

*‘International Law and Policy on the Protection of Civilians is a masterful guide to the multiple legal, political and normative influences that are transforming our understanding of obligations to protect civilians from violence. The result is a rich depiction not only of sources of civilian protection, but of the complex ways in which expectations evolve in a decentralised international system. Casey-Maslen and Vestner have rendered an invaluable service by preparing a volume that will be indispensable to state officials, military leaders, non-governmental organisations and anyone who cares about protecting the innocent from the ravages of conflict.’*

*Mitt Regan, McDevitt Professor of Jurisprudence, Co-Director, Center on National Security, Georgetown Law Center*

*‘In this wide-ranging and meticulously researched book, Stuart Casey-Maslen and Tobias Vestner explain with remarkable clarity the many ways in which international organisations, states and non-state actors protect civilians in and outside of armed conflict. From classical international law on the use of force and international humanitarian law to the evolving landscape of state protection policies or frequently overlooked topics, such as protecting older people and persons with disabilities, this book offers the most systematic treatment of the Protection of Civilians concept to date. It promises to be a go-to resource for academics and practitioners for years to come.’*

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*‘Anyone who has had anything to do with “PoC” will know how hard it is to translate sincere intentions into meaningful actions. This book by Stuart Casey-Maslen and Tobias Vestner makes a major contribution to building a better understanding of the topic and improving implementation. Easy to read and impressive in scope, it disentangles compartmentalised thinking on PoC and doesn’t duck the issue of where still more clarity is needed. For those seeking more light on the grey area of Protection of Civilians, this publication will have enduring relevance and will serve them well.’*

*Adrian Foster, Major General (Retd), CMG MBE, previous Deputy Military Adviser, UN Peacekeeping; Acting/Force Commander of the UN peacekeeping mission in the Democratic Republic of the Congo*

*‘This book is an insightful resource on civilian protection for everyone, from students to seasoned practitioners. The analysis of contemporary practice, focus on the normative legal frameworks, and discussion of different PoC approaches across international and regional organisations make it a definitive source on the topic. It provides a fantastic foundation from which political and military leaders, practitioners and the next generation of protection advocates can continue the vital work of further developing the ability to protect civilians in future conflicts.’*

*Marla B. Keenan, Adjunct Senior Fellow, Strengthening NATO’s Ability to Protect, The Stimson Center*

Cambridge University Press & Assessment

978-1-316-51144-2 — International Law and Policy on the Protection of Civilians

Stuart Casey-Maslen , Tobias Vestner

Frontmatter

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‘This book is important. It brings together and explicates the legal and policy architecture for Protection of Civilians that has been coming into focus over recent years. It is an important added value for anyone seeking to understand that architecture, and is a most welcome contribution to the literature.’

*Todd F. Buchwald, Professorial Lecturer in Law, George Washington University Law School, former Ambassador for Global Criminal Justice, US Department of State*

## INTERNATIONAL LAW AND POLICY ON THE PROTECTION OF CIVILIANS

This is the first comprehensive treatment of international law and policy on the protection of civilians in armed conflict. In addition to international humanitarian and human rights law, *jus ad bellum*, disarmament law, and international criminal law are all critical to civilian protection. The book offers in-depth analysis and explanation of the normative framework while also outlining and discussing the policies of concerned States and international and humanitarian organisations. The role of the United Nations as a key actor is considered along with regional organisations such as the African Union, the European Union, and NATO. Particular attention is given to those at direct risk of harm during armed conflict, including children, women, persons with disabilities, and LGBTI persons.

Stuart Casey-Maslen is the author of *The Right to Life under International Law* (Cambridge University Press, 2021), the first comprehensive treatment of this fundamental right. He has worked in dozens of conflict-affected countries over the last thirty years and teaches at the University of Pretoria in South Africa on the Freedom from Violence in Africa Programme.

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# International Law and Policy on the Protection of Civilians

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**CAMBRIDGE**  
UNIVERSITY PRESS

## CAMBRIDGE UNIVERSITY PRESS

University Printing House, Cambridge CB2 8BS, United Kingdom  
One Liberty Plaza, 20th Floor, New York, NY 10006, USA  
477 Williamstown Road, Port Melbourne, VIC 3207, Australia  
314–321, 3rd Floor, Plot 3, Splendor Forum, Jasola District Centre,  
New Delhi – 110025, India  
103 Penang Road, #05–06/07, Visioncrest Commercial, Singapore 238467

Cambridge University Press is part of the University of Cambridge.

It furthers the University's mission by disseminating knowledge in the pursuit of education, learning, and research at the highest international levels of excellence.

[www.cambridge.org](http://www.cambridge.org)

Information on this title: [www.cambridge.org/9781316511442](http://www.cambridge.org/9781316511442)

DOI: 10.1017/9781009052757

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First published 2022

*A catalogue record for this publication is available from the British Library.*

### *Library of Congress Cataloging-in-Publication Data*

NAMES: Casey-Maslen, Stuart, author. | Vestner, Tobias, author.

TITLE: International law and policy on the protection of civilians / Stuart Casey-Maslen, University of Pretoria; Tobias Vestner, Geneva Centre for Security Policy (GCSP).

DESCRIPTION: Cambridge, United Kingdom ; New York, NY : Cambridge University Press, 2022. | Includes index.

IDENTIFIERS: LCCN 2022006081 (print) | LCCN 2022006082 (ebook) | ISBN 9781316511442 (hardback) | ISBN 9781009055901 (paperback) | ISBN 9781009052757 (ebook)

SUBJECTS: LCSH: Combatants and noncombatants (International law) | War – Protection of civilians. | Humanitarian law. | International law and human rights. | Just war doctrine. | BISAC: LAW / International

CLASSIFICATION: LCC KZ6515 .C39 2022 (print) | LCC KZ6515 (ebook) | DDC 341.6/7–dc23/eng/20220526

LC record available at <https://lcn.loc.gov/2022006081>

LC ebook record available at <https://lcn.loc.gov/2022006082>

ISBN 978-1-316-51144-2 Hardback

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## Foreword

Protecting civilians in conflicts is both a legal and a moral duty. Too often, civilians pay a high price for military confrontation. Historic conflicts, such as World War II, were characterised by disaster and human casualty. Twenty-first-century conflicts, such as in Syria, Ukraine, and Yemen, tend not to be much, if at all, better. In the foreseeable future, warfare and the use of force will most likely remain a reality in many parts of the world. Therefore, it is crucial that we strengthen our efforts to protect those who suffer from violence and conflict.

The international community has come a long way and achieved major normative progress. The fourth Geneva Convention of 1949, for instance, is specifically dedicated to civilians, thereby representing a cornerstone of well-established international law governing the protection of civilians. By the early 2020s, many international and regional organisations had adopted new or revised policies on the protection of civilians, thereby committing themselves to this cause and guiding their action. Switzerland and the United Kingdom also adopted national policies.

These normative developments play an important role for effectively protecting civilians, but the task remains difficult. Most twenty-first-century conflicts are protracted civil wars, whose complexities, including fighting among the civilian population, pose significant challenges to the belligerent parties and to actors engaged in protection. Radical acts of violence are specifically targeted at civilian populations and often conducted during times of peace. While renewed great power rivalry carries the risk of large-scale war, confrontation with multiple military and non-military means below the threshold of war is already now a reality. Such forms of warfare and new technologies, including cyber capabilities, add further complexities and unknowns for the protection of civilians.

Given these challenges, this book aims to support those who work on the protection of civilians and related issues. It is the result of serious efforts to better comprehend, analyse, consult, reflect, and offer insights into the vast normative framework on the protection of civilians. We hope, therefore, that the book brings greater clarity and will prove to be an invaluable instrument to all those seeking to protect civilians better at the local, national, regional, and global level. We also hope that the book advances reflections and ideas on the improvement of the normative framework and related practice.

The Geneva Centre for Security Policy (GCSP) will continue its efforts concerning the protection of civilians. The GCSP aims to serve other institutions and persons who are dedicated to protect those who deserve protection, especially the most vulnerable. Protecting civilians from violence and harm constitutes an integral part of the international community's mission to advance peace, security, and international cooperation. More broadly, an individual's right to protection is underpinned by the global architecture established in 1945 to maintain international peace and security. The four pillars of the United Nations – peace and security, human rights, the rule of law, and development – must all be brought to bear to this end. We must not relent but increase our efforts in this regard.

**Ambassador Thomas Greminger**  
*Director, Geneva Centre for Security Policy*

## Preface

The ‘protection of civilians’ is essentially a concept consisting of a complex set of international law, policies, and practices by States, international organisations, and other key actors that aims to safeguard civilians against violence and other harm. At the same time, the protection of civilians (or PoC, as it is sometimes referred to) is also a political notion by which actors signal that they pay attention to civilian harm during armed conflicts and other disasters.

Protection of civilians is a longstanding concept that has undergone significant transformation in recent years. Since the first laws of warfare and even before, those engaged in fighting understood that the innocent should be spared (even if they did not always do so). More recently, the notion of the protection of civilians has broadened from the primary goal of not killing or injuring civilians during military operations to encompass efforts to actively protect them from suffering. Now more comprehensive in scope, protecting civilians has become an explicit goal of certain military and humanitarian missions conducted by States, international organisations, and non-governmental organisations (NGOs).

Today, there exists a swathe of international legal rules, policies, and practices that govern, guide, and aim to ensure the protection of civilians. The international legal framework has primarily been established in the post–World War II period. Practice on civilian protection has developed more recently, notably by increased efforts since the end of the Cold War, in particular by United Nations (UN) peace operations and humanitarian organisations. The last decade has brought several new or renewed policies on the protection of civilians, which guide the respective organisations’ or States’ actions.

In light of these developments, this book aims to expound and clarify the normative framework pertaining to the protection of civilians. In some ways, the concept was overshadowed in academic literature by debates on the related doctrine of responsibility to protect (R2P). Besides a few useful monographs, which, tend to focus on the protection of civilians in the framework of UN peace operations, existing literature largely sought to address specific legal questions, policies, or practices of specific organisations, or specific country cases. This was complemented by analyses of civilian casualties and civilian harm in warfare.

To fill the broader gap in scholarship, this book endeavours to offer an in-depth analysis and explanation of the existing normative framework on the protection of civilians. It scopes the existing international law along with specific policies. Thereby, it addresses key controversies and challenges as well as the most relevant practice from the last decades. The aim is to support policymakers, diplomats, the military, scholars, practitioners, and students to better understand, implement, and further develop the protection of civilians. Indeed, for people suffering from armed conflict and other disasters it does not matter which law or policy is applied – what matters for them is that they receive protection. Yet, to safeguard them, their families, and their communities effectively, it is crucial to grasp and master the nuances of the tools at our disposal.

This work has benefited significantly from the insights and guidance of others, for which the authors are very grateful. The authors would like to especially thank the following for their valuable comments on a draft manuscript in an expert meeting at the Geneva Centre for Security Policy: Dr Simon Bagshaw, Senior Policy Advisor, Policy Section, Operations and Advocacy Division, United Nations Office for the Coordination of Humanitarian Affairs (OCHA); Ms Danielle Bell, Chief, Human Rights Office, United Nations Assistance Mission for Iraq (UNAMI), and Representative, Office of the UN High Commissioner for Human Rights (OHCHR); Dr Robin Coupland, former war surgeon and advisor, Legal Division, International Committee of the Red Cross (ICRC); Ms Reka Dobri, Policy Officer, Directorate-General for European Civil Protection and Humanitarian Aid Operations, Unit C.1-Humanitarian Aid Thematic Policies, European Commission; Ms Regina Fitzpatrick, Protection of Civilians Team Leader, Policy and Best Practices Service, Policy, Evaluation and Training Division, UN Department of Peace Operations (UNDPO); Ms Alison Giffen, Director, Peacekeeping Program, Center for Civilians in Conflict (CIVIC); Mr David Haeri, Director, Division of Policy, Evaluation and Training, UNDPO; Mr Steven Hill, former Legal Advisor and Director, Office of Legal Affairs, NATO Headquarters; Ms Marla Keenan, Adjunct Senior Fellow, Transforming Conflict and Governance Program, The Stimson Center; Professor Patryk Labuda, Assistant Professor of International Criminal Law, Amsterdam Centre for International Law, Law School, University of Amsterdam; Mr Ralph Mamiya, Executive-in-Residence Fellow, GCSP, and Non-Resident Advisor, International Peace Institute (IPI); Ms Erin Mooney, Senior Protection Adviser, UN Protection Capacity (ProCap), United Nations in Yemen; and Professor Mitt Regan, McDevitt Professor of Jurisprudence and Director, Center on Ethics and the Legal Profession, and Co-Director, Center on National Security and the Law, Law Center, Georgetown University. The authors would also like to thank Ms Altea Rossi, Programme Officer, GCSP, and Ms Chiara Giaccari, Junior Programme Officer, GCSP, for project support.

All involvement in the project by the experts mentioned above was in a purely personal capacity, and the views expressed in the book do not necessarily reflect those of anyone who provided input to, or commented on, earlier drafts. Any errors remaining are the responsibility of the authors alone.