



Wilton Park



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Report

Protecting civilians in conflict: working with partner militaries

Monday 30 October – Wednesday 1 November 2017 | WP1580

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The purpose of this Wilton Park event was to come to a greater common understanding of the elements of doctrine and practice for the protection of civilians; to examine the role that training and capacity building programmes can and should play in improving measures to protect civilians; and to identify the steps towards effective civil-military partnership to protect civilians.

Summary of key points

Policy

- There is no common definition of what protection of civilians (PoC) means. Even within the UN, the Department of Peacekeeping Operations (DPKO) and the Office for the Coordination of Humanitarian Affairs (OCHA) use different definitions, while NATO has yet another. These different definitions have implications for foreign ministries, justice departments, and other government agencies.
- Using the framework established by OCHA, PoC policy should include purpose, scope, and a list of actions required. The purpose of PoC has three elements: moral responsibility, legal responsibility stemming from international humanitarian and human rights law, and the achievement of strategic aims that depend on measures to mitigate civilian harm resulting from a military's own operations. This last dimension needs considerably more work to frame and communicate effectively.
- In elaborating PoC policy there is a balance to be struck between being prescriptive and retaining some degree of flexibility as to what is included. Policy does need to address strategic communication between the military and the population it is protecting, acknowledging when civilian harm occurs. Threat assessment is also critical, recognising that the nature of the threat evolves over time.
- Effective PoC policy requires a whole of government approach involving strong political leadership and measures to assess the effectiveness of policy and to act on lessons learned.

Doctrine

- There are two broad approaches to the development of PoC doctrine. One is to mainstream it into existing doctrine, such as for targeting, and the other is to draw up separate PoC doctrine. Some combination of the two will probably be most effective. Doctrine should borrow and adapt from other existing policies, and precursor documents such as handbooks should be created from which to cascade PoC doctrine.
- PoC doctrine will inevitably differ across nations and multilateral organisations such as the UN and NATO, but it is critical for it to be as widely compatible as possible. PoC doctrine should encompass understanding the risks to the civilian population, protecting

that population, and shaping a protective environment.

- PoC doctrine needs the full buy in of major stakeholders; doctrine writing teams should consequently have a mix of members. It cannot be written only by lawyers as military operators would then resist it. There should be a main author though for writing PoC doctrine rather than having it done by committee.
- PoC doctrine needs to be focused on practical rather than theoretical issues so that it can provide a useable guide for commanders in the field.

Implementation

- Once policy and doctrine are in place, the focus must shift to understanding what needs to be done on the ground for effective implementation.
- Countries and organisations must move beyond statements of compliance with IHL to concretely examining implementation of civilian harm mitigation and protection of civilians from the predatory actions of armed groups.
- Solid tool kits and check lists have substantial value in this regard. For example, forces could be prevented from deploying in UN peacekeeping operations unless they can tick the PoC box as part of their pre-deployment training.
- The “Kigali Principles on the Protection of Civilians” are a non-binding set of pledges to implement certain best practices in peacekeeping that were issued in 2015. The next step could be to create a community of practice, formed around a PoC centre of excellence, on how to implement PoC at a practical level in the field.
- Such an international process could lead to a document that synchronises the way in which countries implement PoC, with principles for best practice containing some elements of universality as well as others that leave flexibility for different forms of national implementation.

Lessons learned

- Evidence-based policymaking requires monitoring the impact on the ground of PoC implementation measures and assessing lessons from that monitoring. Implementation in the field needs to be followed up in a more dynamic, comprehensive way.
- Military leaders can be resistant to in depth assessment and learning of lessons, and there is a lack of work on lessons between campaigns. Leadership education within the military constitutes a key underpinning for effective lessons processes and implementation in the field.
- In coalition military operations, capacity building programmes seldom meet the needs of host country governments and militaries. Many capacity building programmes are carried out with little thought of how they can be integrated into national structures.
- With regard to UN peacekeeping operations, much progress has been made in focusing attention on PoC issues but significant challenges remain. UN peacekeeping troops can struggle to protect themselves in more hostile environments, making it very difficult to implement PoC measures.
- The lack of sufficient forces for UN operations limits accountability; an increase in troop contributing countries could lead to gradual improvement in this regard.
- Clear directives from the UN leadership in New York could improve how forces are generated and equipped, making them more accountable for implementation of PoC objectives.

Background

1. The protection of civilians in conflict zones has become a significant area of policy development and military practice over the past 15-20 years. Violent conflict is increasingly being undertaken in built-up areas, or amongst civilian populations.

Counterinsurgency and stabilisation operations undertaken by national governments or military alliances include a high degree of engagement with the civilian population. The use of explosive weapons in built up areas has led to renewed calls for greater awareness of civilian casualty tracking when targeting belligerent groups. The United Nations (UN), and regional organisations such as the African Union have also developed policies in which military personnel can be deployed under a framework that enables them to protect vulnerable civilians from predatory actions by belligerent groups.

2. It is therefore critical for military organisations to understand the different dimensions of protecting civilians in conflict. Current trends suggest that such considerations are to become a major policy area for future interventions. Over 95% of UN peacekeepers are now deployed under mandates to protect civilians, including protecting children and protecting against conflict-related sexual violence. Moreover, through building on lessons from operations in Iraq, Afghanistan, and Libya, Western militaries have sought to institutionalise concepts of civilian protection in doctrine and policy guidance. This has also been reflected in NATO, where at the Warsaw Summit in July 2016 the organisation agreed on a NATO Policy for the Protection of Civilians.

Definitional aspects of protection of civilians

1. The concept of protecting civilians in conflict is one which is open to multiple interpretations. In understanding these different approaches, it is useful to consider two variables.
2. The first of these is the extent to which militaries are protecting civilians from others, or protecting civilians from the effects of their own operations. At one end of the spectrum will be deployments (particularly those undertaken through the UN), which are primarily charged with protection of civilians from violent actions of belligerent parties to conflict. At the other end of the spectrum is the requirement for militaries undertaking operations to consider and mitigate harm inflicted on civilian populations. Such considerations are particularly essential in offensive operations undertaken against belligerents in urban environments, particularly involving the use of airpower and other delivery of explosive ordinances in built up areas.
3. The second variable concerns the extent to which a militaries or aid organisations are protecting civilians under immediate threat, or protecting civilians from secondary harm. Whereas the former reflects the compelling need for militaries and organisations to act in response to an immediate threat of civilian harm, the latter signifies the medium and long term implications of actions on civilians. Secondary harm can involve, for instance, the destruction of housing, health, sanitation, and energy supplies on civilian wellbeing, and the physical and mental impact of blast injuries on civilian populations.

Policy development

4. National militaries, aid agencies and NGOs that have sought to collaborate in the development of policies focussed on civilian protection. This policy development is based on three levels:
 - the foundation consists of the expected full integration of International Humanitarian Law and International Human Rights Law into military policy, doctrine and practice;
 - the 'basic' level is an effort to ensure that militaries treat civilian harm mitigation as a key aspect of planning and conduct of operations; and
 - at the 'optimal' level, militaries have policies to reduce civilian harm from other actors.
5. Since passing the first resolution on PoC in 1999, the United Nations has developed a suite of policies to assist uniformed and civilian peacekeepers in operationalising the

concept. This is based around a three-pronged approach to PoC:

- developing political process to support protection;
- providing protection from physical violence; and
- establishing a protective environment.

6. From this policy, PoC-specific training has been developed at the pre-deployment stage for UN uniformed peacekeeping personnel, with train the trainers courses as well as specific training support for Troop Contributing Countries. Although peacekeeping operations should ideally be involved in all three aspects of the PoC framework, several high-profile missions have seen peacekeepers engaged predominantly in the physical aspects of establishing a protective environment. This can most clearly be seen in the UN Mission in South Sudan, where civilians have sought protection in UN Bases.
7. In the case of NATO, there is a widespread acknowledgement amongst member states that a need exists to develop an overarching policy to coherently address the protection of civilians in relevant NATO operations, missions and activities. This has been based on two key factors. Firstly, within NATO there is a recognition of the broader shift taking place in military practice towards more civilian protection activities (as seen in the UN). Secondly, NATO policy has developed because of lessons based on operational experience whereby civilian casualty mitigation became a key policy and operational objective. This was the case with regards to the International Security Assistance Force (ISAF) in Afghanistan, where civilian harm as a result of ISAF actions proved detrimental to the overall mission. Therefore, strategies of data gathering of civilian harm, further engagement with civil society and NGO's, increased feedback mechanisms and increased accountability measures were developed.
8. NATO's protection of civilians policy is based on three broad objectives:
 - to ensure that all feasible measures are taken to mitigate harm in NATO's own operations;
 - to contribute to a safe and secure environment in order to protect civilians from conflict-related physical violence or threats of physical violence; and
 - to facilitate access to basic needs by working with local authorities, civil society, host governments and international NGOs.
9. The African Union's (AU) development of civilian harm mitigation policy can be traced back to lessons learned from the negative impacts of Economic Community of West African States Monitoring Group (ECOMOG) military engagement in West Africa during the 1990's. AU policy was developed from these lessons. Rules of Engagement have incorporated an indirect fire policy, and civilian casualties tracking mechanisms have been established. The African Mission in Somalia (AMISOM) deployment has sought to implement these policies in order to minimise civilian harm in its operations.
10. At a national level, militaries are incorporating protection of civilians and civilian harm mitigation. In Afghanistan, policy, guidance and implementation plans have been developed to ensure that civilian harm is mitigated in the conduct of counterinsurgency and counterterrorist operations. Moreover, investigations are launched when reports of civilian harm are received from international organisations such as the United Nations Assistance Mission in Afghanistan (UNAMA) and the International Committee of the Red Cross (ICRC). The Afghan National Army has signed an agreement with the Afghan Human Rights Commission.
11. As well as Afghanistan other countries have undertaken civilian protection measures. The Philippines national army is learning lessons on the importance of civilian protection in a counterinsurgency campaign, in particular the importance of safeguarding human rights when engaging in armed conflict against terrorist organisations. In Ukraine, considerable work has been undertaken on investigation into failures of civilian protection. The Nigerian military has been developing its capabilities

to incorporate civilian protection into policy, doctrine and guidance, and have worked with the Center for Civilians in Conflict to undertake this task. This has provided a valuable African perspective on the development of civilian protection within national militaries.

The challenge of civilian harm mitigation

12. Operational experience has shown that a lack of civilian protection leads to significant challenges. Importantly, such challenges can stem from failures at a tactical level to adequately protect civilians from violence.
13. Militaries that undertake operations resulting in civilian harm run the risk that they lose legitimacy and credibility in the eyes of the local population, as well as creating tensions amongst coalition partners. Consequences of this range from the more benign, such as loss of cooperation from the civilian population in terms of information sharing, to the more hazardous, including sabotage of logistics and an increase in recruitment from the local population to insurgency groups.
14. In turn, these consequences can lead to a cycle of operational escalation from the intervening military, potentially moving interventions further away from establishing stability and exiting. In terms of counterinsurgency campaigns, the loss of civilian support is particularly acute, as insurgent groups often identify opportunity for recruitment of new personnel.
15. With regard to UN peacekeeping operations, a failure to protect civilians from belligerent groups at the tactical level has also led to a loss of credibility and legitimacy amongst the local population. This has led to critical reports on the performance of the UN from within the organisation, and increased debate over the effectiveness of peacekeeping as a vehicle to undertake protection activities. Failures to protect civilians and the associated loss of trust have implications for the broader peacebuilding tasks of a UN operation. With peacebuilding key to the drawdown of the military contribution, a failure to protect civilians can mean a longer operational commitment.

Military considerations

16. Although the implications of a failure to protect civilians are well established, there are challenges in institutionalising protection of civilians' policies in militaries. A main reason for this is that civilian protection is perceived to be at odds with goals of force protection and achievement of mission aims. Moreover, questions concerning measurement of 'protection' and the benchmarking of protection of civilians policies influence how military leadership perceives the activity.
17. In the UN context, these factors have led to well documented challenges in operationalising protection of civilians strategies. As the UN relies on its member states to provide military personnel for missions, it is required to undertake operations with militaries that have varying levels of doctrine, training and understanding of protection issues. Therefore, coherence in troop discipline, responsiveness and survivability are difficult goals to achieve.
18. The UN also faces the challenge of deficiency in capabilities to effectively undertake tasks related to protection of civilians. For instance, just over 12,000 UN troops are deployed in South Sudan, a country roughly the size of France. Because of these limits, UN operations are either characterised by peacekeepers based in centralised hubs, or spread thinly across a wide area. With operations having notable limitations, troop contributors become warier about the conditions that their troops will deploy into. Therefore, it is not uncommon for contributors to deploy with operational 'caveats'. Such caveats can limit the ability of a mission to protect civilians.
19. A challenge exists to ensure military and political leadership understand 'why' civilian protection is essential to the mission, and how policies of civilian harm mitigation and

civilian protection assist in achieving the mission's overall objectives.

Leadership

20. Policy change benefits significantly from buy-in amongst political and military leadership. Ensuring greater understanding of the strategic impact of civilian harm is key, both in the harm that military intervention may generate and in the failure to stop harm by belligerent groups. Clear directives from political and military leadership, based on proper threat assessment can generate better preparedness for troops, better forms of monitoring and increased accountability.
21. The examples of Afghanistan and Nigeria demonstrate that greater awareness and consideration of protection of civilians-related issues leads to interventions that are more tailored to reducing civilian harm. Such activities have benefited from greater legislative support, doctrine, guidance and training to support goals of civilian protection, and greater awareness of accountability and recompense.
22. At the UN level, greater buy-in from political leadership has led to more comprehensive policy, covering both military and civilian approaches to the protection of civilians. Although this has taken some time, the role of the Security Council and key troop contributors in affecting change from the top down demonstrates the potential of strategic political leadership.
23. Leadership at an operational level also has a role to play in fostering greater civilian protection. The increasing demand from policymakers for civilian protection strategies has consequences for resources and personnel. Those responsible for operationalising civilian protection policy will have to consider additional resources, as well as what capacities, skills, and guidance are important. The UN's experience shows that this is not an easy task. Although strategic leadership was a hugely influential aspect in the UN's adoption of protection of civilians policy, those charged with implementation have often had to work with limited capacities that have not necessarily met the expectations set out in Security Council Resolutions.
24. Where possible it can also be valuable to engage on civilian protection issues with non-state armed groups in conflict zones, as some NGOs have indeed done. The Taliban in Afghanistan, for example, have adopted civilian protection objectives. This protection of civilians rhetoric has not translated into operational practice and the Taliban continue to be responsible for the majority of civilian casualties in Afghanistan, but it has nonetheless provided an opening for NGO discussions with the Taliban on PoC issues.
25. It is important to bear in mind that those who provide leadership in military and civilian contexts have developed their professional experience through a period where approaches to civilian protection were prioritised. Therefore a change in leadership culture is important.

Cross-organisational issues

26. Beyond strategic leadership, a number of cross-cutting issues can be identified to improve civilian protection strategies.

Risk analysis

27. Ongoing risk analysis and assessment based on threats to civilians should inform military operations that incorporate civilian protection tasks. Ideally, such risk analysis should be multi-actor orientated, incorporating the views of civilian actors. This includes the potential threat of armed actors in conflict environments, the level of threat that they pose, and the level to which the civilian population is exposed to a risk of violence. Risk analysis should also incorporate understanding of the mandate and capabilities that may characterise the intervention.
28. Nevertheless, developing new forms of risk assessment to cover civilian protection creates challenges. In particular, questions concerning who should conduct such threat assessments, at what time, and how they can be translated into action, are all

important. This shows that developing risk assessments is part of a broader strategy, which will to some degree challenge existing procedures.

Data capture

29. Civilian protection relies on effective evidence-based policy. Therefore, gathering data of civilian harm and civilian protection activities is essential.
30. Gathering data on civilian casualty tracking is an important first step towards legal accountability, as it allows for better investigations when civilians are harmed. Civilian casualty tracking can be cross-referenced with military operations, leading to greater transparency of military campaigns.
31. Examples exist of military organisations establishing such initiatives. The African Union's AMISOM mission has a civilian harm tracking information centre that focuses on cases of civilian harm. It acts as a clearing house for new training and makes recommendations for future planning and conduct.
32. Linking to the points made about risk assessment, data gathering is important in terms of how military forces can use information to improve future operations as well as to inform training and guidance to personnel.
33. However, within data gathering, there are variables which require greater investigation. Greater focus on gender disaggregated data would be beneficial, as would the gathering of data concerning aggregate damage to infrastructure.

Making amends and accountability

34. Militaries have at times been caught in what has been termed as a 'zero defect trap', built on a mistaken belief that weapons systems (and their operators) do not malfunction, or that military operations in civilian settings do not cause substantial civilian harm. The belief that operations and weapons used are failsafe has led to shortcomings in accountability and making amends. This is something that is being increasingly challenged through expanding methods of data capture, including the use of mobile technology and open-source data.
35. Therefore it is essential for militaries to institutionalise culturally appropriate and dignifying forms of assistance to those who have suffered because of military actions. Examples of good practice exist, and have been linked to data capture of civilian harm and civilian harm tracking centres. Such systems are a necessity in order to demonstrate to the host population that intervening militaries are accountable, and that appropriate forms of recompense are offered.

Partnering

36. Partnering with national militaries often brings challenges to the implementation of effective civilian protection initiatives.
37. In the case of international organisations that partner with and assist host nation forces in internal armed conflict, care needs to be taken in understanding local political and conflict dynamics. Key to this is the role of the host government in the conflict, and the relationship between the government and its military. Assisting host nation armed forces may enable a predatory host-nation government to further consolidate power. This could lead to increased belligerence against political opposition and entrenchment of existing political structures.
38. The UN has experienced problematic aspects of partnership with host nations. With host nation consent a key aspect of UN peacekeeping, missions have been deployed with the understanding that the host government was a 'team mate' to the UN. However, missions have seen host governments becoming a major party to armed conflict themselves. This has left missions in a challenging situation, where on the one hand, civilian protection is the priority of UN Missions, but on the other host nation support is essential for efficient functioning of the mission. When the host nation attacks its own civilians, the UN has limited capacity to respond.

39. In both cases, outside militaries and organisations need to try to persuade and exert influence with host nation governments to offer credible commitments towards protecting civilians and mitigating harm. Should the intervening military or organisation have sufficient leverage, conditionality and benchmarking can be inserted into such commitments.
40. Regarding the transfer of knowledge and capacity building in non-conflict settings, institutionalising civilian protection suffers from many of the broader challenges of capacity building projects. These include different buy-in from recipients; a lack of trust of training norms that are driven by outsiders; a lack of understanding shown by outsiders of local norms and customs; and limitations in weapons systems offered through capacity building programmes.

Training and education for PoC

41. The training landscape for protections of civilians is mixed. In the case of the UN, training exists, and is being institutionalised through DPKO mobile training teams, supported by peacekeeping training centres and bilateral initiatives such as the Global Peace Operations Initiative. National governments have also set up training programmes, though there is little uniformity in key areas such as material, instructors (and instructor training), and training methods.
42. There are challenges as well with 'how' training functions in terms of protection of civilians activities. Training programmes can be heavily reliant on classroom based lectures that cover the key aspects of civilian protection. A consequence of this is that personnel who undergo such training have knowledge of the principles of protection of civilians, but little awareness of how such principles work in practice.

Building a framework for the protection of civilians in violent conflict

43. In addressing the challenges outlined above, initiatives should be pursued in policy, doctrine, lessons learning and training.

Policy

44. In reflecting on the development of PoC as a contemporary area of policy development, it is essential that national governments develop a depth of understanding on the topic and a comprehensive suite of policy. Action regarding civilian protection should not happen in a policy vacuum, and it is therefore important that governments assess and operationalise PoC policy, including the issuing of white papers and executive orders. This requires ownership from all stakeholders, including practitioners and policymakers.
45. Policy which guides activities pertaining to protection of civilians should be underpinned on three broad aspects:
 - legal responsibilities, particularly International Humanitarian Law and International Human Rights Law;
 - the strategic importance of protection of civilians (incorporating both civilian harm mitigation, and protection of civilians from belligerent groups); and
 - the moral responsibility of states and organisations to protect civilians from harm in violent conflict.
46. Following on from this, distinct policy areas can be identified that build a comprehensive approach to civilian protection. Firstly, the use of strategic communication is important to explain to different audiences aspects of civilian protection, including what actions it can lead to, ways of managing expectations, and ways in which the mission is accountable for its actions. These audiences are domestic, international, and amongst the local population of the host nation. A second policy area concerns the development of threat assessment, built on a comprehensive range of sources and information pertaining to civilian protection. Third is the importance of building effective approaches to casualty tracking and data gathering, to enhance lessons learned and accountability. Fourth, and looking towards longer-term

protection and peacebuilding, is the importance of gathering data on aggregate damage to infrastructure.

Doctrine

47. In the creation of doctrine specifically designed to deal with protection of civilians, two considerations are worth keeping in mind. Firstly, doctrine should be compatible with existing international legal obligations, with the doctrine of key military alliances, and with the policies of international organisations.
48. It is advisable that the doctrine writing process incorporate different perceptions of how civilian protection is conceptualised and operationalised. This includes research into how protection of civilians policy is understood and operationalised by different services (air, land and sea), in order to develop a suite of practical guidance. It also includes engagement with non-governmental organisations and civilian actors with experience of civilian protection, and how military activities can have positive and negative effects on civilian populations.

Lessons learning process

49. Building comprehensive processes for institutional learning as a result of civilian protection related requirements is a challenge with implications for training and preparedness for future interventions. With this in mind, there is a need to put in place systems able to ensure that lessons from particular activities are captured and then fed back into future doctrine and training. Additionally, incorporating qualitative and quantitative study of local populations and their perceptions of protection will add an important perspective to the gathering of lessons from intervention.
50. It is important that militaries acting as part of the same organisational framework (UN and NATO) are able to share information amongst each other. Whereas particular information will be deemed as classified, open sharing of information about successes, challenges and threats to operational effectiveness will benefit the lessons learning process. This is also true of bilateral initiatives and capacity building.
51. Western militaries seeking to develop capabilities for civilian protection should also look to lessons learned from developing nations who have substantial experience of UN peacekeeping operations. Although NATO member states are extremely proficient in the development of doctrine and training, they do not have as great a level of experience in civilian protection as countries who have contributed to UN missions.

Training

52. There is a requirement for greater depth in understanding of civilian protection issues, as well as of the methods with which they are taught. This is important at different levels. At the strategic level, leadership education would cover broader concepts of operationalising protection of civilian policy, guidance and doctrine. At operational and tactical levels, training would sensitise personnel to the intricacies of protection of civilians activities.
53. The subject areas of training programmes for civilian protection would be based on policy and doctrine reflecting the specific national goals, military capability and culture. Context specificity is also important, with future training programmes ideally reflecting contemporary challenges and trends pertaining to civilian protection as well as the particular operating environment into which the mission is deploying.
54. A significant gap exists though in the development of context-specific simulations and role playing as training methods. Such methods create controlled environments in which personnel can engage in issues ranging from undertaking threat assessments, to implementation of PoC directed actions, and through to assessments of the after-effects of actions that result in civilian harm.

Towards the future: National action plans and a centre of excellence?

In developing sustainable processes for institutionalising civilian protection into national

militaries, it is worth exploring three interlinked avenues.

Firstly, the establishment of a network of experts and practitioners on civilian protection would be of great benefit. Such a community of practice will allow information sharing on a range of civilian protection-related matters. Moreover, as the community of practice grows, greater opportunities will emerge to carry out and exploit new research in the field and to incorporate new perspectives on the topic.

Secondly, the creation of a Civilian Protection Centre of Excellence (CoE) under NATO, UN, or nation state auspices could greatly benefit further institutionalisation of civilian protection. A CoE could act as a clearing house whereby actors engaged in civilian protection matters, including NGOs, civil society, policymakers, officials, military and police, can engage in the development of different aspects of civilian protection. Such a centre of excellence can investigate issues of:

- Doctrine and guidance
- Best practice in training and education
- Challenges of implementation in the field
- Models of risk analysis
- Accountability, transparency and evaluation mechanisms
- Recompense when civilians are harmed

The third way in which civilian protection can be institutionalised in the future is through creating a formalised process in which states commit at a strategic level to implementing a range of policies pertaining to civilian protection. Under such a process, governments will be encouraged to sign up to a set of principles, and develop national action plans in which to institutionalise civilian protection strategies in government ministries. Precedent for such activities exist, including the Convention on Cluster Munitions, the process of implementing national action plans with regard to UN Security Council Resolution 1325 on women, peace and security, and the Kigali Principles, which focus specifically on civilian protection in UN missions and has been signed by numerous peacekeeping contributors.

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