



JOHN F. KENNEDY SCHOOL OF GOVERNMENT
Carr Center for Human Rights Policy

Project on the Means of Intervention 2001-2003

Sarah Sewall

Carr Center for Human Rights Policy
with support from the
Carnegie Corporation of New York



Why this effort?

Civilian suffering during war more salient political and military issue

- Attention
 - Press
 - NGOs
 - International community
- Impact (Western “center of gravity”)
 - Local political and military allies
 - Coalition partners
 - Domestic political support
 - International legitimacy



Why these participants?

- Competing perspectives on civilian suffering are represented by human rights and military communities
 - Civilian life vs. tradeoffs
 - Tactics and incidents vs. strategy and overall effects
 - Legal frame vs. operational frame
- Common interest in minimizing civilian casualties



Project Goals

- Increase understanding of
 - How humanitarian considerations affect U.S. conduct of war
 - How the conduct of war affects civilians
- Facilitate dialogue and relationships between members of the military and human rights communities
- Challenge thinking and promote organizational change



Workshop Participant Quote

November 2001

“The best thing would be the NGO world saying ‘this is what we’d like to see,’ and the military saying ‘this is the best we can do,’ and keep trying to narrow the gap.”



Process & Products

- Workshops
 - Five two-day meetings over past 14 months
 - Informal, off-the-record, and intensive
 - Exchange of views; not consensus
- Participants
 - Core of almost 60 “veteran” participants
 - Diverse (intergenerational, international, senior to junior; analytic and operational, “unusual” suspects)
- Publications
 - Workshop Reports, Working Papers in process
 - Commissioned Research, Final Report, Volume of Essays (2003)



Findings

- Few opportunities exist for the two communities to discuss CD
- Language, assumptions, and trust remain barriers
- Framing and translating the issues is important
- Institutional realities reinforce personal and substantive divide



Questions

What level of civilian suffering is reasonable to expect in war?

Could U.S. forces help reduce such suffering? At what cost?

Little empirical basis for understanding causes of civilian suffering



Assessing the Humanitarian Effects of Force

- BDA a challenge
- DOD rarely performs real time or *post facto* analysis of civilian impact
- U.S. opponents, the press, NGOs, and other analysts attempt to fill the void
- Limited information
- Less understanding



Civilian Body Count

- Difficult to learn the truth
- Not clear what such numbers tell us
- What would be “acceptable”?

A singular focus on body count begs more significant questions



Alternatives

- The costs of military force compared to what?
 - Sanctions?
 - Inaction?
 - Military action by others?



Many Factors Affect Civilian Suffering

- Outside USG Control
 - Actions (including illegal acts) of adversary
 - Adversary capabilities
 - Geography/location of key targets
 - Luck
- Within USG Control
 - Quality of intelligence
 - Strategy
 - ROE



Decline in Civilian Suffering

- Dramatic U.S. military improvement by historical standards
 - Far fewer civilian casualties in past decade of conflicts involving US/Western forces
 - Doctrine, legal review, training
 - Air power dominant influence
 - Technology key: PGMs, ISR, CD models
- About as good as it gets?



Legal Standards

- Applicability
 - Context: modern industrialized nations
 - Stakes: WMD; terrorism
- Interpretation
 - Military objective; military necessity
 - Principle of proportionality
- Utility as a guide to understanding war's humanitarian impact



Public and Political Expectations

- Increasing and highest for U.S. forces
 - technology
 - superiority
 - perceptions force protection is paramount US concern
- Often not relevant for opposing forces
- Affect planning/conduct of U.S. operations
- Can be more restrictive than legal standards
- May not reduce net civilian suffering



Best Intentions Can Have Perverse Effects

- Avoiding certain targets for fear of CD may produce more or different CD (e.g. SAM sites; human shields)
- Some humanitarian restrictions might undermine strategic goals (e.g. preserving infrastructure may facilitate escape of key individuals)
- Gradual vs. overwhelming force may cost lives (length of conflict; adaptations of enemy)
- Boots on the ground might result in more civilian deaths (getting to target; incentives for greater firepower)

Better analysis should inform guidance to military forces



Possible Steps

- DOD assumes formal responsibility for assessing effects of war on civilians
- DOD systematizes efforts to minimize CD through technology and weapons development, training, realistic modeling
- Human rights organizations enhance military expertise, expand analytic frame
- USG publicly communicates CD analysis & efforts, including their relationship to strategy/operations in military campaigns.



Possible Results

- Increase communication among military, political leadership, human rights groups, and broader public about CD issues
- Develop greater understanding of how conduct of U.S. military operations and other factors affect civilians during war
- Help make U.S. use of force as consistent as possible with humanitarian principles
- Make U.S. use of force more effective