

Why GAO Did This Study

DOD has reported to Congress that civilian casualties are a tragic and unavoidable part of war. Nevertheless, the U.S. military is steadfastly committed to protecting civilians in military operations. As a part of the commitment to continue improving DOD's approach to civilian harm mitigation and response, in August 2022, the department issued an action plan to help improve the approach.

House Report 117-397 includes a provision for GAO to review DOD's processes to identify and evaluate studies on the protection of civilians in U.S. military operations. GAO examined (1) how the action plan captures the studies on civilian harm and the associated recommendations, (2) the status of the action plan's implementation, and (3) the extent to which DOD has addressed any challenges in implementing its action plan.

GAO analyzed DOD and external studies on civilian harm, reviewed reports and briefings on action plan implementation, and interviewed officials from DOD components with knowledge of the development and implementation of the action plan.

What GAO Recommends

GAO recommends that DOD (1) establish performance goals and measures for evaluating the effect of implementing the action plan and (2) conduct an assessment to clarify how the action plan is relevant to nonkinetic activities. DOD did not concur with the first recommendation and partially concurred with the second. GAO continues to believe its recommendations are valid, as discussed in this report.

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CIVILIAN HARM

DOD Should Take Actions to Enhance Its Plan for Mitigation and Response Efforts

What GAO Found

The Department of Defense's (DOD) August 2022 action plan generally captures recommendations from nine studies on civilian harm. Officials from the Office of the Under Secretary of Defense for Policy—the office that led the development of the action plan and is leading its implementation—told GAO that that these studies were fundamental in developing the action plan. While there is no requirement that the action plan incorporate all of the recommendations from these studies, the action plan captures 61 of 68 recommendations from the nine studies. For example, it incorporates recommendations from two studies to develop guidance for addressing civilian harm across the full spectrum of DOD operations. The action plan does not capture seven recommendations, such as five that focused on specific military operations or DOD components.

DOD has begun work on all 11 objectives of the action plan, according to Policy officials, initially focusing on implementing five (see figure). The officials stated that the five objectives are particularly critical in the implementation of the action plan. For example, the Army is leading a DOD-wide workforce study to determine the personnel needs for the implementation of the action plan. That is, the study will assess the need for 166 full-time equivalents across DOD components, as initially set forth in the action plan.

DOD's Initial Focus in Implementing the Civilian Harm Action Plan



Source: GAO analysis of Department of Defense (DOD) information; GAO (icons). | GAO-24-106257

However, DOD has not addressed two key challenges as it has begun to implement the action plan. First, some DOD component officials do not know what constitutes improvement. For example, officials from one component told GAO that they do not know what the end state is for the action plan. Establishing performance goals and measures could help DOD target resources and make adjustments in the remaining years of implementation, currently planned to go through 2025. Second, some DOD component officials are unclear on how the action plan is relevant to nonkinetic activities, such as space and cyber operations. A Policy official stated that figuring out the specifics of how to mitigate and respond to civilian harm in nonkinetic activities was not a priority for DOD, but this will become increasingly important. Without conducting an assessment to clarify how to mitigate and respond to civilian harm for nonkinetic activities, DOD components will not be positioned to implement the action plan for those activities.