Royal United Services Institute
for Defence and Security Studies

Save the Children

Conference Report

Ensuring the Protection of Civilians in Modern Conflict

Amanda Brydon, Denisa Delić and Aniseh Bassiri Tabrizi

Ensuring the Protection of Civilians in Modern Conflict

Amanda Brydon, Denisa Delić and Aniseh Bassiri Tabrizi

RUSI Conference Report, May 2018

Royal United Services Institute
for Defence and Security Studies

187 years of independent thinking on defence and security

The Royal United Services Institute (RUSI) is the world's oldest and the UK's leading defence and security think tank. Its mission is to inform, influence and enhance public debate on a safer and more stable world. RUSI is a research-led institute, producing independent, practical and innovative analysis to address today's complex challenges.

Since its foundation in 1831, RUSI has relied on its members to support its activities. Together with revenue from research, publications and conferences, RUSI has sustained its political independence for more than 187 years.

Save the Children is the world's leading independent organisation for children. We save children's lives, we fight for their rights and we help them fulfil their potential. In everything we do we aim to put the most deprived and marginalised children first. Save the Children operates in around 120 countries, and last year we reached 56.3 million children through our programmes in health, nutrition, education and protection.

Ensuring the Protection of Civilians in Modern Conflict

Executive Summary

MODERN CONFLICT HAS become increasingly complex, with multiple armed actors engaged in protracted settings, and is often fought in populated areas with explosive weapons that have wide-area effects. More and more frequently, civilians are suffering the heaviest toll. The figures are staggering. There are approximately 350 million children – one for every six children on the planet – living in areas affected by conflict.[1] Not only does this have immediate implications for children and their families, the consequences are far reaching – with crises also having a knock-on effect of displacement and instability elsewhere.

In the face of these increasing challenges, Save the Children has partnered with RUSI to address the issues around protecting civilians in conflict. A private roundtable discussion with experts was hosted in September 2017 to analyse the current landscape of civilian protection in modern armed conflict, and to discuss the role that the UK government could play in addressing them.

The two sessions were chaired by Ewan Lawson, Senior Research Fellow at RUSI, and James Denselow, head of conflict and humanitarian policy and advocacy at Save the Children. In addition to participants from RUSI and Save the Children, the discussion included contributions from representatives across the UK government, academia, think tanks and civil society groups. This report reviews the current debate on civilian protection and summarises the major talking points from the workshop.

The report provides an overview of the challenges in protecting civilian populations in conflict settings, including the use of explosive weapons with wide-area effects in populated areas as a key challenge in contemporary conflicts. It takes account of the UK's current approach to civilian protection in conflict and, based on the workshop discussions, sets out the following opportunities and recommendations that the UK government should adopt to reduce civilian harm in today's conflicts:

- Acknowledge that the use of explosive weapons in populated areas (EWIPA) tends to cause severe harm to civilians; avoid their use; take measures to reduce their impact on civilians and civilian infrastructure; and encourage other parties to do the same.
- Publish an updated cross-government protection of civilians strategy that recognises the challenges related to EWIPA and outlines measures to address them.

---

1. Save the Children, 'The War on Children Report: Time to End Grave Violations Against Children in Conflict', 2008.

- Prioritise humanitarian considerations in targeting assessment algorithms and procedures to ensure attacks uphold the principle of proportionality when engaging military targets in populated areas.
- Implement the recommendations from the Report of the Iraq Inquiry (the Chilcot Report), including developing and implementing a cross-government framework to track civilian harm in conflict. This should contain standards and a methodology for recording civilian casualties, and should ensure that lessons learned are recorded and inform future policy and practice.
- Recognise the value of information collected by civil society casualty-recording organisations, set consistent parameters for assessing the credibility of data and investigate frameworks for future collaboration.
- Increase training of UK armed forces on civilian protection in relation to the use of EWIPA, including through the incorporation of urban warfare and civilian protection scenarios in military exercises and war gaming.
- Consistently support robust accountability mechanisms for alleged violations of International Humanitarian Law (IHL) and International Human Rights Law, including grave violations against children, as part of efforts to deter future violations.
- Urge allies to improve engagement and dialogue with humanitarian organisations on issues relating to civilian protection.
- Continue to urge all parties to conflict to adhere to IHL and International Human Rights Law, including respect for the humanitarian principles of neutrality and unhindered access to humanitarian aid.
- Prioritise civilian protection in bilateral and multilateral engagements and promote its strategic benefits with other states through diplomatic and military channels.
- Share effective policies on civilian protection and their strategic benefits, including policies related to the use of EWIPA, with other relevant actors, pursuing longer-term programmes rather than short-term engagements that have limited effectiveness.
- Acknowledge the impact of EWIPA on the achievement of the Sustainable Development Goals (SDG), especially those related to children and civilian protection, specifically: SDG two on ending hunger; SDG three concerned with health; SDG four on safe education; SDG five on women's empowerment; SDG six on water and sanitation; SDG eight on employment; SDG ten on inequality within and between countries; SDG eleven on safer cities; and SDG sixteen on the promotion of peaceful and inclusive societies.
- Increase engagement with and support for UN mechanisms, including the Office of the Special Representative of the Secretary-General for Children and Armed Conflict, the Office for the Coordination of Humanitarian Affairs (OCHA) and the Human Rights Up Front initiative to drive global change on civilian protection.
- Increase bilateral training with allied armed forces on civilian protection in relation to the use of EWIPA, including through incorporating urban warfare and civilian protection scenarios in military exercises and war gaming. Encourage parties to avoid using EWIPA and to take measures to reduce their impact on civilians and civilian infrastructure.

Introduction

For almost 100 years, Save the Children has been supporting and protecting children in war – reaching 56 million children in 120 countries last year. Teams are at the forefront of the humanitarian response in some of the world's deadliest conflicts, involved in activities such as: running health facilities and mobile health teams in Yemen; nutrition centres in northwest Syria; and constructing new classrooms in Iraq for children who have fled Mosul.

On the front line, trends show that the nature of modern warfare is evolving. Through its front line work, Save the Children has witnessed growing attacks on children, and has seen first-hand the impact of conflict on their lives. This can partly be explained by shifts in recent years towards more protracted and complex conflicts, with a greater fragmentation of actors, fluid geopolitical allegiances and a rejection of the supposed international rules-based system. While war has always had a devastating impact on those civilians caught up in the violence, recent conflicts are increasingly fought in urban settings, a key factor explaining the significant increase in the proportion of civilian casualties and infrastructure damage.[2]

Within this context, where civilians and combatants are inextricably present in the same space, the use of explosive weapons with wide-area effects in populated areas has, in particular, been recognised by the International Committee of the Red Cross (ICRC), the UN and its member states, as a key cause of harm to children and their families in conflicts.[3] While not explicitly prohibited under International Humanitarian Law (IHL), the use of explosive weapons with wide-area effects in populated areas has fundamental relevance to the application of key IHL principles to ensure attacks are proportionate to the military objective, that they are discriminate to the military target and that all feasible precautions have been taken to minimise incidental civilian harm. Broad interpretation of these principles within the military standard operational procedures and military doctrine of some states has seen concerningly high numbers of civilian deaths in conflicts where explosive weapons in populated areas (EWIPA) have been used, with research suggesting that in such settings over 90% of the casualties are civilians, half of these being children.[4] The use of EWIPA also damages and destroys vital civilian infrastructure, such as healthcare, education, energy, water and sanitation systems and can also exacerbate challenges for delivering critical humanitarian assistance.[5] The short-term humanitarian consequences of this include poor access to healthcare and education for children and their families, and poses challenges to organisations on the front line in delivering critical humanitarian assistance. There

---

2. Christine Beerli, vice-president of the International Committee of the Red Cross (ICRC), 'Statement to the UN Security Council', New York, May 2017; International Campaign to Ban Landmines – Cluster Munition Coalition (ICBL–CMC), 'Cluster Munition Monitor 2015', August 2015.
3. Beerli, 'Statement to the UN Security Council'.
4. UN Office for the Coordination of Humanitarian Affairs (OCHA), 'Explosive Weapons in Populated Areas', <https://www.unocha.org/legacy/what-we-do/explosive-weapons-populated-areas>, accessed 26 April 2017; ICBL–CMC, 'Cluster Munition Monitor 2015'.
5. ICRC, 'Explosive Weapons in Populated Areas: Humanitarian, Legal, Technical and Military Aspects', February 2015.

are also other longer-term effects. Conflicts leave invisible wounds on communities. Long after warring parties have laid down their arms, civilians and specifically children, face issues related to mental health and psychosocial wellbeing.

Despite the current IHL architecture that aims to limit the impact of armed conflicts on civilians and imposes obligations on those engaged, inadequate compliance and accountability on all sides remains a serious problem. The number of civilians killed or injured by EWIPA in conflicts last year has prompted the UN secretary-general (UNSG) and member states to call for an urgent review of military rules of engagement and civilian protection measures.[6] The UK government, as an influential member of the international community through its membership in military coalitions, holder of key roles in multilateral institutions – including as a permanent member of the UN Security Council (UNSC) – and strong humanitarian aid networks, is faced with both a responsibility and an opportunity to build on past successful civilian protection initiatives and play an important role in addressing contemporary challenges.

Part I: Challenges to Civilian Protection in Modern Conflict

The Changing Nature of Conflict

The roundtable highlighted that the changing nature of conflict has had an impact on the question of civilian protection. The main issues that were identified are outlined below.

Increased Urban Warfare

The rapid global urbanisation seen in recent years, combined with an increasing trend towards warfare in cities, means conflicts are often fought among civilian populations, where city streets and homes become battlefields. An estimated 50 million people are currently suffering the effects of urban warfare,[7] with a consequent significant increase in the proportion of civilian casualties and infrastructure damage.

Conflicts are More Protracted and Complex

Today's conflicts are typically more protracted, with complex political dynamics and fighting over the long term contributing to the collapse of government structures and widening

---

6.   According to Action on Armed Violence (AOAV), the first eleven months of 2017 saw a 42% increase in total civilian deaths in conflicts and an 82% increase in civilians killed by airstrikes compared with the corresponding period in 2016. See AOAV, 'First 11 Months of 2017 Sees 42% Increase in Civilian Deaths from Explosive Weapons Compared to 2016', 8 January 2018; Karen McVeigh, 'Rules of War "Need Urgent Review" as Civilian Deaths Hit Record High', *The Guardian*, 24 November 2017.

7.   The ICRC recognised this issue with a year-long conference cycle on 'War in Cities'. See ICRC, 'War in Cities', <https://www.icrc.org/en/war-in-cities>, accessed 26 April 2018.

extensive gaps in service provision, exacerbating humanitarian crises. The fragmentation and proliferation of armed non-state actors is also a factor in the increasingly complex nature of modern warfare. A recent study by the UN and the World Bank states that there was an average of eight armed groups participating in each civil war in the 1950s.[8] By 2010, the figure had jumped to fourteen. In Syria in 2014, by contrast, the study showed there were more than 1,000 active armed groups.[9] Participants pointed to Syria as a prime example of conflict complexity. Not only has the conflict been ongoing since 2011, it has also been characterised by the high number of actors involved, demonstrating a fluid nature of allegiances on the ground. This has significant impact on the clarity of strategic and operational objectives, which influences the interpretation of proportionality and has far reaching consequential effects on civilians.

Shifts in Military Strategies Including Increased Use of EWIPA

The discussion also touched on changing trends in military engagement, where intervening states are increasingly opting to provide only air and intelligence support, limiting the deployment of soldiers having direct engagement in hostilities on the ground. Domestic politics and public fatigue of prolonged international military engagements were identified as part of the rationale for this trend, particularly the experience of Iraq and Afghanistan, indicating that the presence of foreign troops on the ground can create new conflict with local actors.

Participants noted that in some settings, such as the fight against Daesh (also known as the Islamic State of Iraq and Syria, ISIS), as well as the Saudi-led coalition's tactics in Yemen, there has been an increase in airstrikes that use explosive weapons with wide-area effects as a core means to achieving military objectives.[10] This was raised as a concerning trend for the protection of civilians, as targets in urban areas are often small and require exact precision.

Participants also noted that lacking an adequate presence on the ground has implications for gathering quality intelligence for targeting decisions and conducting appropriate risk and proportionality assessments, in addition to limiting the ability to track civilian harm and accurately record civilian casualties following an attack.

Impact on Civilians

Participants noted that the impact of explosive weapons in crowded urban areas can be particularly complex. While housing, factories, schools and hospitals may provide protection from the damaging effects of explosive weapons, including shrapnel, in some cases, they may

---

8.   UN and World Bank, 'Pathways for Peace: Inclusive Approaches to Preventing Violent Conflict', 2007, <http://pubdocs.worldbank.org/en/739871510314737890/Presentation-Pathways-For-Peace>, accessed 26 April 2018.
9.   Save the Children, 'The War on Children Report', 2008.
10. AOAV, 'First 11 Months of 2017 Sees 42% Increase in Civilian Deaths from Explosive Weapons Compared to 2016'.

amplify these effects in others, due to the channelling and reflection of blast waves and the dispersal of bricks, concrete, glass and other debris.[11]

The long-term medical implications of military operations, particularly damage from toxic stress[12] and its potential impact on children's brain development, were also highlighted as key challenges to protecting civilians in conflict settings.[13]

Crisis in Accountability

Some participants noted that increasingly, both state and armed non-state actors employ tactics that actively violate IHL, deliberately placing civilians in harm's way. That the international rules-based system is consistently undermined and politicised weakens the collective ability to hold perpetrators to account. While there have been some advances to strengthen accountability, including through the creation of six Grave Violations against children and a Monitoring and Reporting Mechanism by the UN Security Council in 2005,[14] violations against children in situations of armed conflict have continued to rise.[15] Tactics of deliberately striking civilians and civilian infrastructure, employed by the Syrian authorities and all parties to the conflict in Yemen, were raised as stark examples of the undermining of IHL in regards to the protection of civilians.

---

11.   Research has found that when explosive weapons were used in populated areas in 2015, 92% of those reported to be harmed were civilians – averaging 30 civilian deaths per day over the course of that year. In addition, analysis of annual figures by AOAV show a 48% rise in civilian deaths and injuries caused by explosive weapons between 2011 and 2016. See AOAV, 'Unacceptable Harm: Monitoring Explosive Violence in 2015', 2016; AOAV, 'Explosive Truths: Monitoring Explosive Violence in 2016', 2017.

12.   Toxic stress is the strong, perpetual engagement of the body's stress management system in the absence of mental health and psychosocial support – the mind and body are constantly in a 'fight or flight' mode without relief. While moderate, short-lived stress responses in the body can promote growth, toxic stress is the most dangerous form of stress response, potentially having severe consequences for long-term physical and mental health in the absence of adequate support.

13.   Research by Save the Children in Iraq found that toxic stress and its impacts may also result in damage to the brain's architecture, prompting impulse control problems and aggressive trigger responses, with children exhibiting violent behaviours in response to stress. See Save the Children, 'An Unbearable Reality: The Impact of War and Displacement on Children's Mental Health in Iraq', 2017.

14.   Office of the Special Representative of the Secretary-General for Children and Armed Conflict, <https://childrenandarmedconflict.un.org/six-grave-violations/>, accessed 24 April 2018.

15.   UN Security Council Press, 'Children's Rights Violations During Armed Conflicts on Rise Despite National Action Plans to End Abuse, Security Council Told in Day-long Debate', 2016 UNSC Meeting Coverage, 2016.

Application of IHL to the Protection of Civilians

IHL sets out rules for actors in armed conflict and, if respected, can provide essential protection for those directly affected by conflict.[16] As such, a number of factors related to the implementation of IHL and the resulting impact on civilian protection were identified and discussed in the roundtable.

Weapons

Participants noted that in recent years, advances in precision-guided weapons, including increased accuracy and smaller explosive yield, as well as trends in reducing the numbers of 'boots on the ground', has meant certain states have come to rely on certain weapons and styles of engagement, including the use of airstrikes, mortars and rockets.

While technology undoubtedly has an important role to play in reducing civilian harm and enhancing the protection of civilians, participants noted that the narrative of precision-guided weapons being a panacea for reducing civilian harm has been criticised by organisations that record casualties.[17] The rationale set out in the discussions was that, in and of itself, increased precision does not necessarily lead to a reduction in harm to civilians. No matter how accurate a weapon is, if the explosive yield is substantial, the corresponding damage to the surrounding area and people within it will remain significant.

The battle against Daesh in Iraq, particularly the devastation to structures in towns and cities such as Mosul, was used as a clear example of how a narrow focus on precision-guided missiles and the benefits of such weapons misses the broader picture – tactics that rely on these weapons can still lead to widespread damage and civilian harm.

In addition, it was noted that the quality of intelligence plays a fundamental part in targeting procedures, which can also be hampered by dynamic attacks that require quick decisions. While intelligence gathering has improved over time, with lessons being transferred across the different theatres in which the UK has been engaged, understanding of what is happening on the ground and the impact of airstrikes remains imperfect. While the identification of knock-on effects may be possible in the case of targets that are determined through intelligence gathering and monitoring over the course of several weeks, it is difficult to account for unintended consequences when the situation on the ground changes rapidly and snap decisions need to be made.

---

16. ICRC, 'Increasing Respect for International Humanitarian Law in Non-International Armed Conflicts', 2008.
17. Bruno Bayley, 'Why Coalition Airstrikes Became So Much Deadlier for Civilians in 2017', *Vice*, 11 January 2018.

Lack of Accountability and Compliance with IHL

The conduct of parties to conflict is undoubtedly affected by their belief in the likelihood of punishment for potential crimes[18] and, as such, accountability can have profound implications for the protection of civilians.

In advocating for compliance with IHL, participants recommended strong evidence-based messaging where narratives are framed around the strategic benefits of increased civilian protection and compliance with IHL.

Regardless of the strategic benefits of protecting civilians, however, IHL obligations remain legal imperatives for parties to a conflict. While states and civil society have been known to point to the derogation of these principles, IHL sets out that these obligations do not depend on reciprocity and that violations by one party do not abrogate the responsibility of states to adhere to their responsibilities.[19]

The means of determining IHL compliance were also discussed, noting the difficulties in assessing whether principles of distinction and proportionality are met after a military offensive takes place.

Lack of Consideration for Humanitarian Implications

IHL requires parties to a conflict to refrain from indiscriminate attacks, take all measures feasible to minimise reasonably foreseeable civilian harm, and ensure that any attack and estimated outcome will be proportional to the corresponding military objectives. All three of these principles require necessary information pertaining to impact on civilians and civilian infrastructure if accurate assessments are to be made to ensure that states are fulfilling their IHL obligations.

The roundtable discussion highlighted that questions exist, however, over what implications of an attack on civilians can be considered as reasonably foreseeable. When certain types of explosive weapons are used, it could be argued that the resulting damage would be reasonably foreseeable. Difficulties arise because the humanitarian implications of conflict are wide-ranging and are potentially several steps removed from the initial military objective in question. For example, a power station may be a legitimate strategic military target in a conflict, where its removal serves to cut the communication capabilities of the opponent. However, when that power station serves a dual purpose – powering nearby hospitals and local water and sanitation facilities – the reverberating effects on access to healthcare and the potential for outbreaks of

---

18.   *UN News*, 'Accountability Key to Protecting Civilians in Conflict, Security Council Told', 7 July 2010.
19.   The obligation to respect IHL does not depend on reciprocity. See ICRC, 'Rule 140. Principle of Reciprocity', <https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule140>, accessed 26 April 2018.

preventable diseases can have severe and long-lasting negative consequences for children and civilian populations more broadly.

Shrinking Humanitarian Space

Participants highlighted that the changing nature of conflict also has an impact on the humanitarian space. It offers challenges and opportunities for protecting civilians in conflict settings. Difficulties working with local actors and the restricted access to conflict zones for international bodies, such as the UN and humanitarian organisations, were highlighted as a key barrier for humanitarian agencies in delivering life-saving assistance to those in need. This presents obstacles to ensuring civilians are protected and perpetrators of IHL violations are held accountable.

Noting the role of NGOs within the humanitarian and conflict space, while recognising the fundamental importance of upholding humanitarian principles, if civilians are to be better protected in conflict settings, it is critical for actors across the UN system and regional political frameworks to be working together as both have fundamental roles to play.

Several participants highlighted that in Syria, Yemen and other ongoing conflicts, humanitarian groups face difficulties not only in relation to non-state actors, but also international actors such as NATO members. Turkey, for example, has restricted the access of humanitarian aid to Kurdish-controlled areas in Syria.

The wider challenges to ensuring the protection of civilians in the humanitarian space were also discussed. The deliberate targeting of humanitarian convoys and medical professionals by belligerents was strongly condemned during the roundtable, as were tactics of besiegement and military encirclement of civilian populations used in Syria, along with the deliberate denial of humanitarian provisions.

In the face of this erosion of respect for IHL, participants noted that delivering humanitarian aid to relieve civilian suffering is difficult to implement.

Part II: The UK's Current Role in Protecting Civilians

The conduct of states is vital for upholding obligations to protect civilians, as per their proactive obligations under IHL. States also have access to key channels of influence over other state actors through which they may communicate the importance of this issue and offer key support in improving measures for civilian protection.

As was recognised in the discussions, the UK is already a leader in this field and has significant global influence. The UK is one of the five permanent members of the UNSC and one of the core states advancing the agenda for the protection of civilians. The UK contributes to peacekeeping operations; while not in the top 25 countries for troop contributions, it sits at sixth place in

terms of financial contributions to the budget of UN Peacekeeping Operations.[20] The UK is also a lead actor in NATO and with strong doctrine stemming from IHL, it has in the past been a leading proponent of civilian protection. It has provided considerable resources in the form of personnel, equipment and funds to assist in clearing unexploded ordnance around the world to minimise its impact on civilians.

In line with these efforts, in December 2011 the UK government published a strategy on the protection of civilians in armed conflict.[21] It sought to recognise the heavy price that civilians pay during armed conflict and highlights how protecting civilians is central to achieving the UK government's goal to prevent, manage and resolve conflict, and improve the effectiveness of the humanitarian system.

While the strategy recognised the UK's key role as a permanent member of the UNSC, committing to use the biannual protection of civilians open debate as a platform for raising key issues,[22] only through the EU[23] has the UK signed on to explicit statements expressing concern about the impact of EWIPA – despite the growing recognition internationally of the devastation EWIPA can have on civilians.

The UK also works to ensure the protection of civilians in conflict through bilateral engagement with states and in military coalition operations. The roundtable discussion highlighted that during the Mosul offensive in Iraq, the UK provided experts to advise on the humanitarian impact of decisions being made by British personnel as part of the international coalition's effort to defeat Daesh. The aim was to reduce the negative impacts of the operations on the civilian population.

The participants also noted that while the UK does track casualties among British citizens and its own servicemen, no standalone team is tasked with measuring civilian casualties in conflicts that the UK is involved in.

As part of its operational procedures, the UK conducts post-battle damage assessments following airstrikes, although these are routinely conducted from the air, often by the strike aircraft, and are primarily for the purpose of assessing whether the military objective has been achieved. These assessments could provide some indication of civilian casualties, although this is unlikely to be accurate given the fleeting nature of coverage. However, the locations of many strikes conducted by the UK could be subject to more detailed and ongoing observation from drones to improve situational awareness ahead of an attack, although it will remain difficult to differentiate between combatants and civilians.

---

20. UN Peacekeeping, 'Troop and Police Contributors (as of 31 March 2018)', <https://peacekeeping. un.org/en/troop-and-police-contributors>, accessed 17 April 2018; UN General Assembly, 'Implementation of General Assembly Resolutions 55/235 and 55/236: Report of the Secretary-General', 28 December 2015, A/70/331/Add. 1.

21. Foreign Office, 'UK Government Strategy on the Protection of Civilians in Armed Conflict', 7 December 2011.

22. *Ibid.*

23. EU Statement, 'United Nations 1st Committee: Thematic Discussion on Conventional Weapons', 2017.

Some participants criticised the UK for being either incapable of determining or unwilling to admit the impact of its activities on civilians in Iraq and Syria, as it claims that its monitoring process has not indicated civilian casualties resulting from specific UK strikes.

Following the workshop, the UK became the 74th country to endorse the Safe Schools Declaration, an inter-governmental political commitment by states to implement the Guidelines for Protecting Children and Universities from Military Use During Armed Conflict, which set out concrete measures to deter the military use of schools.

Part III: Opportunities and Recommendations: Ensuring Improved Outcomes for Civilians

1. Strengthening Civilian Protection at Home – Building Domestic Frameworks

Acknowledgement and Incorporation into Policy

Strengthening policies to protect civilians lies at the heart of the humanitarian agenda.[24] Participants noted that humanitarian outcomes are most constructive when framed in terms of pragmatism, but noted the key role the UK could play in acknowledging the impact of EWIPA. This would build on the global momentum initiated and maintained by the UNSG, the ICRC and more than 78 states in recognising the devastating humanitarian impacts of EWIPA on civilians.[25] As the UK sets its global agenda following Brexit, such an acknowledgement would be key to maintaining its leadership on the agenda for the protection of civilians.

- **The UK should acknowledge that the use of explosive weapons in populated areas (EWIPA) tends to cause severe harm to civilians; avoid their use; take measures to reduce their impact on civilians and civilian infrastructure; and encourage other parties to do the same.**
- **The UK should publish an updated cross-government protection of civilians strategy that recognises the challenges related to EWIPA and outlines measures to address them.**

Targeting

Several participants discussed how technical improvements could mitigate the consequences suffered by civilians of EWIPA, noting that risk assessments should encompass proportionality and ensure all feasible precautions when attacking densely populated areas. A risk assessment

---

24. Victoria Metcalfe, 'Protecting Civilians? The Interaction Between International Military and Humanitarian Actors', Overseas Development Institute, August 2012.
25. International Network on Explosive Weapons, 'Acknowledging the Harm', <http://www.inew.org/acknowledgements>, accessed 24 April 2018.

instrument is needed, one that can bridge the gap between mathematical modelling and on-the-ground reporting, the results of which are often vastly different.

- **The UK should prioritise humanitarian considerations in targeting assessment algorithms and procedures to ensure attacks uphold the principle of proportionality when engaging military targets in populated areas.**

Casualty Tracking and Recording

Civilian casualty-tracking and casualty-recording mechanisms provide an opportunity for conflicting parties to better understand the impact of their operations on the civilian population, and to identify the steps necessary to reduce that impact and strengthen mechanisms for the protection of civilians. The UNSG has also recommended that member states adopt and implement mechanisms to record civilian casualties, as part of an effort to improve human rights monitoring.[26]

Participants talked of how failing to protect civilians could lead to strategic failures extending beyond the battlefield, such as a loss of legitimacy for state security forces or alienation and radicalisation within affected communities.

The wealth of information provided by multiple independent conflict monitoring organisations was lauded as a potential source to aid with accountability. It was suggested that the UK should work directly with civil society partners, such as casualty-recording organisations, to investigate the impact of modern urban conflict on the civilian population, including a review of the Mosul offensive.

Finally, it was emphasised that, in line with the recommendations of the Report of the Iraq Inquiry, a British public inquiry looking into the country's role in the Iraq War, the UK should establish a team across relevant government departments, including the Ministry of Defence, the Department for International Development and the Foreign Office, as well as develop standards and a methodology for tracking and monitoring civilian harm.

- **The UK should implement the recommendations from the Report of the Iraq Inquiry (the Chilcot Report), including developing and implementing a cross-government framework to track civilian harm in conflict. This should contain standards and a methodology for recording civilian casualties, and should ensure that lessons learned are recorded and inform future policy and practice.**
- **The UK should recognise the value of information collected by civil society casualty-recording organisations, set consistent parameters for assessing the credibility of data and investigate frameworks for future collaboration.**

---

26.   UN Security Council, 'Report of the Secretary-General on the Protection of Civilians', 22 November 2013, S/2013/689.

Training

War gaming and modelling were proposed as tools to improve research and training on the social, emotional and cognitive effects of war. In addition, further academic research and workshops engaging in critical analyses of the civilian protection space in response to emerging challenges in contemporary conflict would be useful in identifying gaps and potential solutions. These pathways could be explored both domestically and within multilateral platforms such as NATO.

- **The UK should increase training of UK armed forces on civilian protection in relation to the use of EWIPA, including through the incorporation of urban warfare and civilian protection scenarios in military exercises and war gaming.**

2. Championing Civilian Protection on the International Stage

Champion Accountability Mechanisms

As identified in the discussions, there is currently a crisis of accountability regarding perpetrators of IHL and International Human Rights Law violations, who are able to commit crimes with impunity. While there have been some gains with an International, Impartial and Independent Mechanism on Syria to assist in investigating and prosecuting international crimes committed there[27] and a resolution passed by the UN Human Rights Council in September 2017 to investigate violations of human rights and international law in the Yemen conflict, attempts to undermine institutions, experts and investigations that seek accountability and justice have been observed the world over. There is a key role to be played by the UK in ensuring a renewal of global focus on conflict prevention, using its role in key multilateral institutions to push for accountability initiatives that reduce civilian harm and support an international rules-based system.

- **The UK should consistently support robust accountability mechanisms for alleged violations of International Humanitarian Law (IHL) and International Human Rights Law, including grave violations against children, as part of efforts to deter future violations.**

Strengthen Dialogue with Civil Society

The humanitarian NGO community, both at the international and domestic levels, is a crucial part of the international humanitarian system. In addition to the important roles played by the ICRC and UN institutions such as OCHA, humanitarian organisations have key roles to play, including in the delivery of life-saving humanitarian assistance.

- **The UK should urge allies to improve engagement and dialogue with humanitarian organisations on issues relating to civilian protection.**

---

27.   This mechanism was created in December 2016 by UN General Assembly Resolution 71/248.

Champion Adherence to IHL

The UK has expressed a desire to play a key role in the promotion of IHL in its National Security Strategy and Strategic Defence and Security Review.[28] To this end, multilateral partnerships such as NATO, the Global Coalition Against Daesh and the support for the Saudi-led coalition in Yemen are all strategic channels through which the UK can promote IHL.

- **The UK should continue to urge all parties to conflict to adhere to IHL and International Human Rights Law, including respect for the humanitarian principles of neutrality and unhindered access to humanitarian aid.**

Recognise the Strategic Value of Protection of Civilian Objectives

Participants suggested that the UK could highlight the strategic benefits of civilian protection to its allies, advocating alternative measures to using EWIPA when working to achieve military objectives.

- **The UK should prioritise civilian protection in bilateral and multilateral engagements and promote its strategic benefits with other states through diplomatic and military channels.**
- **The UK should share effective policies on civilian protection and their strategic benefits, including policies related to the use of EWIPA, with other relevant actors, pursuing longer-term programmes rather than short-term engagements that have limited effectiveness.**

Link Civilian Protection to the Sustainable Development Goals

It was also proposed in the discussion that in bilateral and multilateral engagements, the UK should link civilian protection to the Sustainable Development Goals (SDG). As UN member states have agreed to reach these goals by 2030, this closed time-scale serves as a helpful guiding framework to support reform of policy and practice.

- **The UK should acknowledge the impact of EWIPA on the achievement of the Sustainable Development Goals (SDG), especially those related to children and civilian protection, specifically: SDG two on ending hunger; SDG three concerned with health; SDG four on safe education; SDG five on women's empowerment; SDG six on water and sanitation; SDG eight on employment; SDG ten on inequality within and between countries; SDG eleven on safer cities; and SDG sixteen on the promotion of peaceful and inclusive societies.**

Increase Engagement with UN Mechanisms

Participants recommended that the UK increase its engagement with UN entities, such as the Office of the Special Representative of the Secretary-General for Children and Armed Conflict and OCHA, as well as work to strengthen cohesion across the UN's three pillars of peace and security, development

---

28. HM Government, *National Security Strategy and Strategic Defence and Security Review 2015: A Secure and Prosperous United Kingdom*, Cm 9161 (London: The Stationery Office, 2015).

and human rights, such as the UNSG's Human Rights Up Front initiative, to drive global change on civilian protection.

- • **The UK should increase engagement with and support for UN mechanisms, including the Office of the Special Representative of the Secretary-General for Children and Armed Conflict, the Office for the Coordination of Humanitarian Affairs (OCHA) and the Human Rights Up Front initiative to drive global change on civilian protection.**

Training

Practical training of military personnel to better understand the harm of conflict on civilians, including the harm caused by EWIPA, would significantly contribute to reducing the impacts of conflict on civilians.

In highlighting potential UK avenues for diplomatic influence that could expand into training opportunities, one participant cited an example from the early part of the war in Yemen, stating that the UK helped to partially alleviate the naval blockade. The UK has also been part of diplomatic discussions around the implementation of IHL in regards to targeting in Yemen.

Training and capacity-building activities undertaken by the UK through NATO, the EU and bilaterally with partner militaries are key opportunities to support more effective approaches to civilian protection. Participants suggested that more initiatives along these lines be explored.

- • **The UK should increase bilateral training with allied armed forces on civilian protection in relation to the use of EWIPA, including through incorporating urban warfare and civilian protection scenarios in military exercises and war gaming. Encourage parties to avoid using EWIPA and to take measures to reduce their impact on civilians and civilian infrastructure.**

About the Authors

Amanda Brydon is a humanitarian and conflict policy and advocacy adviser at Save the Children UK. She has worked as a policy adviser for Oxfam in Lebanon and previously managed the policy, advocacy and government relations portfolio for Amnesty International New Zealand.

Denisa Delić is a government relations adviser for conflict and humanitarian work at Save the Children UK. Prior to joining Save the Children, Denisa worked in other public affairs roles and worked for an MP in Parliament.

Aniseh Bassiri Tabrizi is a Research Fellow at RUSI and a visiting fellow at the Department of War Studies, King's College London. Her research is concerned with security in the Middle East.