

16. Key factors: Causing or mitigating harm

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Having considered in previous chapters both those who do harm (the perpetrators) and those who are harmed and in what way (the victims), we now turn to the final element of any civilian harm event: key factors that either contribute to causing or mitigating harm. Armed actors – be they part of state armed forces, non-state armed groups or otherwise involved in hostilities – make a range of decisions during the course of conflict that affect the eventual impact of their actions on civilians. Those decisions and other external factors, such as weaponry and target choices, the area and method of operations, can either exacerbate or mitigate harm to civilians. The objective of this chapter is to study these key factors and identify both concerns and opportunities with regard to civilian harm reduction.

We start by looking at the international framework currently in place to provide protection to civilians. This is necessary because despite the existence of this framework, which consists of international law and generally accepted norms, civilians continue to be harmed in large numbers. While scholars debate about the exact civilian-to-combatant casualty ratio in contemporary conflict, they are in general agreement that the civilian casualty numbers are high and do not appear to be decreasing. Estimates vary, but civilians represent at least half of total casualties (Beadle, 2011; Roberts, 2010; Eckhardt, 1989). Not to mention that such figures generally do not take long-term and reverberating harm into account. In this chapter, we look at the factors that affect these numbers. How do tactics, actions and decisions made during conflict affect them? And what opportunities are there to halt this trend of increasing civilian harm?

To answer these questions, we first briefly turn to the protection offered to civilians by international law and by treaties regulating the use of specific weapons. Subsequently, we discuss a range of factors in modern-day warfare that we see as being of great impact to either contributing to or mitigating civilian harm: weapon and target selection, urban and remote forms of warfare, and the importance of taking into account reverberating effects of armed action. In the final section, we broach the subject of opportunities for civilian harm mitigation by focusing on an example of a positive trend: the implementation of civilian harm tracking, investigation and response efforts by a number of (state) actors. The stronger focus on civilian harm mitigation sets this chapter somewhat apart from the others. Building on insights from 'Cases of civilian harm' (Part I), this chapter seeks in particular to spark debate and further the development of new models and standards of harm prevention and mitigation in situations of violent conflict.

16.1 The international framework to protect civilians

An elaborate set of international laws, rules and norms exists to regulate the use of armed violence and to offer some protection to civilians from harm. Here, we briefly turn to two elements of this framework: international law and treaties that limit the use of specific weapons. These demonstrate elements of the basis of protection that, in theory, should be offered to civilians in situations of armed violence. This is not to say that more cannot be done to further reduce harm to civilians than what is prescribed by these laws and norms. We turn to such opportunities in section 16.3 on civilian harm mitigation by security actors.

Protection through international law

Of particular importance when discussing civilian harm is International Humanitarian Law (IHL), which has the objective to regulate the behaviour and decisions of belligerents in situations of armed conflict. Its overarching principles are humanity and military necessity, between which it seeks to strike a balance: IHL recognises that conflict will always result in some degree of harm and destruction, but maintains that belligerents should limit their activities to only those measures necessary to accomplish a legitimate military objective, while avoiding to inflict unnecessary harm and suffering on, amongst others, civilians. It lays down four further operational principles to guide military conduct: the principles of distinction, proportionality, the necessity to take precautions, and the prohibition of causing unnecessary suffering and superfluous injury. The principle of distinction is particularly important in relation to civilian harm. It stipulates the key and fundamental obligation to distinguish, at all times, between civilians and combatants (and fighters) and between civilian objects and military objectives, and sets forth the general prohibition not to target anything but combatants (and fighters) and military objectives (International Committee of the Red Cross [ICRC], n.d.). While IHL allows for some level of civilian harm to occur during conflict – what is commonly known as 'collateral damage' – it offers protection to civilians in that it prohibits indiscriminate attacks on civilians and the civilian population and the use of indiscriminate means and methods of war. It also protects objects that are vital for civilians' survival, such as medical facilities, or works and installations containing dangerous forces, such as dams, dykes and nuclear power stations.

Besides IHL, International Human Rights Law (IHRL) to some extent governs the conduct of parties to a conflict as well, placing constraints on their behaviour or inferring certain obligations. Many of these obligations overlap or reinforce duties that also exist in IHL, strengthening those standards of moral and legal behaviour in armed conflict. Generally speaking, human rights are not suspended during violent conflict. Although they may sometimes be 'overridden' by more specific IHL rules in particular situations, the systems of IHL and IHRL are complementary (ICRC, n.d.; UN Human Rights Committee, 2004). An example of an obligation on belligerents under IHRL, reinforcing IHL obligations, is that they may not hinder civilians in their exercise of food-related economic activities, may not destroy crops, nor hamper the delivery of humanitarian food assistance because of people's right to adequate food. This also has a bearing on the preservation of transportation infrastructure and water and power systems, which are essential to food and health (Oberleitner, 2015).

In various wars, we see growing acceptance of the targeting of civilian structures like hospitals and schools, and a weakening of adherence to the IHL norms of distinction, proportionality and necessity (Hopkins, 2017; Ghantous, 2018; Shugerman, 2018; Moyer et al., 2019). A number of the events included in 'Cases of civilian harm' are testament to this disconcerting trend. In Yemen, the Saudi-led military coalition lay siege to the port city of Hodeidah, barring the import of food and other basic necessities into the city, as well as subjecting the Yemeni population to airstrikes, with analysts suspecting the deliberate targeting of markets and agricultural fields to further limit access to food (chapter 1). Such tactics have indiscriminate effects and inflict harm to large segments of society.

Another telling example is perpetrators' deliberate manipulation of water access. In the Syrian conflict this was done most notably by the Syrian Arab Army (SAA) and the Islamic State of Iraq and Syria (ISIS): Both perpetrators leveraged control over water to their strategic advantage, seemingly not caring that impeded access to water indiscriminately harms civilians (chapter 12). In Gaza, the Israeli Defence Forces (IDF) bombed power stations and wastewater service systems, which effectively cut off hundreds of thousands of civilians from clean drinking water, which in turn contributed to the outbreak of water-related diseases (chapter 4).

Protection through weapon restrictions

Another function of the international framework seeking to offer protection to civilians is to limit, or altogether prohibit, the use of certain weapons, for instance through specific treaties. Weapons of mass destruction (WMD) are a case in point. Their use will always lead to indiscriminate damage and to damages that are considered excessive in relation to an anticipated military advantage. This has led to a number of widely supported and upheld international treaties and conventions that seek to limit or prohibit the development, proliferation, stockpiling or use of these weapons (see Arms Control Association, n.d.). Most states regard the use of these weapons as unacceptable from a legal as well as a moral point of departure, and for that reason do not pursue their development and stockpiling. Currently, the norm against the use of such weapons is considered very strong, and biological weapons in particular are considered by many as *mala in se* – evil in themselves.

The strength of these international treaties and norms is not a given though, evident in the support for the prohibition on the use of chemical weapons (and of the use of chemicals as weapons), which has received a number of worrying blows in the past decade. This raises concerns about the future confidence states have in the potential universal adherence to the Chemical Weapons Convention (CWC). A particularly painful episode was the use of chemical weapons by the SAA against its own civilians in Khan Sheikhoun in 2017, killing approximately 90 civilians through asphyxiation and injuring many more (chapter 5). Despite acceding to the CWC after enormous international pressure, Syria continued to use chemical warfare against civilians. The absence of a robust mechanism for early enforcement in case a state violates the provisions of the treaty meant that Syria could do so largely unpunished. The immediate concern here is that the Syrian government concludes from this episode that it can continue to target civilians using chemical weapons. Beyond that, the concern is that other potential perpetrators draw similar conclusions and reconsider their own willingness to adhere to the norm of non-use.

Specific treaties also prohibit or restrict the use of a number of conventional weapons, such as the treaty banning anti-personnel landmines and the treaty prohibiting the use of certain types of cluster munitions (Geneva International Centre for Demining, n.d.). With good reason: Explosive remnants of war left by armed actors in Cambodia during conflicts in the 1960s and 1970s continue to

pose a threat to civilians to this day, for instance when children play with pieces of what they think is only harmless scrap metal, or when people work fields that have not been properly decontaminated of explosives (chapter 6). Nonetheless, we continue to see the use of these weapons by actors like ISIS in present-day conflicts, contributing to further cycles of long-term harm.

The development of treaties is ongoing, with technological advances in weapons raising ever new questions about the permissibility of certain weapons. Civil society and sympathetic states currently push for a number of additional treaties or – at minimum – political declarations to ban or regulate the use of several weapon systems, notably autonomous weapons and the use of explosive weapons with wide-area effects in populated areas (Chavannes et al., 2020; Humanity & Inclusion, 2020). All these efforts make reference to the effects of these weapons on civilians, and are valuable examples of norms and rules designed to limit the harm that armed violence can cause civilians. Yet, as we see from the above, civilians continue to be harmed in large numbers despite the existence of a normative framework. Laws and norms are only as strong as the will to comply with them and the will to enforce them. This ever-changing landscape of laws and norms has to adjust to new trends in warfare. That is why it is important to go beyond the basis of this normative framework, to discuss key factors in contemporary conflict that contribute to the occurrence or mitigation of civilian harm, whether it concerns actions within or outside the current scope of IHL and international treaties. We see a number of key factors that influence the effects of armed action on civilians that need to be taken into account to at least partially understand the high levels of civilian harm we see in many of today's situations of violent conflict.

16.2 Key factors contributing to causing or mitigating harm

Interpretations of the law and of the normative framework are not static. In most instances of violent conflict, civilian harm will be a reality. Even when armed actors in a conflict adhere to the rules set by international law and their own codes of conduct, civilians are likely injured, killed and traumatised, property damaged, and livelihoods destroyed. The outcome of an actor's use of violence can vary considerably, depending on a range of factors, not least on the decisions made

by armed actors when planning and conducting hostilities.¹ We discuss some of these factors and decisions in this section, making note also of some current trends that we consider pertinent causes for concern in relation to civilian harm. More can be said on this topic, but we have limited ourselves to discussing types of decisions with the most impact on civilians and what we consider some of the most pertinent trends of contemporary conflict.

Weapons and targets

When armed actors follow international law, they select their targets according to the principle of distinction, respecting the protected status of civilians and civilian objects under international law, while striving to minimise collateral damage. They then choose their weapons to strike their intended target in accordance with these principles. Decisions are made with regard to the size and type of the weapon, the warhead, fuse setting, and the number of weapons to be employed. This 'weaponising' is a fundamental element in military planning, and greatly influences the extent of the ensuing civilian harm. The size of a bomb will determine its area of effect, while its type of warhead and fuse will affect its level of focus and determine at which moment during the strike the device will explode (upon impact, in the air, delayed). Other factors influencing the impact of a weapon are its accuracy, time of day, the weather, the type of construction of a building identified as target, and so on. All of these must be taken into account in the target selection and in the weaponising phase.

The effect of a chosen weapon on local civilians is influenced further by *how* a weapon is used. Even a precision weapon is likely to cause civilian harm when the target has not been properly identified. In fact, target mischaracterisation is one of the leading causes of civilian deaths in airstrikes (Lewis, 2020). The airstrike by the International Coalition against ISIS on a building in Al Mansoura, Syria, in March 2017 is a case in point (chapter 9). The Coalition targeted a former school building, mistakenly identifying it as an ISIS stronghold. In reality, the building offered shelter to numerous families of internally displaced persons (IDPs). At least 40 civilians died in the attack, with estimates running as high as 200 (Airwars, 2017).

¹ Please note that other aspects related to perpetrator behaviour, such as their intentions or capabilities to inflict harm are included in chapter 15, 'Perpetrators: Types, intentions, responsibility'.

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The Al Mansoura strike was carried out by a military trying to act in accordance with international law – a state of the art military force seeking to minimise harm to civilians from its actions. The propensity to inflict harm through selection of weapons and targets is more obvious with those perpetrators who are less inclined to abide by international law or norms. Some perpetrators opt to use a weapon or select a target precisely because of the widespread harm it will cause civilians, for instance as a means to punish perceived opponents or to instil fear in civilians. We see the former in the Syrian conflict, where the SAA employed chemical weapons against its own civilians in Khan Sheikhoun in 2017, then part of opposition-held territory (chapter 5). The reality is that many perpetrators deliberately use unconventional means as weapons and unconventional objects as targets. One such example is the use of sexual violence as a weapon of war, for instance by ISIS against the Yazidis in Sinjar (chapter 8), by Myanmar's national forces against the Rohingya minority (chapter 13), and by the Sudan People's Liberation Army and allied militias in South Sudan against Nuer females (chapter 3). Another example is ISIS' use of scorched earth tactics in Qayyarah, Iraq, where it set oil wells and refineries on fire to destroy land, infrastructure, and resources (chapter 2).

Locations

Beyond the question of who to target and what weapons to use, a key contributing factor to causing or mitigating harm is where operations are conducted. Flowing from the principle of distinction discussed before, armed actors can often mitigate harm by choosing to conduct operations out of the vicinity of civilians. But this is not always possible – and not always the best choice. In Juba, South Sudan, civilians were protected passively through the establishment of Protection of Civilians sites (chapter 3). However, the peacekeepers were unable to stop harm from armed groups showing predatory behaviour towards civilians taking place outside of these sites. In this case, mitigation of harm would have only been possible if the UN troops would have actively protected civilians either by positioning themselves between perpetrators and civilians or by targeting perpetrators with the use of violence.

Avoiding armed operations in the vicinity of populations is not always possible, particularly in a rapidly urbanising world. In 2015, as many as 50 million people in cities were estimated to be living through armed conflict (ICRC & Interaction, 2017). People in cities are generally more vulnerable to the effects of violent conflict because of population density, their dependency on complex and interconnected

infrastructure, and because of the proximity of civilian objects to military targets (ICRC & Interaction, 2017; Holewinski et al., 2020).² Furthermore, the distinction between combatants and civilians can be less clear in urban settings, as they live close together and often use the same infrastructure. This entangling of military and civilian lives, as well as the 'dual use' of infrastructure and objects, makes selective targeting of only military objects and persons extremely complex. International law has a hard time catching up to this new urbanised reality and clear guidance for such situations is currently lacking (Gisel, 2016). This already complex reality is at times exacerbated by actors who deliberately hide among a civilian population, using them as 'human shields' against attacks by adversaries (ICRC & Interaction, 2017). Taliban, ISIS, Hezbollah and other armed actors discussed in this book have all been accused in recent years of using this tactic (see, for instance, Dunlap, 2014), but it should be noted that some of the tactics used by state armed forces can further blur the lines between what is a legitimate military target and what not – for example the use of local informants by Coalition forces in the campaigns against ISIS in Iraq and Syria.

A particular factor of concern in urban warfare is the increase of so-called 'remote warfare' (McKay et al., 2021). Development of new technology allows modern armed forces to conduct operations from great a distance, including air-only campaigns that heavily feature the use of long-distance rockets and missiles, autonomous weapon systems (AWS), drones, intelligence gathering through third parties, and proxy war fighters (including private paramilitary corporations) instead of militaries putting their own 'boots on the ground' (Holewinski et al., 2020). The armed forces face fewer casualties, and remote methods can in some scenarios limit the exposure of a civilian population to violence and – when compared to a protracted ground campaign – save lives. In many other scenarios though, the risks to civilians are significant. Remote technology such as AWS, with the capability to select targets without human intervention, are subject to debate about the minimum level of meaningful human control required to ensure accountability and responsibility, since a judgement on proportionality, distinction, and military necessity cannot be fully transferred to a robotic brain (ICRC, 2016; Boulanin et al., 2020).

2 See also chapter 14, 'Victims: The human cost of violence', where we discuss the impact of urban warfare on civilians, focusing specifically on potential cascading negative effects of damage to complex and interconnected service systems.

Reliance on proxy actors and privateers can contribute to civilian harm if these proxies lack awareness about the importance of protecting civilians, mitigation and prevention of harm. Or, if they lack commitment to adhere to international law, or lack capacity to do proper intelligence gathering about the potential effects of their actions on civilians. All this can exacerbate risks to civilians in situations of remote warfare (Holewinski et al., 2020). We clearly see this in Syria in 2017, when the International Coalition against ISIS carried out an airstrike on a building sheltering IDPs, based on faulty intelligence that presumed the building was an ISIS stronghold (chapter 9). Needless to say, remote warfare is only 'remote' from the perspective of those controlling machinery or supporting proxy troops from a remote location; there is nothing remote about the harm inflicted on those living in conflict areas.

These concerns about the use of remote means of warfare and proxy warfare all centre on the question of to what extent armed actors are able – and willing – to fully understand the effects of their actions in a battle sphere. While drones can make it easier to collect data on patterns of life before a strike and may allow armed actors to assess the damages from their actions after a strike, it is in the ever more prevalent setting of urban warfare that many experts raise concerns about reliance on remote methods. Organisations like CIVIC and Airwars have raised concern about the inability of militaries to verify civilian harm from an attack by relying solely on air-only, military sources (see, for instance, Mahanty et al, 2020; Woods, 2016). For Operation Inherent Resolve (OIR) specifically, the discrepancy between the number of civilian casualties reported by the Coalition and by independent researchers is highly worrying in that regard (Khan & Gopal, 2017; Boer et al., 2020).

Beyond concerns about the visibility of direct harm (deaths, injuries and damages to structures), urban warfare crucially comes with concern about indirect and reverberating effects that may not be immediately visible. For instance, because of the interconnectedness of infrastructures – including their personnel, hardware, and consumables – attacks on infrastructure may cause ripple effects over a longer period of time. When the IDF bombed a power station in Gaza in 2014, this in turn led to the shutdown of several wastewater service systems, cutting many civilians off from clean drinking water (chapter 4). This particular case shows how damage to one link in a system can cause effects that extend across the system, ultimately affecting many civilians. Without a field presence it becomes nearly impossible to

investigate and report on how operations affect civilians and critical infrastructure in the long term, taking into account reverberating effects on health, the economy, and societal cohesion as well (Holewinski et al., 2020). Unfortunately, military attention for reverberating effects remains rather limited, despite a growing body of research seeking to map such effects and an increasing number of calls to address them (Holewinski et al., 2020).

The use of EWIPA

Reverberating effects are of particular concern in relation to explosive weapons with wide-area effects – brought about by their blast radius, inaccurate delivery systems, and/or firing in salvos – in populated areas (see Boer et al., 2020; ICRC & UN Secretary-General, 2019). Here, it is the combination of the *type* of weapon and its use in a particular *location* that leads to often disastrous consequences for civilians. A pertinent example is the frequent use of explosive weapons in populated areas (EWIPA) by multiple armed actors in eastern Ukraine. In 2015, the use of EWIPA in the vicinity of a hospital – a protected object under IHL – meant that indirect fire damaged various hospital departments and ambulances, putting them out of working order (chapter 7). Consequently, the conflict negatively impacted overall quality, availability of, and access to health care for civilians, because, among other things, there were fewer ambulances available, and no power to provide light during surgery because of damages.

EWIPA is increasingly being recognised as a central cause of civilian harm in conflict, both by immediate weapon effects and by follow-on reverberating effects. While the use of EWIPA is not expressly banned in conflict, there is a growing movement seeking to restrict this method of warfare by way of a political declaration, a process led by Ireland (Humanity & Inclusion, 2020). Organisations and institutions like the International Committee of the Red Cross (ICRC) and the UN Secretary-General too have called for the avoidance of EWIPA (ICRC & UN Secretary-General, 2019). Unfortunately, because the study of reverberating effects is a fairly recent phenomenon for militaries, they are not currently part of most military collateral damage assessments. As we have seen, the use of EWIPA has numerous clear, long-term effects. It is critical that militaries do a better job of understanding how bombing destroys more than just the target, but is likely to impact the civilian population for years to come.

16.3 Responding to civilian harm

Despite various causes for concern, some states and their armed forces have actively sought to mitigate harm from their actions on civilians; an example of a positive trend in contemporary warfare. Harm mitigation efforts can include specific training, the use of new technological tools and data for protection, more attention for harm mitigation in the previously discussed 'weaponizing', and so on. It is carried out by a variety of actors, both state and non-state. Here, we limit our discussion to civilian harm mitigation (CHM) efforts by military actors, discussing initiatives to track, investigate, learn from and respond to civilian harm from own action.

CHM: tracking and investigation

In recent years, some state armed forces, Western militaries in particular, have demonstrated more attention for CHM. This can include measures to avoid, mitigate, minimise and respond to civilian harm from own action, and often goes beyond the (narrow) protection standards set by IHL. Where IHL allows for some level of lawful civilian harm – commonly known as collateral damage – some militaries have displayed willingness to further reduce the negative impact of military operations on civilians, even when it concerns lawful actions. Part of the CHM cycle is the tracking and investigation of civilian harm, which is 'an internal process by which a particular coalition, military, stabilization, or peacekeeping operation gathers data on civilian harm caused by its operations and then uses that data to improve operations' (Keenan, 2013, p. 2). The important element here is that security actors collect data on the impact of their actions with the explicit intent to learn from them and, where necessary, adapt their practices in future operations if that is expected to prevent or minimise civilian harm (Bijl & Van der Zeijden, 2020).

Civilian harm tracking and investigation is a relatively new phenomenon, systematically conducted for the first time by the NATO International Security Assistance Force (ISAF) in Afghanistan (Keene, 2014). ISAF soon realised that civilian harm caused by its operations, combined with a lack of response or acknowledgement of the harm done, undermined the credibility and legitimacy of ISAF troops in the eyes of the Afghan population (Kolenda et al., 2016). It then first implemented a Civilian Casualty Tracking Cell and later a Civilian Casualty Mitigation Team (CCMT) to track the impact of its actions on civilians, identify patterns, and

adapt unnecessarily harmful practices to limit harm in future operations (Keene, 2014). A very practical example concerns the decision to limit the number of night raids by ISAF troops once the CCMT found that a disproportionate number of civilians got killed and injured during these raids as opposed to similar operations conducted during daytime (Keenan, 2013).

The initial success of CHM in the Afghan context has led to the replication of such best practices in other contexts, for instance in the African Union Mission in Somalia (AMISOM), which implemented a Civilian Casualty Tracking, Analysis and Response Cell in 2015 to track, mitigate and respond to civilian harm, and in the explicit inclusion of CHM efforts in the mandate of the United Nations Organisation Stabilisation Mission in the Democratic Republic of the Congo (MONUSCO) (Rupesinghe, 2019; Spink, 2016).

However, such efforts are undertaken by only a small number of, primarily, state actors. A lot of work needs to be done to make CHM the norm and to embed it as standard practice for all security operations. To effectively enhance civilian protection, CHM has to be integrated in military practice at all stages, from planning to operations, and among a variety of actors. Many military institutions still appear less than willing to track and investigate the effects of their operations on civilians and adjust their methods, particularly when it concerns EWIPA (Boer et al., 2020). In OIR for example, there was 'copious recent evidence from [Coalition operations in] Mosul that a combination of saturation strikes and high population density had led to significant civilian casualties', yet despite this knowledge 'the Coalition appears not to have significantly modified its tactics during [its] second major assault on a city', in this case Raqqa, leading to many casualties and widespread destruction in this city too (Boer et al., 2020, p. 25). This demonstrates a lack of learning from past operations. Perhaps even more challenging is to achieve such a strong norm around CHM to make it an operating procedure that is also used by non-state actors.

CHM: reporting and amends

An additional concern is that many actors still appear less than willing to be transparent about the harm they cause. Again, taking OIR as an example, many Coalition members used the coalition structure as a way to obscure individual responsibility for specific attacks. While in some situations it was clear that the Coalition had caused civilian harm, it remained unknown which member

specifically was responsible, thereby making it difficult for civilians to hold military actors accountable (Shiel, 2019). Other ways in which militaries seek to justify lack of transparency are arguments of national and personnel security, strategic choices to conceal information from the opponents, absence of transparency by others (the reciprocity argument), and by referring to the responsibility of the host state. Lack of transparency by Coalition members in OIR specifically makes it questionable to what extent the lessons learned in Afghanistan have been carried over to other contexts.

This is worrying because CHM also enables perpetrators to properly respond to the harm they have caused, for instance through making amends, another element in the CHM cycle. In recent years, this practice has gained traction as some militaries have recognised the value of providing support to civilian populations beyond their legal requirements. Armed actors can use amends to offer appropriate care to civilians incidentally harmed during military operations, for instance through acknowledgement, (public) apology, economic assistance, or other culturally appropriate aid (Muhammedally, 2015). Amends are a way to support the community, allow for healing, and to provide for those that have been harmed through military operations. While amends have strong *moral* value, military actors have also come to appreciate it for its *strategic* benefits. There is growing awareness that civilian harm has numerous negative consequences. Christopher D. Kolenda, a retired US Colonel, for instance stated:

Reflecting on the years I have been involved in Afghanistan [...], I am struck by the strategic penalties the United States paid for civilian harm. It was a key factor in the growth and sustainability of the Taliban, it sorely damaged US-Afghan relations, undermined legitimacy of both parties, and alienated the Afghan people. (Kolenda et al., 2016, p. 5)

The strategic costs can thus result in the emergence of new armed actors, or in propaganda about civilian casualties by state and non-state actors that is used as a recruiting tool and to turn populations against military actors. Through transparent reporting and the making of amends, security actors can control the narrative about civilian harm in a conflict and can show to take responsibility.

Overall, while the implementation of CHM measures is of strategic importance, enables the prevention or mitigation of future suffering, and allows harmed civilians to start rebuilding their lives, there is still a long way to go to normalise and standardise such practices with all actors across the spectrum of violent conflict. Nonetheless, past and ongoing efforts in this direction by a variety of actors demonstrate that there are various opportunities to contribute to more ambitious mitigation of harm than, for instance, prescribed by international law.

16.4 Conclusion

The experiences of civilian harm, as recounted in Part I, demonstrate the varied nature and scale of the impact of a violent event on civilians. In this chapter, we have focused on a number of key factors that affect whether an instance of armed action increases or mitigates the risk of civilian harm. There is basis for the protection of civilians in existing bodies of law and international norms, but these risk falling short when faced with (deliberate) non-adherence or new developments in means and methods of warfare. While civilian harm will likely always be a reality of violent conflict, there are decisions and factors that armed actors can – to some extent – control or take into account that influence the degree to which civilian harm will occur. We have discussed both a number of concerns and opportunities that need to be taken into account and which can provide guidance when considering the way forward in reversing the trend of high levels of civilian harm in violent conflict. In the next chapter, we bring together the insights from this book to achieve a common understanding of civilian harm, and make recommendations for the way forward.

