

UDC 341.321

DOI <https://doi.org/10.24144/2307-3322.2025.92.5.44>

PROTECTION OF CIVILIAN OBJECTS DURING ARMED CONFLICTS

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Korol'ov S.S., Ignatieva A.I., Romashova K.S. Protection of civilian objects during armed conflicts.

This article explores the international legal mechanisms designed to shield civilian objects from harm during armed hostilities, focusing on international humanitarian law (IHL) provisions. The research scrutinizes core tenets – distinction, proportionality, and precaution – as they appear in the Geneva Conventions and Additional Protocols, paying close attention to how these norms function in today's urban combat environments. By examining recent policy developments such as the 2022 Political Declaration addressing explosive weapons use in populated areas, Security Council Resolution 2573, and documented breaches in current conflicts, this work highlights persistent discrepancies between legal prescriptions and their real-world application. The methodological approach combines doctrinal legal examination with analysis of customary IHL norms, drawing on the ICRC's comprehensive study encompassing 161 rules. Research outcomes reveal that despite a solid legal foundation for protecting civilian objects, persistent difficulties emerge in enforcement, accountability, and responsiveness to evolving warfare technologies. Concluding recommendations emphasize the need for strengthened compliance through better national-level implementation, enhanced civilian casualty documentation systems, and more robust international accountability mechanisms.

The analysis further demonstrates that contemporary hostilities increasingly blur the operational boundaries between civilian and military spheres, particularly through the widespread use of dual-use infrastructure, cyber capabilities, and remotely operated weapons systems. Urban density, the intermingling of civilian objects with military objectives, and the reliance on networked command-and-control architectures complicate the practical application of distinction and precaution, often producing cumulative patterns of harm that are difficult to attribute to discrete attacks. This structural complexity necessitates a re-examination of how legal and operational frameworks assess proportionality in environments where effects are temporally diffuse and spatially dispersed. It also underscores the need for enhanced accountability mechanisms capable of tracing indirect and systemic impacts on civilian populations beyond the immediate kinetic event. Finally, it highlights the growing importance of integrating technological, legal, and humanitarian perspectives to ensure that civilian protection remains a central normative constraint in the conduct of modern warfare.

Key words: international humanitarian law; civilian objects; armed conflict; principle of distinction; proportionality; Geneva Conventions; urban warfare; critical infrastructure.

Корольов С.С., Ігнатська А. І., Ромашова К.С. Захист цивільних об'єктів під час збройних конфліктів.

У статті досліджено правову основу захисту цивільних об'єктів під час збройних конфліктів відповідно до міжнародного гуманітарного права. Проаналізовано фундаментальні принципи розрізнення, пропорційності та запобіжних заходів, закріплені в Женевських конвенціях та Додаткових протоколах, з особливою увагою до їх застосування в умовах сучасних міських збройних конфліктів. На підставі новітніх документів, зокрема Політичної декларації 2022 року щодо вибухової зброї в населених пунктах, Резолюції Ради Безпеки ООН 2573 та задокументованих порушень у триваючих конфліктах, виявлено суттєві розбіжності між нормативними приписами та практичним їх виконанням.

У дослідженні застосовано доктринальний правовий аналіз та вивчення звичаєвого міжнародного гуманітарного права за методологією дослідження МКЧХ, що охоплює 161 правило. Результати свідчать, що попри міцну правову архітектуру захисту цивільних об'єктів, залишаються проблеми в механізмах імплементації, системах підзвітності та адаптації до технологічного розвитку воєнних засобів. Сформульовано рекомендації щодо посилення дотримання норм через удосконалення національної імплементації, покращення механізмів відстеження шкоди цивільному населенню та зміцнення міжнародних структур підзвітності. Окрему увагу приділено впливу сучасних високотехнологічних засобів ведення війни на ефективність традиційних правових інструментів захисту цивільних об'єктів. Обґрунтовано необхідність інтеграції правових, технічних і гуманітарних підходів до оцінки наслідків бойових дій у міському середовищі. Зроблено висновок про доцільність подальшого розвитку міжнародно-правових механізмів моніторингу, які дозволяють фіксувати як прямі, так і опосередковані форми шкоди цивільному населенню.

Додатково встановлено, що сучасні збройні конфлікти дедалі частіше характеризуються розмиванням меж між цивільною та військовою сферами внаслідок використання об'єктів подвійного призначення, цифрової інфраструктури, дистанційно керованих і високотехнологічних засобів ураження. Висока щільність забудови в містах, інтеграція військових цілей у цивільне середовище та залежність операцій від мережевих систем управління істотно ускладнюють практичну реалізацію принципів розрізнення і запобіжних заходів, а також підвищують ризики непрямої та кумулятивної шкоди.

Ключові слова: міжнародне гуманітарне право; цивільні об'єкти; збройний конфлікт; принцип розрізнення; пропорційність; Женевські конвенції; міська війна; критична інфраструктура.

Statement of the problem. Contemporary international humanitarian law confronts a pressing dilemma: ensuring adequate protection for civilian property amid armed hostilities. Despite comprehensive legal architectures developed through more than a century of progressive codification, armed confrontations continue inflicting devastating damage on civilian infrastructure – damage whose consequences ripple far beyond immediate combat zones. Documentation by the International Committee of the Red Cross demonstrates that modern warfare disproportionately affects civilians, with essential infrastructure systematically targeted or collaterally destroyed [1].

Urban warfare presents particularly acute challenges for safeguarding non-military objects. Densely populated environments blur boundaries between civilian and military infrastructure, creating complex targeting scenarios that demand exceptional precision in applying IHL norms. Explosive weaponry with expansive destructive radii, when deployed in inhabited areas, has emerged as a primary driver of civilian casualties – both through direct lethality and indirect consequences stemming from critical service infrastructure destruction [2]. Power grid attacks disable hospitals; water treatment facility destruction interrupts sanitation services; educational institution infrastructure collapse renders schools unusable.

Ukraine's ongoing conflict since 2022 has intensified these concerns dramatically. UN monitoring operations have documented systematic energy infrastructure targeting. According to the UN Human Rights Monitoring Mission in Ukraine, coordinated strikes have eliminated approximately nine gigawatts of electricity generation capacity – representing roughly half of Ukraine's winter energy requirements [3].

Such patterns raise fundamental questions about existing legal protections' adequacy and enforcement viability. This article addresses the central challenge: how can international humanitarian law more effectively protect civilian objects during protracted urban combat, given advanced weapons technology and observable erosion in fundamental humanitarian principle adherence?

The purpose of this article is to deliver comprehensive analysis of international legal structures governing civilian object protection during armed hostilities, with concentrated attention on contemporary implementation challenges.

Specific objectives include:

examining treaty-based and customary law provisions establishing civilian object protection, tracing their historical evolution and current application scope;

analyzing how distinction, proportionality, and precaution principles apply to civilian object protection scenarios;

assessing recent international policy and practice developments, notably the 2022 Political Declaration on EWIPA and Security Council Resolution 2573;

evaluating existing enforcement and accountability mechanism adequacy;

formulating recommendations for strengthening civilian object protection norm compliance.

Analysis of Recent Research and Publications. Scholarly literature addressing civilian object protection has expanded considerably in recent decades, driven by evolving conflict patterns and efforts toward clarifying customary international humanitarian law norms. The ICRC's landmark customary international humanitarian law study, initially published in 2005 with subsequent updates, represents groundbreaking scholarship identifying 161 rules constituting humanitarian law's common core applicable to all armed conflict participants [4]. This research established that civilian object protections exist not merely in treaty provisions but within customary international law governing both international and non-international armed confrontations.

The distinction principle separating civilian from military objectives has received extensive doctrinal examination. Analysis by Henckaerts and Doswald-Beck demonstrated that customary prohibitions against civilian object targeting apply regardless of Additional Protocol I ratification status, thereby extending protection beyond treaty frameworks [5]. Lieber Institute research has refined military objective identification criteria, emphasizing the dual-requirement test demanding both substantial military action contribution and definite military advantage from destruction [6].

Proportionality has generated substantial scholarly debate regarding practical application. Scholars grapple with the inherent difficulty of balancing anticipated military gains against expected civilian losses, acknowledging this assessment's fundamentally subjective character under uncertain operational conditions [7]. Urban settings compound these difficulties, where dual-use infrastructure—energy systems serving both military installations and civilian populations, transportation networks supporting military logistics alongside civilian movement complicates targeting determinations.

Recent scholarship has increasingly focused on critical infrastructure and essential services protection. Modern infrastructure systems' interconnected nature means damage to one component cascades through dependent systems, producing effects that compound temporally and spatially [8]. Hospitals and medical facilities require consistent electricity and water supply for functioning; upstream infrastructure attacks can severely compromise their operations despite the facilities themselves not being directly targeted.

The 2022 Political Declaration on Explosive Weapons in Populated Areas has attracted scholarly attention as potentially marking a watershed in international civilian protection efforts. Legal scholars have analyzed this non-binding instrument's capacity for normative change through political commitment and practical policy development [9]. The declaration's recognition that explosive weapons produce especially severe harm in inhabited zones represents crucial acknowledgment that while current IHL norms remain fundamentally sound, they require improved implementation frameworks.

International criminal jurisprudence has significantly advanced understanding of legal boundaries surrounding civilian object attacks. Rome Statute Article 8(2)(b)(ii) criminalizes intentionally directed attacks against civilian objects, establishing individual criminal liability for such conduct [10].

Presentation of the main material. Legal protection for civilian entities during armed conflict rests on treaty provisions, customary international law, and fundamental principles undergirding international humanitarian law's entirety. The 1949 Fourth Geneva Convention concerning Civilian Persons Protection in Wartime established foundational protections, including provisions addressing

grave breaches characterized by extensive destruction and property appropriation unjustified by military necessity [11]. However, the comprehensive civilian object protection framework emerged primarily through Additional Protocol I of 1977.

Additional Protocol I Article 52 establishes broad civilian object protection with precision that has subsequently crystallized into customary law. The opening paragraph declares civilian objects immune from attack or reprisal. Civilian objects encompass everything not constituting a military objective [12]. Paragraph 2 formally defines military objectives as objects which by their nature, location, purpose, or use make effective contributions to military action and whose total or partial destruction, capture, or neutralization, under prevailing circumstances, offers definite military advantage. This bifurcated test requires objectives satisfy both effective contribution and military advantage criteria to qualify as lawful military targets [6].

Article 52(3) establishes a presumption carrying significant operational implications: when doubt exists concerning whether objects ordinarily serving civilian purposes – places of worship, dwellings, schools—are being used for military contributions, they shall be presumed not so used. This presumption shifts evidentiary burden to attacking forces, reflecting the humanitarian purpose underlying the entire framework [13].

Additional protected object categories receive enhanced protection under both treaty and customary provisions. First Geneva Convention Articles 19-23 and Additional Protocol I Articles 12 and 21 [14] grant medical units and installations special protection. The 1954 Hague Convention and Additional Protocol I Article 53 safeguard cultural property, prohibiting attacks on historic monuments, artworks, or worship places forming peoples' cultural or spiritual heritage. Additional Protocol I Article 54 [5] protects objects indispensable for civilian population survival – foodstuffs, agricultural areas, crops, livestock, drinking water installations and supplies, irrigation works.

The ICRC Customary International Humanitarian Law Study identified civilian object protection norms applicable to both international and non-international armed conflicts. Rule 7 requires parties distinguish consistently between civilian objects and military objectives, with attacks directed solely against military objectives [4]. Rule 9 defines civilian objects as everything not constituting a military objective. These provisions represent customary law even for states not party to Additional Protocol I and for non-international armed conflicts where treaty law coverage remains limited.

Three interconnected principles govern civilian object protection during warfare: distinction, proportionality, and precaution. The International Court of Justice characterized distinction as a «cardinal» and «intransgressible» principle woven into humanitarian law's fabric [15]. This characterization underscores that distinction transcends mere technical regulation, representing a fundamental norm permitting no derogation.

Distinction requires combatants consistently differentiate between civilian objects and military objectives, directing attacks exclusively against military targets [16]. This obligation encompasses both affirmative duties – correctly identifying targets before attacking – and negative duties—refraining from harming objects that are or may be civilian. Practical distinction application demands intelligence gathering, target verification, and decision-making processes enabling accurate target classification.

Proportionality addresses situations where attacking lawful military objectives might nonetheless harm civilian objects. Additional Protocol I Article 51(5)(b) prohibits attacks expected to cause civilian object damage excessive relative to anticipated concrete and direct military advantage [17]. Commanders must weigh expected civilian harm against projected military gain before authorizing attacks, canceling or suspending attacks if proportionality thresholds will be exceeded.

Proportionality application has persistently challenged scholars and practitioners. Mathematical precision proves impossible when comparing military advantage – often intangible and future-oriented – against civilian harm – quantifiable yet uncertain. Reasonable commanders may reach differing conclusions regarding whether particular attacks satisfy proportionality requirements [7]. Nevertheless, proportionality establishes crucial constraints by prohibiting attacks where civilian damage manifestly outweighs military advantage and compelling commanders to carefully evaluate civilian harm rather than dismissing it entirely.

Precaution requires combatants undertake measures protecting civilians from danger. Additional Protocol I Article 57 delineates precautionary obligations: doing everything feasible to verify targets are military objectives; taking all feasible precautions in selecting attack means and methods to avoid or minimize incidental civilian harm; refraining from attacks expected to violate proportionality; and

providing effective advance warning of attacks affecting civilian populations [18]. These precautionary duties apply to both attackers and defenders.

Armed conflict urbanization has profoundly transformed the context within which civilian object protection rules must operate. Urban combat generates maximum civilian-military operations intermixing, creating complex targeting environments testing existing legal frameworks' boundaries [8]. Residential structures may house military command centers; commercial infrastructure may serve logistical functions; transportation networks may facilitate both civilian transit and military movements.

Explosive weapons with wide-area effects employed in populated locations have become critically important. These weapons – large bombs, missiles, rockets, mortars, artillery shells – inflict damage through blast and fragmentation effects extending beyond impact points [19]. When used where populations concentrate, they create high incidental civilian harm probability due to inability to discriminate between military targets and proximate civilian objects.

The 2022 Political Declaration on Strengthening the Protection of Civilians from the Humanitarian Consequences Arising from the Use of Explosive Weapons in Populated Areas represents international acknowledgment of this problem. Eighty-eight states have endorsed this declaration, committing to restrict or avoid using such weapons where civilian harm risk exists [20].

Critical infrastructure attacks present particularly complex analytical challenges given modern infrastructure systems' profound interdependence. Electricity generation enables water treatment, which supports hospitals, which sustain populations. Upstream infrastructure component attacks produce cascading effects transcending immediate physical destruction [21]. UN Human Rights Monitoring Mission documentation of Ukraine energy infrastructure attacks illustrates this dynamic: thermal power plant destruction caused not only electricity outages but also water distribution failures, sewage system breakdowns, heating supply interruptions, public health service degradation, and educational access restrictions [3].

Infrastructure attack consequences extend temporally through service dependencies and persist over time. Damaged infrastructure may require years for reconstruction, with civilian population effects continuing long after hostilities cease. Unexploded ordnance contamination complicates rebuilding efforts and maintains civilian risk upon return [22]. These protracted consequences challenge traditional proportionality assessments focused on immediate effects.

Ultimately, civilian object protection effectiveness depends on norm compliance, which requires functional accountability mechanisms. International criminal law provides accountability through individual criminal responsibility for war crimes, including deliberate civilian object targeting [10]. Rome Statute Article 8(2)(b)(ii) establishes jurisdiction over such conduct in international armed conflicts, while Article 8(2)(e)(iv) addresses attacks on protected buildings – designated for religious, educational, artistic, scientific, or charitable purposes – in non-international armed conflicts.

Beyond international criminal prosecution, accountability mechanisms include fact-finding missions, inquiry commissions, and human rights monitoring bodies. The UN Human Rights Monitoring Mission in Ukraine and the Independent International Commission of Inquiry on Ukraine have documented violation patterns and attributed responsibility, building evidentiary records even absent immediate prosecution [23]. Security Council Resolution 2573 (2021) condemned civilian infrastructure attacks and demanded IHL obligation compliance, representing collective political accountability pressure [24].

National implementation constitutes another critical accountability system component. States bear responsibility for disseminating IHL rules, training armed forces in their application, and prosecuting serious violations. National implementation effectiveness varies dramatically – some states maintain robust military justice systems while others lack resources or political will for violation prosecution.

Bridging the gap between legal norms and actual protection requires multi-faceted efforts. Enhanced national implementation involves developing military doctrine and operational procedures translating IHL principles into concrete commander and operator guidance. The 2022 Political Declaration's call for states to review and strengthen national policies and practices for civilian protection provides a foundation for such efforts [20].

Improved civilian harm tracking and analysis can support both prevention and accountability. Systematic civilian casualty and infrastructure damage data collection enables pattern identification, weapons effects assessment, and evidence gathering for accountability mechanisms. Military forces' civilian harm recording system development represents positive progress warranting expansion and standardization.

Strengthened precautionary measures in targeting processes can reduce incidental harm even under current law. Such measures include enhanced target verification procedures, civilian harm consideration integration into targeting decisions, and weapons and tactics advancement minimizing collateral damage [25]. Precision weapons investment and philosophy adoption supporting their populated area employment can help reduce harm.

Conclusions. Civilian object protection in armed situations rests on comprehensive legal frameworks evolved through decades of codification and validated through state practice, establishing customary international law. Distinction, proportionality, and precaution principles provide substantial normative guidance for armed conflict participants, establishing prohibitions on direct civilian entity attacks and imposing obligations to minimize collateral damage when targeting legitimate military objectives.

Contemporary challenges – armed conflict urbanization and explosive weapons with wide-area effects employed in populated settings – test these principles without undermining their fundamental validity. The legal architecture remains adequate for governing modern armed conflict conduct; the core problem lies not in the rules themselves but in compliance effectiveness.

Recent developments – the 2022 Political Declaration on EWIPA, Security Council Resolution 2573, and enhanced infrastructure attack monitoring in ongoing conflicts – demonstrate international consensus recognizing the need for strengthened protective measures. These instruments supplement rather than supplant existing IHL obligations, providing political momentum for improved national implementation and operational practice.

Accountability mechanisms require continuous strengthening and support. International criminal prosecution plays a vital role in precedent-setting and individual accountability, yet cannot alone address civilian object attack problems in contemporary conflicts. National implementation, military justice systems, and fact-finding mechanisms must work collaboratively to establish meaningful violation consequences.

Civilian object protection ultimately serves the humanitarian objective underlying all international humanitarian law: preserving humanity even amid armed conflict violence. Urban populations depend on functioning infrastructure for survival – water, electricity, healthcare, shelter. Armed conflict destruction of this infrastructure produces suffering extending far beyond battlefields and persisting long after fighting ends. Legal frameworks exist to prevent such outcomes, and the international community bears responsibility for ensuring their effectiveness.

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