victims in Conflict (CIVIC) to formalize her work. Tragically, Marla became a war victim when she was killed by a suicide bomb in Baghdad in 2005. She was 28 years old.

Her colleagues, friends, and family knew that her organization held a unique place in the human rights community that should not be left vacant. Thus, CIVIC began a new life and is now Center for Civilians in Conflict.

From a mission that began with one woman working to get help to civilians harmed by U.S. military operations, we have since worked in nearly all continents with warring parties as diverse as the North Atlantic Treaty Organization (NATO) in Libya and the African Union in Somalia. And in addition to continuing the call for help to civilians suffering losses like deaths, injuries and property damage, we are working to get warring parties to prevent civilian harm in the first place. As it has evolved over a decade, we now look at our mission as getting warring parties to be more responsible to civilians across all phases of conflict—before, during, and after.

FLETCHER FORUM: *Storytelling is clearly a central element in how the Center engages with affected civilians and warring parties. How do you translate anecdotes into action? In doing so, how does the Center deal with finding a balance between quantitative and qualitative evidence in order to make an argument for its work?*

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regional coalition official—to change his or her mind and actions. We offer practical solutions to the problem of civilian suffering, but first we have to show that policymaker what civilian suffering actually looks like. It's easy, after all, to become removed from the ground truth.

care about? What do they want or expect or need for their losses? Are they still scared of being harmed?

So, whenever we go into a new conflict, we first document what civilians have been through. What do they

The answers to these questions form the basis for our policy work

and for finding fixes that will lessen risk to civilians. But they're also the stories that we bring to policymakers, so they can understand that the issue of civilian harm isn't only one for the head, but one for the heart. It's a real human tragedy, a matter often of life and death.

When documenting what civilians live through in warfare, we don't focus on the most egregious cases we can find—as many colleague organizations do—but rather on the civilian harm that occurs every single day. Just weeks after the conflict in Libya began, our team was there talking with civilians, humanitarians, and rebel military forces. We developed policy recommendations for NATO based on what we found. Similarly in Afghanistan, we continued talking with Afghan war victims over many years—first to inform international forces about their efforts to prevent civilian harm and later to push the Afghan Government to increase its aid to conflict victims.

To paint a picture of civilian suffering in armed conflict, we don't necessarily need quantitative data. Number, figures, and trends over time are extraordinarily important. However, to paint the picture of civilian harm, the devastation, the need for help, and the need for protection, the story of one family can make all the difference in getting decision makers to make the right choice.

FLETCHER FORUM: *How would you describe the evolution of international humanitarian law (IHL) obligations for military actors? Where are the major gaps which remain despite progress in understanding of these obligations on the part of military actors, particularly as they relate to 'indirect' participation in hostilities?*

HOLEWINSKI: Humans and armed conflict have co-existed for as long as history has been recorded. Civilian populations have always borne the brunt of the fighting. There's an old adage that describes this perfectly: "When elephants fight, the grass gets trampled." In some ways, humans haven't evolved terribly far from those early days as civilians today are targeted, bombed, and used as pawns by armed actors. Yet in other ways, an evolution in warfare began with the Geneva Conventions following World War II, with rules that protect civilians from excessive harm.

Those laws have saved countless lives. Still, "collateral damage" is allowed. A warring party can indeed kill, injure, and displace civilians legally as long as the damage is neither intentional nor excessive to the military gain. The tragic ramifications of this harm on the population continue for generations. What most people find surprising is that a warring party has no legal obligation to know what civilian harm it has caused, nor to offer help. Countless civilians are needlessly harmed and subsequently overlooked.

And yet, there is progress in minimizing civilian harm. Some warring parties are developing new tools to improve their ability to avoid harming civilians by tracking of civilian casualties and analyzing that data over time to improve tactics. Other warring parties have begun to recognize and

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respond to civilian harm by investigating combat incidents that may have included civilians and by offering apologies and aid for losses. These are not IHL obligations; instead these efforts actually go above and beyond what warring parties are required to do.

There are several reasons for them so do so. Consider that the 24/7 media will replay civilian casualty events around the world, focusing attention on the behavior of a warring party.

Those same warring parties often see a need for legitimacy, not scorn. And, new military theories prioritize the support of civilians as a way to win.

FLETCHER FORUM: *Under Rupert Smith's paradigm for modern conflict as "war amongst the people" conflict is continuous and subsequently impacts civilians in a manner distinct from the major conflicts of the twentieth century. How does this paradigm shift impact both civilian coping strategies, and the strategies of warring parties?*

HOLEWINSKI: I'll have to disagree with the premise here. Modern conflicts may be fought "amongst the people," but so were historical conflicts. The Romans, the Greeks, intractable local conflicts all the way up through Vietnam—there are too many examples to name of wars throughout history that were fought in populated areas, in and out of civilian homes, using human shields.

The pendulum of how, where, and among whom conflicts are fought swings back and forth constantly. What remains are international laws and norms that demand the inviolability of civilians. How warring parties abide by these obligations (or even go above and beyond them to minimize civilian harm) will obviously change depending on the environment. For example, if civilians are clustered in urban areas and fighting must happen in and around them, a responsible warring party may want to limit aerial assaults, use intelligence assets to distinguish between civilians and combatants, and/or consider public awareness campaigns. Every operating environment and its civilian make-up should be taken into consideration

during the war “planning” phase. There are infinite permutations of civilian protection efforts that can be applied to match the reality on the ground.

FLETCHER FORUM: *What are the major challenges the Center faces in bringing armed non-state actors into the conversation about civilian protection, and in ensuring that non-state actors comply with the civilian protection standards expected of states?*

HOLEWINSKI: For the Center to engage a warring party, that party must publicly commit to, and then show that they are, working to adhere to international law, that they care about avoiding the civilian population, and that they’re willing to work harder to prevent and respond to civilian harm. This standard of engagement for us holds true whether the warring party is a formal state actor (like the United States), a regional coalition (like the African Union in Somalia or NATO in Afghanistan), or a non-state actor (NSA).

For us, the biggest challenge in engaging with NSAs is that these groups often lack command and control or “C2” as the U.S. military calls it. When a military organization has C2, it means there is a commander whose guidance is followed (for the most part) by rank and file troops. It means that the training and doctrine advice we offer can be proliferated not just among the leadership, but down to the foot soldier that may come into contact with civilians.

If a particular NSA is interested in civilian protection and wants to do the right thing but is too decentralized, we may not have anyone to engage with or may not trust that our advice will make much difference in daily matters of life and death. Despite these challenges, we are constantly looking to engage with NSAs about the importance of civilian harm mitigation.

FLETCHER FORUM: *Your work focuses on the effects on civilians before, during, and after conflict. How does conflict impact civilians differently during these three stages, and where does the biggest gap exist in stakeholder responsiveness to these impacts?*

HOLEWINSKI: We believe we need to change the minds and behaviors of warring parties during three phases of conflict: before conflict, during conflict, after conflict. The three phases require specific efforts to minimize and respond to civilian harm, which I’ll get into in a minute.

For civilians themselves, though, suffering and harm happens across the whole spectrum. Before a conflict is officially defined, populations may be displaced, suffer acts of violence or be traumatized by fear and insecurity.

rity. After all, it's not the more peaceful places in the world that erupt into conflict; they devolve into conflict over time, and civilians are often the first to be touched by the violence. During an armed conflict, civilians are killed, injured, displaced, lose their homes, lose their jobs, are traumatized, are tortured, are used as human shields, cannot get medical care, can no longer go to school, lose hope. And of course, it follows that after conflict,

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We try to mitigate some of these tragedies by working with warring parties before, during, and after conflict.

Before conflict, we call on warring parties to properly plan. This seems obvious but is hardly ever done thoroughly with regard to the civilian

population. Civilian populated areas should be mapped; vulnerable populations should be identified; training of troops must include doctrine on how to avoid civilians in practice on the ground not just in theory; and rules of engagement should be created that prioritize the limiting of civilian harm. Further, the warring party should set up a formal way to track civilian harm, analyze trends over time, investigate civilian casualty incidents, and respond properly to any civilian losses, including with appropriated funds.

During conflict, warring parties should consistently keep track of how much civilian harm is caused, and analyze that data over time for trends. Lessons learned should be inculcated back into operations to save lives, including through in-theater and ongoing training of forces. Investigations should be done for any incident involving civilian losses, with findings made public and the family offered an explanation for what it suffered.

After conflict can also mean “after harm.” If civilians were “incidentally” harmed, the warring party should have a way of responding to the family with both respect and tangible help. We call such help “amends,” which means any dignifying gesture by a warring party to civilians harmed by that particular warring party’s operations. Rebuilding, reconstruction, reconciliation, security sector reform—all of these post-harm and post-conflict processes must include the views and needs and expectations of civilians who have suffered through the conflict.

FLETCHER FORUM: *Can you describe the process of tracking civilian harm? How has the Center worked to change mindsets surrounding the necessity of tracking and responding to civilian harm?*

KENNAN: We care about “tracking civilian harm” because we believe warring parties have a duty to understand the impact of its combat operations on the civilian population. So, we have been pushing those we work with for years to track civilian losses, analyze them for trends, and respond accordingly.

To offer a little more detail on what the process actually looks like, civilian harm tracking refers to a military’s internal process to gather data on civilian harm caused by its operations. It involves formal reporting chains among troops, full investigations following possible incidents of civilian harm, and a centralized, professionally staffed information system or “cell” to house and analyze incoming data. The data can be used to help plan military operations with the goal of reducing civilian harm, to factually respond to allegations of civilian casualties, to create ongoing tactical guidance on minimizing civilian harm, and to properly address losses with the civilians themselves.

There are strong ethical and strategic reasons for tracking civilian harm. There may also be legal reasons for doing so. Ethically, many warring parties—such as the states within NATO and the African Union—have stated their concern for civilians caught in the crossfire. Ensuring those harmed are properly noted, that lessons are learned from their suffering and operations improve, and that families receive amends for losses are ethical obligations.

From a strategic standpoint, mission success can hinge on minimizing civilian harm and/or responding to civilian harm that is caused. This is true in counterinsurgency operations (COIN), broad-based counterterrorism operations, foreign military interventions, and peacekeeping operations conducted in parallel with a political process to end the conflict. A warring party must understand where, when, and how its operations have harmed civilians in order to improve and to respond properly to such harm.

Legally, the laws of armed conflict (or international humanitarian law) require proportionality and distinction in combat operations to ensure civilian harm is minimized. While “tracking civilian harm” is not a formal requirement, we argue that a warring party must fully understand what civilian harm has occurred as a result of a particular operation. This requires matching post-operation data with estimations of probable civilian harm assessed pre-operation.

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New examples of more robust efforts include the civilian casualty tracking cell created by international forces in Afghanistan in 2008. The Center has also been working with African Mission in Somalia forces (AMISOM) for two years to create a similar structure in Mogadishu. The United Nations noted civilian casualty tracking in an official mandate for

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the first time in 2012, and again in 2013, with regard to AMISOM. In Mali, we successfully pressed the UN peacekeeping mission to include a civilian risk mitigation advisor, a senior position advising the force commander on the impact of peacekeeping operations on the civilian population. While not a fully staffed and built cell, it’s a step in the right direction and a ground-

breaking precedent for the UN. The Center is also advocating that the UN create this position—if not a full cell—for the peacekeeping mission in the Democratic Republic of the Congo and in any peacekeeping mission that might be created for the Central African Republic.

FLETCHER FORUM: *2014 will be a critical year for the war in Afghanistan as international forces draw down and the conflict enters a new phase. What role does the Center envision for the civilian casualty tracking cell in Afghanistan, for example, as responsibilities shift from international to Afghan actors?*

HOLEWINSKI: We’re very concerned about the ability of Afghan National Security Forces (ANSF) to not cause harm to civilians as they take on full responsibility for security. During this critical period, policymakers, the public, and the international community need to remember that civilians will bear the brunt of any failure to not prepare ANSF properly.

U.S. and international forces learned a lot of hard lessons in recent years about the crippling effect of civilian casualties on a military mission. And they did a lot to reduce civilian deaths and injuries. Among the improvements in operations, a civilian casualty tracking cell was created to capture and analyze data over time; investigations were made more thorough and immediately followed an allegation or incident of civilian harm; amends were often made to civilians suffering losses, through apologies and/or monetary payments.

Afghan forces have few of these tools. That’s a top priority for us in the coming year.

FLETCHER FORUM: *How does the Responsibility to Protect (R2P) align with the Center's stance on civilian protection? Where does R2P and its application in recent history conflict?*

HOLEWINSKI: There are three pillars that make up R2P. The first is that a state must protect its people from genocide, war crimes, etc. The second is that the international community should assist states to protect its population. The third pillar is that if a state fails to protect its people or, indeed, kills them, the international community *has the responsibility to* intervene, including with the collective use of force, which should be authorized by the UN and should be a last resort.

The Center only engages on the third pillar, under which military force can be considered. The Center does not take a stance on whether or not intervention should take place; rather,

we work with warring parties considering intervention to ensure they are also considering proactive measures to prevent harm to civilians. This includes planning for combat with civilians in mind, creating capabilities to allow them to understand the impact of their operations on civilians and ensuring that they have the capability to appropriately respond to any alleged civilian harm.

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FLETCHER FORUM: *As the international debate surrounding the conflict in Syria continues, what remain the largest dangers facing Syrian civilians? In light of the third pillar of R2P, where does the Center see the international community as having direct obligations to Syrian civilians even as it refrains from direct engagement in the crisis?*

HOLEWINSKI: In addition to the obvious threat posed by the ongoing violence, Syrian civilians face lack of medical treatment, starvation, displacement, lack of education, and incredible fear, which can result in lifelong trauma. Like many, we've been watching Syria in horror these past two-plus years. Our staff has also seen it first hand, with three trips into Syria and the refugee camps surrounding the country.

Syrian civilians will need protection and assistance for the duration of the conflict and beyond—not an easy task for states, humanitarians, or groups like ours that believe we have a duty to help. This winter,

Syrians will freeze and starve. The imperative is money—only 63 percent of the UN humanitarian appeals to address the Syrian crisis are currently funded—but there’s also the matter of logistics and access. Consider that President Assad has no real interest in ensuring humanitarian aid to populations he is deliberately starving; and that the United States and its allies are now hamstrung to do much about the ongoing killing, given their standing negotiation with Assad’s regime on chemical weapons.

Perhaps the most pressing concern is that as the conflict drags on, the world seems to be getting distracted. Our collective limited attention span is beginning to turn away from the suffering in Syria. Under R2P, states have an obligation to intervene in Syria. I don’t mean militarily, though that option is the only one that brought Assad to the negotiating table on chemical weapons. I mean that we—the international community—have an obligation to help find a political solution to this conflict.

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As Geneva II unfolds, we at the Center are thinking about how to support assistance efforts for civilians who have already suffered unspeakable losses. We have called for a Victims Assistance Fund, trainers on mine removal, medical expertise, and antidotes for chemical weapons exposure. We’ve noted that any political settlement must include justice and assistance for the victims. And we’ve cautioned the United States and its

allies that lethal aid to armed opposition may cause much greater harm to civilians, as evidenced by the negative fallout in Libya and Afghanistan after this kind of intervention. *f*