

RESOURCE



LEADERSHIP FRAMEWORK

Civilian Protection
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INTRODUCTION

CPM measures state policy and practice across five categories (each of which have 3-5 indicators), representing foundational aspects of CHMR. These are:

- 1 The quality of **national policies** on civilian harm mitigation and response
- 2 States' practices of **tracking** civilian harm potentially caused by their operations
- 3 States' methods for **investigating** alleged cases of civilian harm
- 4 How **transparent** states are about their practices,
- 5 How states ensure victims from their military actions have access to **redress for harm**.

Each state is then scored for its performance on these categories, according to CPM's leadership framework, which recognises five different levels of success (or lack thereof): States can be qualified as **Leader**, **Emerging Leader**, **Engaged**, **Uncommitted**, or **Regressive**. A state's overall score is based on the scores it receives for all categories and indicators.

To ensure that CPM can measure and compare different states using one model, we have developed a leadership framework that recognises what a specific score (e.g., 'Leader' or 'Engaged') more or less entails for each category. These descriptions can be found below. In essence, these can be perceived to provide a 'roadmap' for states towards achieving higher scores, meaning that they are better protecting civilians and being more accountable for harm caused by their operations.



1. NATIONAL POLICY

CATEGORY DESCRIPTION

The national policy or system of policies, strategies, and guidance adopted by the executive branch of government and its organs (including security institutions) that establishes clear authorities, responsibilities, and guidance for the prevention, mitigation, and response to civilian harm. A national policy framework, when combined with effective implementation of its provisions and formalised engagement with civil society actors, can be helpful for communicating a government's commitment to mitigate harm to civilians.

L

LEADER

The government has a clear, accessible and comprehensive policy framework for civilian harm mitigation and response that addresses prevention, mitigation, tracking; investigation, and response as well as public reporting and transparency; with definitions of key terminology; as well as clear guidance for – and required reporting on – implementation, assigned roles and responsibilities, and adequate, long-term secured resources. Finally, the government has formalised engagements with civil society organisations.

EL

EMERGING LEADER

The government has some elements of a national policy framework that provide a basis for each aspect of CHMR (preventing, mitigating, and addressing civilian harm), with minor room for improvement. The government has assigned roles and responsibilities for various elements of civilian harm prevention, mitigation, and response, and has a framework for public reporting. The government has regular meaningful engagements with civil society organisations.

E

ENGAGED

The government has some elements of a national policy framework, however not all aspects of CHMR are covered by this policy. The government has ad hoc engagements with civil society, without formalisation. The government publicly acknowledges the importance of CHMR and its commitment to improve.

U

UNCOMMITTED

The government has significant gaps or no policy framework for preventing, mitigating, or addressing civilian harm, and no clear plans to remedy this. The introduction of such a policy would suffer from the lack of resources or adequate personnel in its implementation. The government only reports on civilian harm under pressure by external actors, or not at all.

R

REGRESSIVE

The government is antagonistic or ambivalent about protecting civilians in armed conflict or has a record of deliberately harming civilians.

2. CIVILIAN HARM TRACKING

CATEGORY DESCRIPTION

An internal (military or security force) process by which an armed actor gathers and analyses data about civilian harm incidents in order to better prevent, mitigate, and address harm in the future.

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LEADER

The government proactively collects and analyses incident reports to prevent, mitigate and/or respond to civilian harm through changes to policy, procedure, or tactics. Tracking is firmly established in policy and doctrine for current and future operations. Tracking mechanisms are adequately resourced, have access to the necessary records and proactively consult external sources of information, including through the creation of a well-functioning, accessible external reporting mechanism. Tracking mechanisms are in sync with processes for conducting assessments and investigations (criminal or administrative) and corresponding response mechanisms. Analysis from tracking mechanisms effectively reaches all relevant actors within the armed forces and government.

EL

EMERGING LEADER

The government has some practice or a recent record of tracking civilian harm incidents and reports to change policies, procedures, or tactics. The government has demonstrated the commitment, through policy or doctrine, to incorporate an effective tracking procedure in any future operations, including the proactive analysis of information to identify lessons. It facilitates direct reporting of civilian harm by civil society and/or affected civilians through dedicated and context-appropriate reporting mechanisms. Practical streamlining of tracking processes to other CHMR aspects such as investigations and response is under implementation.

E

ENGAGED

The government has some practice or a recent record of tracking civilian harm incidents and reports, but has gaps in its national approach and relies on allies and independent monitors to bring allegations of harm to their attention. Furthermore, information that is tracked is not proactively analysed to identify lessons, and this information does not always reach all relevant military and governmental actors. The government has established a means of reporting external information about allegations of harm.

U

UNCOMMITTED

The government neither comprehensively tracks civilian harm nor has established any plans to track civilian harm in future operations. While Collateral Damage Estimate (CDE) and Battle Damage Assessment (BDA) procedures are in place, the information is not thoroughly analysed or used to inform operational changes.

R

REGRESSIVE

The government neither tracks civilian harm (and does not use Collateral Damage Estimate and Battle Damage Assessment procedures) nor has established any plans to track civilian harm in future operations.

3. INVESTIGATIONS

CATEGORY DESCRIPTION

Formal inquiries (often in the form of administrative or criminal investigations) that can be used to elucidate facts, to understand the cause of harm, to identify relevant state and/or individual responsibilities, to facilitate the appropriate response and/or remedy, and even to exonerate.

L

LEADER

The government demonstrates its commitment to answer for civilian harm through robust and effective (thorough and prompt) and adequately resourced administrative investigations and a well-established process for referring suspected criminal violations to an independent investigative authority. The policy calls for assessing all plausible allegations of harm, in order to report transparently and swiftly on civilian harm incidents, further investigate if necessary, pay amends to those affected, and prevent future incidents. The government is forthcoming regarding how and when it investigates harm. If circumstances permit it, investigators conduct witness interviews and site visits and consult all relevant sources in civilian harm investigations.

EL

EMERGING LEADER

The government has a consistent approach of conducting effective administrative investigations into reports of civilian harm and has a process and a history of referring suspected criminal incidents to an independent investigative authority. The government has clarified the threshold criteria for starting an investigation and reports publicly on the start and outcome of investigations. If circumstances permit it, investigators consult all relevant sources in civilian harm investigations.

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ENGAGED

The government has a system in place to conduct administrative investigations into allegations of harm, with gaps in the system or inconsistent application. The connection between tracking and investigation warrants improvement. The government acts on allegations of harm, but often only after they are brought to its attention by third parties. The government is engaging in a process of adopting best practices from allies and independent organisations to address these faults and is improving its record on investigations. The start and outcome of investigations are reported to the public, but not always proactively and without the release of further details on methods.

U

UNCOMMITTED

The government claims to have a system in place to conduct effective administrative investigations into allegations of harm, but does so with inconsistent clarity on its procedures and the outcomes of investigations. The findings of investigations routinely differ from the findings of allies and/or independent monitors. The government is not in the process of adopting best practices or recommendations from experts.

R

REGRESSIVE

The government fails to thoroughly investigate reports of harm, including violations of law. It possibly retaliates against those who make allegations or reports.

4. PUBLIC REPORTING AND TRANSPARENCY

CATEGORY DESCRIPTION

Systems and procedures to ensure that the public and institutions of public oversight are made sufficiently aware of civilian harm, and to protect the right of victims to pursue remedy. Information may be limited or redacted due to privacy concerns for affected civilians, to safeguard other ongoing investigations or for national security reasons, but these reasons should not be abused and should be subject to review.

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LEADER

The government systematically and proactively shares information on the time and location of its military operations, the processes it employs to assess and investigate harm to civilians (including the criteria by which it assesses the credibility of external sources), the results of investigations into harm from its operations, and it does so in a timely way. The government furthermore has a system in place to independently review whether transparency levels are adequate.

EL

EMERGING LEADER

The government has systems to share information on the date and time of its military operations, the processes it employs to assess and investigate harm to civilians, and findings of harm, with some gaps remaining regarding amends and lessons learned. If the government chooses to withhold information citing reasons of (national, operational, personnel) security, it is nonetheless transparent regarding how it has reached this conclusion and/or such restrictions are decided upon by an independent body.

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ENGAGED

The government discloses information about processes and procedures to the public, as well as detailed information about specific civilian harm incidents, when such information is sought. It routinely cites reasons of (national, operational, personnel) security when withholding information, while giving no further details on how such determinations are made.

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UNCOMMITTED

The government does not disclose information about the potential harm caused by its operations, nor on the processes or procedures it employs for assessing or investigating reports of civilian harm, or if such procedures exist at all.

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REGRESSIVE

The government conceals information about potential harm caused by its operations and the process or procedures it employs to assess and investigate civilian harm.

5. POST-HARM RESPONSE

CATEGORY DESCRIPTION

Efforts to acknowledge and express condolence for harm, to include offers of monetary and non-monetary forms of post-harm assistance.

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LEADER

The government demonstrates contrition and regret for a wide range of harm caused by operations directly with those whom it has harmed through an effective, culturally-appropriate policy of offering amends (e.g., condolences) to those who have been harmed. Responses are not limited to monetary or in-kind offers but determined through meaningful consultation with affected civilians and can include apologies.

EL

EMERGING LEADER

The government acknowledges harm from its military operations, and expresses contrition. It has a consistent approach in place to offer amends and ex-gratia payments directly to those affected, in a manner that meaningfully takes into account civilian needs and preferences. While possible indirect and reverberating forms of harm are mentioned in policies, the government maintains an ad hoc approach to these types of harm.

E

ENGAGED

The government has an ad hoc practice of offering amends for harm. There are gaps in the approach, which may for instance not be based on meaningful consultation with affected civilians or which may apply exclusionary criteria regarding who is eligible for receiving amends, but there is an active process in place to learn and adopt best practices from allies and independent experts. While the government has a history of acknowledging harm, amends are not always provided.

U

UNCOMMITTED

The government has no policy or meaningful record of acknowledging or offering amends for civilian harm. It only selectively expresses regret for harm in general or on an ad hoc basis.

R

REGRESSIVE

The government consistently refuses or fails to acknowledge harm for which it is responsible.

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