Introduction

Armed conflict and violence adversely affect civilians. Whether civilians are the primary target of the use of violence, are caught in the crossfire, or have to rebuild and make a living in war-torn societies, they are always at risk of becoming victims during conflict, and may continue to struggle with its aftermath long after active fighting has ended. This book tells their story. More precisely, the book is about actors who do harm, key factors that contribute to either causing or mitigating harm, civilians who are harmed, and how to find a way out of this destructive cycle. This publication regards specific situations of violent conflict and seeks to provide a detailed examination of the myriad of ways in which the use of violence negatively affects civilians. This is a vital object of study and one that requires continuous scrutiny as military technologies and modes of warfare change, and in parallel so do our abilities to comprehensively track, map and investigate the impact of fighting on people and their environment.

By looking into the diverse and complex interactions between perpetrators who do harm, the variety of factors that exacerbate or mitigate harm, and the civilians who are harmed, we strive to contribute to progressively moving towards a shared understanding of civilian harm amongst all relevant stakeholders. The book focuses on those aspects of civilian harm that directly touch the lives and physical health of people, in order to illustrate the scope of the issue and spark debate. By the end of the book, readers will have gained a clearer and more structured understanding of what civilian harm encompasses in practice, and will have become aware of factual cases and shared vocabulary to effectively discuss the subject. We expect the contents of this book will be of particular use to professionals involved in civilian harm tracking or recording, in mission planning, working in conflict areas, or working on topics related to conflict dynamics, protection of civilians, national or international security policy, international law or humanitarian assistance. We hope that legal experts and academics may find value in the book as well.

This introductory chapter provides background to this book's definition and scope of the concept of civilian harm, followed by an outline of the book's structure. The final section discusses the dominant vocabulary in the discourse on civilian harm in order to lay the semantic foundations for the subsequent discussion.

1. Context and scope: Towards a shared understanding of civilian harm

This book has the overall objective to expand discussion on the topic of civilian harm, by bringing into focus both direct and short-term harmful effects of use of armed violence on civilians, as well as – often neglected – indirect and long-term harm. Various observations prompted the writing of this book. First of all, we noticed that public and professional attention in our field is often overwhelmingly concentrated on directly visible and physical civilian harm from use of violence. When discussing the impact of an airstrike, for instance, we tend to discuss this in terms of the number of persons injured and killed. But its full impact on the population is more than that. The airstrike may reverberate socio-economically. For example, if one of the casualties is a family's primary breadwinner, that family may be reduced to poverty, and may struggle to access basic needs and services like health care and education. The airstrike may also have an impact through its destruction of critical infrastructure: When the bomb damages a water sanitation plant, the airstrike may affect access to safe (drinking) water for a large part of the population. Clearly, such matters should be included in any comprehensive discussion of civilian harm created by the use of violence.

Secondly, discussions on civilian harm tend to fall short in providing clear definitions. International law, the responsibility to protect (R2P)-concept and humanitarian principles prescribe that civilians should be shielded from the negative effects of war by implementing measures of prevention, mitigation, and response to protect civilians from harm. However, a thorough review of civilian harm-related literature soon exposes a critical weakness: In many publications, the phenomenon of 'civilian harm' is not defined or explained at all. When it is defined, definitions may be markedly different. This is easily illustrated by highlighting a few oft-cited conceptualisations of civilian harm. Whereas a Harvard Human Rights Law Program report back in 2015 speaks of 'loss of life, injury, and property damage' (Keenan & Muhammedally, 2015, p. 8), an influential report by Open Society Foundations focuses on civilian harm as 'damage from military operations to personal or community well-being', noting that this may include such matters as the 'wrongful targeting of key leaders [...], damage and destruction of personal property and civilian infrastructure, long-term health consequences, loss of livelihoods and other economic impacts, and offenses to dignity' (Kolenda et al., 2016, p. 10). Illustrative too is language by military

actors. For instance, when we regard a US Department of Defence memorandum on 'Minimizing and Responding to Civilian Harm in Military Operations' (Office of the Under Secretary of Defense, 2020), what is meant by civilian harm is not explicitly defined. Nonetheless, when one reads on, it becomes apparent that civilian harm here more or less equals civilian casualties. Clearly, the scope of what is considered part of civilian harm varies considerably depending on what, if any, definition is used. Applying one definition instead of another has very different implications for civilian harm mitigation and protection of civilians policies and decision making.

A third concern is that open and honest discussions on the human cost of violent conflict are often obscured or prevented altogether by actors stating that the chaotic reality of conflict impedes the comprehensive tracking, mapping and measuring of civilian harm. However, in modern-day conflict, 'chaos in war' is no longer a valid claim to ignorance on what happens to civilians during conflict. Satellites, the Internet, precision targeting, big data: All of these enable a better awareness of what occurs on 'the battlefield', as is shown by the case studies of civilian harm events included in the book. Modern methods of information and intelligence gathering and sharing increasingly lead to a situation in which we can know more about the short as well as the longer-term effects that armed violence has on civilians. And if we *can* know – we *must* know. It is essential to uncover and examine the facts of war to the greatest extent possible, in particular where it concerns the stories of the people facing its consequences.

It would constitute a truly Herculean task to discuss *all* possible forms of civilian harm. Many conflicts and forms of harm did not make their way into this book simply because we had to limit the scope of the book for the sake of clarity and focus. For that reason, we have limited our discussion to civilian harm caused by armed violence in a context of violent conflict. We recognise that civilians in conflict areas may also be harmed by non-violent means, for instance through discriminatory policies, yet this falls outside the parameters we set for this book. Similarly, we excluded cases of harm caused by criminally motivated violence, such as perpetrated by drug cartels and armed gangs, being aware nonetheless that this type of violence contributes to increasing numbers of conflicts and casualties around the world. A different theme not addressed in depth is the destruction of cultural heritage. We fully acknowledge the deep impact of this and other types of civilian harm on populations, and the importance of cultural heritage for the survival

of societies, their history, and their identity. We encourage our readers and peers to add to the work started with this book by adding studies on cases involving these and other manifestations of civilian harm.

2. How to read this book

The book is divided into two parts. The first part consists of thirteen carefully researched cases of civilian harm events, which explore in detail who committed the acts that caused harm (here referred to as 'perpetrators'), who was harmed as a result of those acts (here referred to as 'victims'), which means and methods were involved in the commission of harm, and how harm develops over time. The cases form the evidence base for the second part of the book, where insights from the individual cases are brought together and underpin reflection on the phenomenon of civilian harm on a more conceptual level. Part of this reflection is the identification of a number of recommendations and issues that warrant further discussion and contemplation. As we aim for maximum dissemination and a wide use of the contents of this volume, all chapters have been written in such a way that they may be read in unison, but can also be explored independently. While the book as a whole provides a wide overview through the complementarity of its components, each chapter and case study on their own tell a part of the story of civilian harm.

Part I. Cases of civilian harm
The book starts with thirteen cases. All thirteen contain an in-depth analysis of a particular event in which harm to civilians occurred as a consequence of use of armed violence. Taken together, they contribute to an increased understanding of the variety and complexity of civilian harm at a conceptual level, bringing out common traits and patterns on civilian harm in violent conflict. What the cases have in common is that there is a clear and evidence-based relation between the use of violence and its negative effects on civilians. They revolve around a single event, or a series of connected events, caused by actors (the perpetrators) who are empirically identifiable. Given the frequent occurrence of violent events around the globe, there sadly was an ample supply of options for these case chapters.

One of the selection criteria was that the cases should represent the wide variety of harmful events as they occur in current day warfare. We resisted the temptation

to select only those cases that are the most well-known or extreme. Rather, we selected cases we considered to be representative for specific kinds of harm: Cases that allow us to reflect on that kind of harm first of all in all the details of the case, but which also serve to extrapolate on a more conceptual level. In addition to these selection criteria, we aimed for diversity in the type and method of attack, and variation in the types of victims, perpetrators, and geographic locations. Furthermore, we limited our selection to events that occurred relatively recently, although in some cases the origins of harmful events may go back decades. The result is a mix of cases that together underscore the gravity, scope, and global nature of civilian harm in current-day conflict.

To facilitate comparative analysis and to aid the reader, the case chapters are built up along the same structure. Each case starts with a short introduction to the context and then describes one particular event of civilian harm. Each chapter subsequently takes a close look at the following three aspects. We examine the perpetrator causing the harm, asking questions such as: Who caused this incident? What exactly did they do that caused harm? Did they know they were causing harm? Do we know their intentions? Then we zoom in on those who were harmed: the victims. We look at how the violence affected them, both in the long and short-term, directly and indirectly. Often, we include testimonies from people who were harmed to better bring across their experiences. Finally, each chapter reflects on the bigger picture, for instance by discussing the same type of harm in different contexts or by identifying certain lessons or phenomena that warrant further discussion.

Many of the case chapters have a clear connection to the work of PAX. Some are based on earlier PAX research reports, such as chapter 7 about the shelling of a hospital in eastern Ukraine, or chapter 2 about oil fires in Qayyarah, Iraq. Other cases discuss a particular context or phenomenon close to our expertise or that of organisations PAX actively works with, such as Airwars and Bellingcat. These include, for instance, chapter 3 on sexual and gender-based violence in South Sudan, chapters 5 and 9 on a chemical weapons attack and an airstrike in Syria respectively, and chapter 10 on paramilitary violence in Colombia.

CASE 1.

CASE 2.

Siege tactics:
Hudeidah under fire
(Yemen, 2018)[1]

Oil fires:
Apocalyptic scenes in Qayyarah
(Iraq, 2016)

The siege of the city of Hudeidah illustrates the negative effects of the destruction of critical infrastructure on civilians. The chapter raises important questions about the re-emergence of siege tactics and their immensely harmful effects for civilians, as well as about complicity and responsibility of actors facilitating the siege through delivery of arms, training or diplomatic support to the Saudi-led coalition. Disease and malnutrition as a consequence of active conflict are discussed in detail.

In 2016, the Islamic State of Iraq and Syria (ISIS) set oil wells on fire near the town of Qayyarah, Iraq. Spilled oil polluted the water and the ground; black smoke filled the sky for months. Thousands of local people and over 35,000 internally displaced persons (IDPs) in nearby camps lived in the soot and smoke. Daily life in those conditions was difficult. Attacking oil installations was frequently reported as a war tactic during the conflict in Iraq.

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1 Please note that the year included in the case chapter titles is the year in which the civilian harm event under examination took place; it does not indicate the duration of the harm that ensued, which is often long-term in nature.

CASE 3.

Sexual violence:
Attacked for being Nuer
(South Sudan, 2016)

In the summer of 2016, violence flared up in Juba, South Sudan's capital city. An increase in sexual and gender-based violence (SGBV) occurred in the direct aftermath of the conflict. The victims were predominantly IDP women of Nuer ethnicity living in UN-protected and controlled Protection of Civilians sites. The chapter brings into focus both the direct and indirect effects of SGBV on its victims, as well as the role of UN peacekeepers in not having been able to prevent the violence.

CASE 4.

Essential infrastructure:
The targeting of (waste) water
plants in Gaza (Palestine, 2014)

In June 2014, the Israeli Defence Forces bombed a power plant, as well as water and waste water management systems in the Gaza Strip. Access to clean drinking water consequently went far below minimum standards, the prices of bottled but unregulated water soared, and lack of water contributed to the outbreak of various water-based diseases. The case shows the far-reaching effects of the destruction of water infrastructure, and brings into focus the impact of cascading effects: a key vulnerability of our increasingly urbanised world.

CASE 5.

CASE 6.

**Chemical weapons:
A Sarin gas attack on Khan
Sheikhoun (Syria, 2017)**

**Explosive remnants of war:
A long-term legacy
(Cambodia, 1960s-present)**

The Syrian government executed a chemical attack in Khan Sheikhoun in April 2017. About 50 people died immediately, and more in the hours and days following. Among the victims were adults, the elderly and children; all of them civilians. The chapter discusses the evidence that led to the conclusion that the Syrian government was behind the Sarin attack, the reaction of the international community, and addresses important questions regarding the possibility of chemical attacks occurring despite being prohibited.

Conflicts in the previous century have left Cambodia riddled with unexploded ordnances, landmines and other explosive remnants of war (ERW). The chapter highlights an oft-forgotten cause of post-conflict, long-term harm to civilians. The negative effects of ERW go beyond physical harm: The disabilities caused by ERW often lead to a struggle for livelihoods and to social stigma. The chapter represents an urgent call to take into account the long-term harm of explosives, and to remain mindful of the need to address problems caused by ERW.

CASE 7.

Indirect fire:
A hospital caught in a war zone (Ukraine, 2015)

On 3 June 2015, shelling by armed groups hit the Maryinka District Central Hospital, and caused the destruction of a hospital department and several ambulance bays. The chapter explores how the use of explosive weapons in populated areas (EWIPA), in particular of explosives with wide-area effects, has affected the quality, accessibility and availability of health care in eastern Ukraine, raising important questions about the reverberating effects caused by explosives and of allowing the use of EWIPA.

CASE 8.

Genocide:
Targeted violence against the Yazidis from Sinjar (Iraq, 2014)

When ISIS surrounded Sinjar district in 2014, it soon became clear that the many Yazidis who called this area home were not safe. The violence that ISIS unleashed upon them has since been acknowledged as genocide by an independent, UN-mandated commission. Many Yazidis continue to this day to struggle with severe psychological trauma, and remain stuck in displacement camps with little prospect of education or livelihood, and with limited access to basic needs. This chapter considers both the immediate violence perpetrated by ISIS, as well as the often-neglected aftermath and underestimated longevity of this type of civilian harm.

CASE 9.

**Airstrike:
Bombs destroy a shelter in Al
Mansoura (Syria, 2017)**

On the night of 20–21 March 2017,
one of the bombing campaigns by the
Coalition against ISIS went horribly
wrong. A building in Al Mansoura had
been identified as an ISIS stronghold
and was bombed by US forces. It
turned out that the building had housed
numerous IDP families rather than ISIS
combatants. According to reliable
reports, at least 40 civilians perished
on the spot, yet the Coalition insisted
for a long time that its targeting
had been correct and had killed ISIS
combatants. The chapter examines the
increasingly frequent occurrence of air-
only campaigns, and the problems this
poses for targeting decisions and post-
bombing verification of civilian harm. It
moreover looks into pressing concerns
with regard to transparent reporting of
civilian harm by Western militaries.

CASE 10.

**Forced displacement:
Paramilitary violence against the
campesinos of El Toco (Colombia, 1997)**

Land disputes have been one of
the central features of conflict
in Colombia since the 1980s.
Paramilitaries executed and
abducted community leaders in
order to instil fear in the Cesar
region's peasant communities, and
to compel civilians to flee their
homes and lands. In so doing, the
paramilitaries cleared the lands for
their supporters or could sell the
land at great profit to multinational
coal-mining companies. To this day,
many people suffer psychosocial
distress from past events and
continue to be displaced. The
chapter shows both the overall
impact of the conflict, as well as
its effects on civilians. It brings
into focus the too often neglected
impact of long-term displacement
as a direct result of violent conflict,
and shows how violence in the late
nineties continues to negatively
impact people's lives to this day.

CASE 11.

CASE 12.

**Suicide bombing:
Bringing fear and destruction to
Kabul (Afghanistan, 2015)**

In August 2015, a series of suicide
bombings took place in Kabul,
killing and maiming civilians in the
explosions, but also causing a lot of
long-term damage beyond casualties
alone: Severe psychological trauma,
disruption of livelihoods, and
decreased access to basic needs are
among some of the forms of harm that
many civilians suffered and continue
to experience. This chapter makes
a case for more attention to such
reverberating effects. It illustrates
that harm from suicide bombing is
generally more long-term than news
and popular discourse portrays.

**Weaponizing drinking water:
Rivers, purification plants and
generators as targets (Syria, 2014–16)**

In Syria, more or less all conflict
parties exploited their control
over access to and distribution of
water as a means to punish, harm
or favour certain segments of the
population. Civilians get the worst
from this 'strategic game'. This
chapter examines the impact of armed
actors controlling water. It shows the
economic effects, consequences for
health, and the impact on society. In
so doing, it raises crucial yet under-
studied questions about (the lack of)
international legislation to criminalise
the weaponization of water.

CASE 13.

**Ethnic cleansing:
The Rohingya's expulsion from
Rakhine State (Myanmar, 2017)**

In August and September 2017,
Myanmar's national army conducted
so-called clearance operations
in Rakhine State. The military
campaign disproportionately and
indiscriminately targeted Rohingya
civilians, a Muslim minority group
in Myanmar that has long suffered
(institutionalised) discrimination. The
majority of Rohingya who survived,
fled to Bangladesh. The chapter
demonstrates that their suffering
has not ended there: Many Rohingya
continue to suffer from psychological
trauma, children have limited or no
access to education, young people
are at risk of human trafficking, and
armed groups are causing insecurity
in the camps. At the same time,
the large numbers of refugees put
pressure on the security, societal and
political situation in Bangladesh.

These thirteen descriptions of the gravest circumstances that human beings and societies can face, may – and frankly, should – shock and horrify the reader. We hope, however, that it will first and foremost provoke thought and stimulate debate on the various types and duration of civilian harm, oftentimes overlooked aspects of harm, and ethical questions on permissibility of and responsibility for civilian harm in conflict.

Part II. Elements of civilian harm
Building on the cases studies of Part I, the four chapters of Part II examine the three basic elements of each civilian harm incident: Who did harm? Who were harmed? What key factors contributed to either increased or mitigated harm? The first chapter specifically looks at the victims of civilian harm. It discusses the implications of violent conflict for the lives and livelihoods of civilians. It discusses the varied manifestations of civilian harm, as well as why some events affect certain groups within a community more than others, or in different ways. We look at often underestimated, reverberating effects on civilians, and discuss the importance of taking into account the devastating consequences of the destruction of infrastructure. In order to move forward to a common understanding of civilian harm, we propose a new approach in interpreting civilian harm events by looking at six dimensions of harm: the 'six signatures'.

The perpetrators of civilian harm are the subject of the second chapter. Again, the cases provide key examples as a basis for discussion. There are similarities and differences between perpetrators regarding their legal status, intentions and capabilities to inflict harm. We discuss why and how knowing these differences matters for protection actors through the 'threat-based approach' to protection of civilians. In addition, we raise important questions about (gradations of) responsibility for the harm caused, and address the matter of (indirect) responsibility for harm caused either by action or inaction. Whether such acts are crimes under international law is not the main consideration in our discussion of the topic, although we do consider legal accountability as a valuable approach to achieving more responsibility and mitigation of civilian harm.

In the subsequent chapter on factors that contribute to either causing or mitigating harm, we reflect on the moral and legal framework currently in place to protect civilians, and discuss a number of key factors that contribute to causing or mitigating harm, identifying opportunities and concerns with regard

to preventing or minimising civilian harm from armed action. Among the factors discussed are the decisions perpetrators make with regard to weapons use and target selection, but also a number of concerns in contemporary conflict, such as the occurrence of urban and remote forms of warfare. The chapter ends with a reflection on recent efforts by some state armed forces to mitigate civilian harm from own action.

We conclude this book with a final essay that ties the main take-aways together, and reflects on the elements in this book that contribute to the forging of a shared understanding of civilian harm in all its diversity and complexity. We introduce a definition of civilian harm, and provide various recommendations for better protection of civilians from harm in the future. Additionally, the chapter introduces several questions for further research and discussion.

3. On the discourse on civilian harm

A comprehensive discussion of civilian harm requires a critical and careful reflection on the language used to discuss the subject. Since the issue of civilian harm plays a role in various professional fields, there are many interpretations of key notions that are part of this narrative. There are no universally accepted definitions of much of the vocabulary involved in describing civilian harm. Readers from different professional backgrounds may attribute meaning according to their own background, needs and purposes. To ensure that all readers have a common understanding of the issues we raise in this book, this section outlines our definitions and interpretations for key issues in civilian harm discourse.

On civilian harm

In this book, civilians are those people who are not engaged in any of the violent aspects of the conflict at the time of the event that causes harm, or at the time of the effects of that event. Their societal position, political preferences, or previous history with armed groups or the armed forces are irrelevant: At the time of the violence that affected their lives, they were not directly participating or otherwise involved, and this is sufficient to qualify them as 'civilians' for the purposes of our discussion. We realise that this is a less strict definition than scholars and practitioners of international law may prefer, as it does not catch all the legal intricacies ascribed to the term, such as the different levels of protection in

international and non-international conflict. The delineation between combatants and non-combatants is necessary to enforce the fundamental principle of distinction: the prohibition to target civilians, one of the key principles of International Humanitarian Law (IHL). While the failures to adequately apply and enforce this principle are at the heart of this book, we settle on the use of a broader application of the term 'civilian' in order to make the text accessible and understandable to a broad community that includes non-legal professionals. Moreover, we want to avoid a digression into legal details on precise classification, as we want to ensure that the emphasis of the narrative remains on the topic of harm and the human cost of violent conflict.

We demonstrate that harm goes beyond deaths and injuries; it also includes displacement, damage to essential infrastructure, or trauma and fear. We also acknowledge that some forms of harm affect communities as a whole, for example through deteriorated living conditions, or through damage to the environment like the pollution of rivers. Harm often also has reverberating effects that extend beyond its immediate impact in the short as well as in the long-term.

Acknowledging this broad scope of civilian harm, we thus arrive at the following definition:

> *Civilian harm consists of all negative effects on civilian personal or community well-being caused by use of force in hostilities. Effects can occur directly (death, physical or mental trauma, property damage) or indirectly through the destruction of critical infrastructure, disruption of access to basic needs and services, or the loss of livelihood. (Bijl & Van der Zeijden, 2020, p. 4)*

On the use of violence
In the case chapters, we use such terms as (violent) conflict, war, hostilities, (armed) violence, armed action, and fighting more or less interchangeably. In international law, strict criteria determine whether any situation qualifies as 'armed conflict'. Likewise, the classification of a conflict as international or non-international has a bearing on the legal protection of categories of people. However, the purpose of this book is not to contribute to legal discourse; it is to contribute to a common understanding of the complexity of civilian harm, and it interprets the use of violence closer to the everyday use of the term as we

believe civilians caught in conflict might perceive it. Our focus is on the adverse effects of violence, as perceived and experienced by civilians.

On those who do harm and those who are harmed

In this book, 'perpetrators' refers to those who, in the context of hostilities, commit an act of violence that causes harm to civilians. We use 'perpetrator' to denote any type of person or group, be they state security forces, non-state armed groups, insurgents, terrorists, people temporarily taking direct part in hostilities, paramilitary or proxy forces, single actors or alliances, and whether the harm resulting from the act is intentional or not; the discriminating factor is their involvement in the act of harm committed, whatever their nature, and whatever the nature of that act. We prefer 'perpetrators' over oft-used alternatives like 'warring parties' or 'belligerents'.[2] The latter captures all actors involved in hostilities, regardless of the impact of their actions on civilians; perpetrator in that sense is a more precise term. Additionally, 'perpetrator' is also the term used by NATO in its Protection of Civilians Policy and Military Handbook (North Atlantic Treaty Organisation [NATO], 2016; NATO, 2021).

'Victims' refers to those civilians who are negatively affected by the actions of a perpetrator. In colloquial idiom, the word 'victims' is often equated with physical damage to life and person: Victims are the dead and injured, is the common understanding. However, here, the book seeks a loose alliance with the international criminal law definition, which uses 'victims' to refer to those who have suffered harm as a result of the commission of a specific act (International Criminal Court, 2013, p. 31). While criminal law limits the scope of these acts to crimes under the jurisdiction of the mechanism in question, this book takes a broader view: All acts, committed as part of a conflict that involve the use of violent means. The resulting harm does not have to be deadly, and the effects of it do not have to be immediate or short-term, for the sufferer thereof to be called 'victim' in this book.

In humanitarian circles, the word 'survivor' is oftentimes preferred, especially in a context of natural disaster or sexual violence. This serves on the one hand to

2 The monitoring organisation Airwars prefers 'belligerents' but has agreed to adopt our term in chapter 9 for the purposes of consistency.

Civilian harm consists of all negative effects on civilian personal or community well-being caused by use of force in hostilities. Effects can occur directly (death, physical or mental trauma, property damage) or indirectly through the destruction of critical infrastructure, disruption of access to basic needs and services, or the loss of livelihood.

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distinguish fatalities from those who lived, but are nevertheless impacted by the event. On the other hand, 'survivor' is an empowering word, bearing a connotation of strength and endurance, and thus encourages rather than victimises populations. While recognising the value of these semantics, it fits the main purpose of this book more closely to use 'victims' as a blanket indicator for all those civilians who face the consequences of the use of violence, in whatever way, timespan, or location. Note that this book uses 'victim' specifically and only for this purpose to describe those who have suffered harm as a consequence of violent acts committed in conflict. It is not the intention of the authors to issue a judgement on the resilience of people living in conflict areas.

On protecting civilians

The protection of civilians has gained importance since the UN Security Council first issued a dedicated resolution on this topic in 1999: Resolution 1265 (UN Security Council, 1999). The UN, NATO, governments, humanitarian organisations and other entities have since developed their own specific concepts of what protection of civilians entails for their work. When we speak of protection of civilians or protecting civilians in this book, we do not suggest adherence to any definition of protection of civilians in particular, but rather refer to the general notion of keeping civilians safe from violence and the effects of violence.

On basic principles

Indiscriminate in this book refers to the core principle of IHL: The moral imperative to make a distinction between civilian and military, and to limit one's hostile actions to the latter. Simple enough on paper, yet it has far-reaching implications: It affects the choice of targets, weaponry, movements, and behaviour in war. An attack or method of warfare that is indiscriminate does not respect this principle, and is therefore a violation of the laws of warfare. Another fundamental principle is *proportionality*: this entails that any damage caused to civilians (life, injury, objects) has to be reasonable in relation to the anticipated military advantage. The difficulty in the interpretation of this principle is obviously in the subjective term 'reasonable', or 'not excessive', which leaves a rather wide margin of appreciation. Such damage – in practice referred to as 'collateral damage', although this exact phrase does not occur in IHL texts proper – may, in international law, only be *incidental* – a by-product, connected to the main act but not its objective, and of much less impact. Incidental harm can be, in a way, planned, as it is part of a premeditated or deliberate action. An act of civilian harm is considered *intentional*

(*deliberate*) in this book when the act's main objective is to create that particular harm to civilians, or when it is planned with another objective in mind, but in the full knowledge of the civilian harm it will cause (see Rules 1, 14 and 15 in International Committee of the Red Cross, n.d.).

4. Closing remarks

With the aim of contributing positively to the debate on civilian harm and the mitigation of the negative effects of violent conflict for civilians, this book outlines key aspects relevant to that discussion. Thirteen cases provide insight in the various types of civilian harm, the variability of the duration, victim groups, and the general impact of violent conflict on societies. In Part II, we subsequently provide food for thought on the victims, the perpetrators, and key factors that contribute to causing or mitigating harm, and we advocate for a common understanding and unified approach towards civilian harm reduction. To this effect, the book ends with a series of recommendations. We hope we succeed in our efforts to show how complex and diverse the elements of civilian harm are, to show that we can know and understand civilian harm despite that complexity, and to contribute to building a common language to discuss civilian harm.