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THE NEED TO ACQUIRE ACCURATE CASUALTY RECORDS IN NATO OPERATIONS

John Sloboda

This paper is based on a presentation to the NATO Shadow Conference “Strategies, Options and Solutions for NATO Reform: Towards a New Strategic Concept in 2010” organised by BASIC, ISIS Europe, NATO Watch and Bertelsmann Stiftung on 31 March 2009 in Brussels.

It is trivially easy to discover the current death toll for NATO military personnel in Afghanistan since 2001. Several official and unofficial sources exist. For instance the NGO icasualties.org shows the breakdown by country, and also provides a list of names, continually updated. The list contains date of death, name, rank, age, service branch, cause of death, place of death and hometown. This tally is accurate, complete and uncontested – because it is entirely based on official information, principally from the US Department of Defense.

In contrast, it is virtually impossible to get a clear and uncontested account of Afghan civilian deaths. There is no agreed total and there are no comprehensive or systematic rolls of the dead. What we have instead is a chaotic jumble of incomplete, contradictory and contested data. No organisation has undertaken sustained and consistent data gathering and presentation, and so there is no agreed authoritative record, nor any widely respected body able to authenticate future claims to such authority.

Some partial data has been put into the public domain by a variety of players. These include the International Security Assistance Force (ISAF), the United Nations Mission to Afghanistan (UNAMA), the NGO Human Rights Watch, the press agency Associated Press, and – with unique sustained dedication – the New Hampshire academic Professor Marc Herold, who from day one of the start of US bombing in 2001 has maintained a documentary record of all reports of Afghan civilians killed by US air raids.

However, these partial attempts provide incompatible data which, at current levels of disclosure, are impossible for third parties to verify or reconcile. Looking just at the two most recent years, 2007 and 2008, we can observe a jumble of figures whose cumulative effect is to confuse honest enquiry, and sow deep scepticism regarding the motives and competence of the parties concerned.

Figure 1 overleaf shows some key data for these two years. Only UNAMA provides comprehensive figures for both years, proposing a total civilian death toll for 2007 of 1,523 rising to 2,118 in 2008 (a year on year increase of 39%).¹ ISAF’s figures for 2008 are 1,234 (representing 58% of the UNAMA total).² Meanwhile, Marc Herold provides data in support of a plausible claim that the US alone killed over 800 civilians in 2008.³ ISAF only admits to killing 247 civilians in that year, some 30% of Herold’s total.

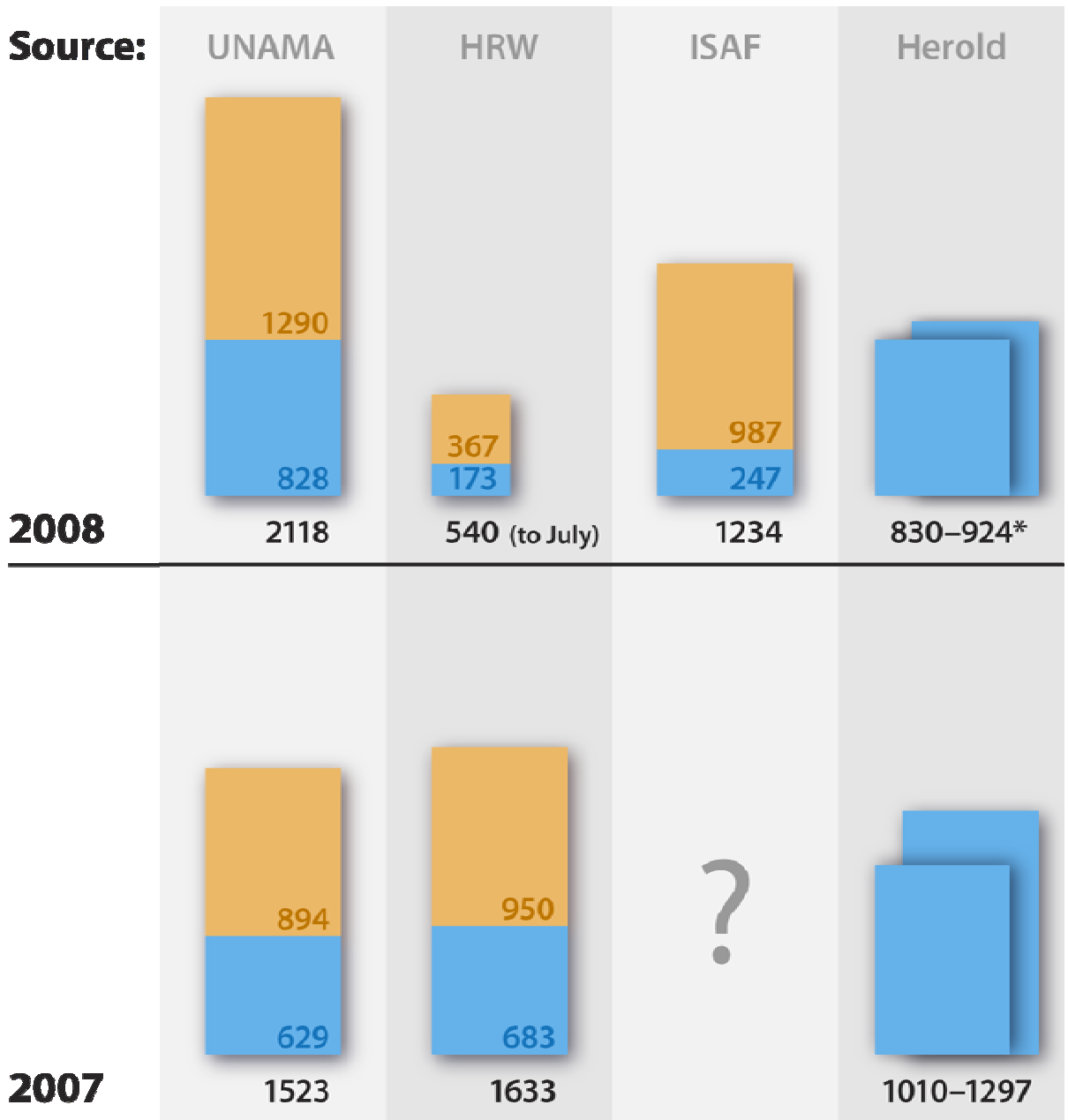
This chaotic situation leads to an environment in which the ordinary citizen comes to believe that no source can be believed or trusted. This sense of general disillusionment is well expressed by an Afghan journalist, interviewed by the *Christian Science Monitor* in July 2008.

Zubair Babakarkhail of Pajhwok, an independent Afghan news service, says Taliban reports enable him to put out stories on time. “It is difficult to reach the spokesperson of the president’s office and the

Dr. John Sloboda is the Executive Director of Oxford Research Group and Director of its Recoding Casualties in Armed Conflict programme.

Ministry of Interior and often when they do return a call it is too late.” Mr. Babakarkhail says he does not feel that the information from the military is any more credible. “The Taliban makes claims, and the other side also makes claims,” he says. “We don’t believe in either.”⁴

Afghan civilians killed 2007–2008 ■ by NATO ■ by others/unknown



* Personal communication

Figure 1. Reported civilian casualties supplied by four sources

There are many reasons why figures produced by different bodies don't match up. These include different start and end dates of compilations, different categories of casualty included in the count, disagreements about the civilian status of victims, different sources of information used (e.g. eye-witnesses, officials) or different political motivations of the data presenters (needing to downplay or exaggerate certain facts), different means of verifying data (means which are often obscure and unpublished). And finally, names of victims and dates and locations of death are not published by the key official sources, so there is no means of resolving differences with reference to such issues as double counting or missing data.

A growing body of expert opinion around the world is now coalescing around the view that the time has come for civilians killed in conflict to be recorded with the same detail and care with which we document our own military losses. There are a range of reasons for doing this.

Some reasons are moral. The acknowledgement and recording of individual death is a fundamental human and humanising impulse. This impulse transcends race, culture or status of the victim.

There are reasons of truth to do this. Truth is required before any reconciliation is possible. That is why we have "truth and reconciliation" processes. Families will never rest until the fact of their loss is incorporated into the public record of their society. Having a definitive and publicly owned list takes the issue of casualties out of the arena of political controversy. It is hard to see how any broad societal acceptance of the past can happen until the truth is made public in the name-by-name fashion that will allow individual verification: "the list contains my dead husband". For the same reasons, accurate and detailed data is crucial for justice and reparation.

There are immediate humanitarian needs that casualty data can assist, in relation to determination of survivor needs and provision.

Military commanders and strategists also need this kind of detailed data for the evaluation and adjustment of their own tactics, and to learn the appropriate lessons for the future. Such data allows an agreed baseline against which to test notions of proportionality. And publicly interrogable data at the level of individuals is the sort of information that can stop the toxic politics of contested casualty numbers.

The effects of having detailed casualty data are not speculative. We can now actually observe their positive effects in conflict. One little-known example of this is the *Bosnian Book of the Dead*.⁵ In 2007, a team of researchers funded by the Norwegian Government created an integrated database with all available information on the 97,207 identified victims of the Bosnian War of 1992-95. It contains names, photographs, official records and media reports, and is open to scrutiny and the submission of new information by any citizen. Before the publication of this database, Bosnian political life was riven with inflammatory sectarian claims and counter-claims regarding the number of people killed. Figures ranging from 50,000 to 300,000 were bandied about, and the main effect of these claims was to fuel hatred and to stoke new conflicts. Since 2007, no politician or demagogue has dared mention any other number than 97,000. The debate on numbers is over, precisely because the number is transparent and verifiable. It is just a by-product of adding up the names. If anyone can prove a name to be missing, such missing data can be added to the database, one by one.

Another important by-product of detailed incident-based casualty recording is the possibility it allows of assessing differential lethality of different weapons and tactics. For example, using data of this sort collected in the Iraq War, colleagues at Iraq Body Count were able to show that aerial bombardment was the form of armed violence which produced the largest proportion of child victims. Small arms fire used in combat situations tended to kill the smallest proportion of non-combatants.⁶

What are the implications of all this for NATO? The world needs progressive alliances of states to recognise the principle that all those killed in conflict, whether military or civilian, need identifying and publicly recording. In order for such work to be as free as possible from corruption and contestation it needs to proceed within agreed international regulatory frameworks that set standards, and levels of accountability. And such work needs resources – trained personnel and data management systems – and access for personnel to data collected and held by states.

The key elements of such a system are that the name of each victim and the date of their death is the minimum recording requirement. The identity of each victim should be made public and not hidden in some technocratic domain. Recording methods must be transparent and replicable. And practical difficulties in completing the work should be no excuse for not starting. It is necessary to do whatever is possible to do, and continue until the task is complete.

Oxford Research Group is not a disinterested party in this: it has declared its interest as lead organisation in an international partnership to develop good practice in this area and promote state commitment to it.⁷ Our partnership already includes such organisations as the International Commission for Missing Persons, the International Centre for Transitional Justice and Human Rights Watch. It also has the support of a growing number of organisations around the world that already undertake casualty recording, as well as specialists in international law and humanitarian action and opinion-formers within civil society.

Our hope and expectation is that NATO will see the logic and political good sense in playing a leading role in such an initiative, sooner rather than later. There are some encouraging signs. Earlier this month the US military ran a training session at Fort Leavenworth on minimising and addressing civilian casualties, at which there was both NATO member-country and NGO participation.⁸ Such initiatives should be supported and built upon. Given NATO's stated aim of protecting civilian lives, serious and objective monitoring of civilian deaths, conducted openly and transparently in all NATO-involved conflicts, is an indispensable component of accounting to the citizens of NATO member countries and the countries in which NATO intervenes.

Notes and References

¹ *Afghanistan: Annual Report on Protection of Civilians in Armed Conflict, 2008*, United Nations Assistance Mission in Afghanistan (January 2009),

<http://www.reliefweb.int/rw/rwb.nsf/db900sid/JBRN-7PCD3P?OpenDocument&rc=3&cc=afg>.

² "NATO says reducing civilian casualties in Afghanistan 'a priority'", *Deutsches Presse Agentur* (18 February 2009), http://www.asiamaior.org/articolo_d.php?id=7449.

³ Marc Herold, University of New Hampshire. Personal communication of 08.03.09 and <http://pubpages.unh.edu/~mwherold/>, <http://pubpages.unh.edu/~mwherold/memorial.htm>.

⁴ Aunohita Mojumdar, "Taliban's war of words undermines Afghanistan's nation building", *Christian Science Monitor* (29 July 2008), <http://www.csmonitor.com/2008/0730/p04s01-wosc.html>.

⁵ http://en.wikipedia.org/wiki/Research_and_Documentation_Center_in_Sarajevo.

⁶ *A Dossier of Civilian Casualties in Iraq 2003-5*. Iraq Body Count (July 2005), <http://www.iraqbodycount.org/analysis/reference/press-releases/12/>.

⁷ Recording Casualties in Armed Conflict, Oxford Research Group, http://www.oxfordresearchgroup.org.uk/work/global_security/casualties.php.

⁸ Post-presentation discussion revealed that NATO's Afghanistan report for 2009 (published 31 March 2009) reports that COMISAF has revised his Tactical Directive on minimising the risk of harming civilians, which now includes practical measures to establish a transparent methodology of civilian casualty recording, http://www.nato.int/cps/en/SID-1207830A-5C4F2DA6/natolive/news_52204.htm. However, public outcomes of this new process are not yet available.