

**MAPPING THE CATASTROPHIC PLIGHT OF URBANIZATION OF  
ARMED CONFLICT - A FUTURE CHALLENGE TO IHL**



**Umat Ur Rehman Shafqat  
408-FSL/LLMIL/S20**

A thesis submitted in partial fulfillment of the requirements for  
LLM International Law  
at the Faculty of Shariah and Law,  
International Islamic University Islamabad.

Dr. Warda Yasin

August, 2022

## **DECLARATION**

I, Umat Ur Rehman Shafqat, affirm that this research is original and has not been previously published or presented elsewhere. Furthermore, I testify that any secondary material, information, or sources used in this thesis are duly referenced, accredited, and acknowledged.

**Umat Ur Rehman Shafqat**

## FINAL APPROVAL

It is certified that we have read the dissertation submitted by Ms. Umat-ur-Rehman Shafqat titled, **“MAPPING THE CATASTROPHIC PLIGHT OF URBANIZATION OF ARMED CONFLICT - A FUTURE CHALLENGE TO IHL”** as partial fulfillment for the award of degree of LLM International Law. We have evaluated the dissertation and found it up to the requirement in its scope and quality for the award of the degree.

### **VIVA COMMITTEE:**

1. Supervisor  
Dr. Warda Yasin \_\_\_\_\_  
Assistant Professor  
Department of Law  
Faculty of Shariah & Law IIUI, Islamabad
  
2. Internal Examiner  
Dr Ayesha Ikram \_\_\_\_\_  
Lecturer  
Department of Law  
Faculty of Shariah & Law IIUI, Islamabad
  
3. External Examiner  
Dr. Sadia Zahoor \_\_\_\_\_

## **ACKNOWLEDGMENT**

I would like to thank Almighty Allah for inculcating in me such skills and ability due to which I can complete this research thesis. This thesis marks the completion of my LL.M (Master of Laws) at the International Islamic University, Islamabad. This thesis is dedicated to my mentors for their unwavering support and continuous motivation.

## **ABSTRACT**

Urban communities have highlighted urban fighting as a vicious phase, and pictures as of late - From the cities of Aleppo, Mosul, and Sana'a to Marawi, Mogadishu, Donetsk, and Mekelle - pretty much rule out uncertainty that towns and urban communities will stay essential milestones for future equipped struggles. One can anticipate that belligerents cannot keep utilizing customary strategies, and will eventually supplement these with current capacities like innovations in fighting and accuracy. Against this advancing scenery, we should reflect critically and vigorously on how contemporary IHL struggles are battled and the staggering compassionate outcomes they cause to urban communities and their populations. Presently, some 50 million individuals overall are impacted by the urbanization of armed conflict with thump-on impacts that go a long way past the noticeable indications of obliteration. Experience recommends that the greater part of these individuals is more subject to fundamental administrations than their country comrades, making them more defenseless against administrative disturbances. It is now more imperative to develop sufficient reactions in terms of IHL response to such troublesome intrinsic intricacy by rehashing patterns of the furnished struggle of provisions of law and additionally the impact of global assents, bans, and different limitations on exchange, importation, and conveyance of merchandise.

## LIST OF ABBREVIATIONS

IHL	International Humanitarian Law
NIAC	Non-International Armed Conflict
IAC	International Armed Conflict
ICRC	International Committee of Red Cross
UDHR	Universal Declaration of Human Rights
GC	Geneva Conventions
LOAC	Law of Armed Conflict
AD	Additional Protocol
HC	Hague Conventions
ICJ	International Court of Justice
ICTY	International Criminal Tribunal for the former Yugoslavia
IED	Improvised explosive device
IHRL	International human rights law

## Table of Contents

<b>DECLARATION .....</b>	<b>2</b>
<b>ACKNOWLEDGMENT .....</b>	<b>4</b>
<b>ABSTRACT .....</b>	<b>5</b>
<b>LIST OF ABBREVIATIONS .....</b>	<b>6</b>
<b>CHAPTER I- INTRODUCTION .....</b>	<b>1</b>
1.1 Thesis Statement .....	1
1.2 Introduction .....	1
1.3 Significance of Research.....	4
1.4 Aims and Objectives .....	5
1.5 Literature Review .....	6
1.5 Research Questions .....	11
1.6 Research Methodology .....	12
<b>CHAPTER II- REVOLUTION OF URBAN WARFARE AND ITS CATASTROPHES .</b>	<b>13</b>
2.1 Introduction .....	13
2.2 Defining Urbanization and its Relation to Armed Conflict.....	14
2.3 Military Urbanism.....	15
2.4 Revolution of War and its Comparison .....	17
2.5 Direct, Indirect, and Cumulative Impact.....	22
2.6 Protracted Conflict in Urban Areas with Examples .....	24
2.7 Urban Warfare Contemporary Future Challenge to IHL .....	26
2.8 Conclusion.....	31
<b>CHAPTER III- GLOBAL URBANIZATION INFLUENCING ASYMMETRIC WARFARE AND EXTERNAL INTERVENTION .....</b>	<b>34</b>
3.1 Introduction .....	34
3.2 Defining Asymmetric Warfare .....	35
3.3 Theory Behind Asymmetric Warfare in an Urban Setting.....	37
3.4 Examples of Asymmetric Warfare .....	39
3.5 Concept of External Intervention in International Law .....	41
3.6 External intervention in the form of war on terror .....	43
3.7 External Intervention in Urban Warfare.....	45
3.8 Conclusion.....	46
<b>CHAPTER IV-RESPONSE OF IHL TO URBAN WARFARE .....</b>	<b>47</b>

<b>4.1 Introduction .....</b>	<b>47</b>
<b>4.2 Existing Civilian Protection under IHL .....</b>	<b>47</b>
<b>4.3 Essential Principles for Mitigating the Impact of Armed Conflicts on Civilians .....</b>	<b>51</b>
<b>4.4 Application by Courts.....</b>	<b>53</b>
4.4.2 The Lubanga case (The Prosecutor v. Thomas Lubanga Dyilo).....	56
4.4.3 The Al Mahdi Case (The Prosecutor v. Ahmad Al Faqi Al Mahdi) .....	56
4.4.4 The Israel Targeted Killings Case (Israeli Supreme Court) .....	57
4.4.5 The Ntaganda Case (The Prosecutor v. Bosco Ntaganda).....	58
<b>4.5 IHL Question Raised by the Use of Explosive Weapons in Populated Areas:</b>	<b>59</b>
<b>4.6 The Interpretation and Application of IHL in the Context of Urban Armed Conflicts.....</b>	<b>61</b>
<b>4.7 Practice of States in Urban Warfare in IHL .....</b>	<b>64</b>
<b>4.8 Failed Responses About Wars .....</b>	<b>66</b>
<b>4.9 Conclusion.....</b>	<b>69</b>
<b>CHAPTER V- CONCLUSION AND RECOMMENDATIONS.....</b>	<b>70</b>
<b>5.1 Conclusion.....</b>	<b>70</b>
<b>5.2 Recommendations.....</b>	<b>72</b>
<b><i>Bibliography.....</i></b>	<b>77</b>



## CHAPTER I- INTRODUCTION

### **1.1 Thesis Statement**

The urbanization of warfare, which fundamentally changes traditional warfare, goes beyond the established limits of International Humanitarian Law (IHL) and leads to catastrophic consequences in urban areas. This presents a modern challenge to IHL. The solution to this problem lies in implementing an effective urban governance mechanism within the framework of IHL.

### **1.2 Introduction**

The recent decade has drawn attention to the unique humanitarian difficulties associated with urban warfare. These issues primarily involve safeguarding civilians, protecting civilian infrastructure, and ensuring the continuity of key services that are susceptible to disruption, such as electricity, water, and sanitation. By 2016, approximately 54.5 percent of the global population resided in urban areas. Experts predicted that by 2030, this figure would increase to 60 percent, with one out of every three individuals living in cities that have a minimum population of 500,000.<sup>1</sup> The exponential increase in population and subsequent urbanization are key factors driving the occurrence of urban conflict.

There is an undeniable truth that cities have become the primary battlegrounds of war. The conflict is not behind the radar with the urbanization of the world.<sup>2</sup> It is not left to observation but now a reality that armed conflict

---

<sup>1</sup> ICRC, "Report on IHL Contemporary Challenges", 2017.

<sup>2</sup> Camilla Waszink. "Protection of Civilians under International Humanitarian Law: Trends and Challenges", Norwegian Peacebuilding Resource Centre Report, 2011.

has been increased, and the civilians are bearing its brunt. Urban regions depend on an intricate network of interconnected infrastructure systems to provide necessary services to the civilian population. The most vital components of a system are the critical infrastructure nodes, which facilitate the delivery of services to a significant portion of the population. The failure of these nodes would be particularly worrisome since it would result in the entire system collapsing.<sup>3</sup> The utilization of means and methods of warfare in densely populated regions yields profound consequences that extend beyond the mere devastation of civilian life but also causing huge damage to civilian objects. It is to be understood that though utilities of urban life are not directly targeted, due to the increase in urbanization it would be no shocker that it somehow badly disrupted as a consequence of the activities of armed conflict.

Strategies are employed in the urban areas just to exert pressure upon civilians, one of them being the deliberate denial of services. Civilians are left without sufficient essential resources. Examples of essential resources are food, water, sanitation, and electricity. They lack access to healthcare. Moreover, conflict in urban areas causes widespread displacement, who prefer not to return on grounds of after-effect contamination, and lack of essential services. This occurrence is more prevalent in urban conflict, necessitating a distinct humanitarian reaction of a far higher magnitude.

Some features explain why war is now more relevant to cities. Firstly, by a combination of regular and irregular, state and non-state actors involved depend on communication and financial infrastructure that is largely based in

---

<sup>3</sup>Miriam Bradley. "From Armed Conflict to Urban Violence: Transformations in the International Committee of the Red Cross, International Humanitarianism, and the Laws of War," *European Journal of International Relations* 2020.

cities. Secondly, identity politics very often forms the subject of wars such as religion, sectarianism, and ethnicity. Whereas in the past we thought of cities as the haven of cosmopolitanism, and multi-capitalism, what we see now is an increasing ghettoization of cities where there is a combination of identities in cities in contrast to the civic cosmopolitan ideal law. Thirdly, tactics aimed at political control could only be manipulated in cities; a major example being displacement. This massive displacement contributed to the growth of urbanization such as the formation of Pristina, Baghdad, Basra, and Kabul. Furthermore, these wars as opposed to the classic war are now sustained through criminalized means in the city and through state provision.

Although the idea of proportionality is widely accepted and often used by military commanders, the terms it relies on, such as "incidental civilian harm," "military advantage," and "excessiveness," have become highly popular. IHL establishes restrictions on the selection of means and methods employed in warfare, safeguarding civilians and civilian structures from intolerable damage and devastation. However, the severe humanitarian repercussions of urban warfare prompt significant inquiries into how parties involved in these conflicts understand and implement the applicable standards of IHL.<sup>4</sup> Urban areas frequently contain a mixture of military and civilian structures. The coexistence of different groups engaged in urban conflicts poses significant difficulties, both from a military perspective and in terms of preventing injury to civilians. The principles and rules of IHL are crucial in providing protection to civilians because of the unique risks they face in urban warfare.

---

<sup>4</sup> Ibid

The current state of IHL lacks the ability to ensure adherence to its principles of proportionality and precaution, thereby failing to guarantee the humanitarian conduct of war. The 2003 invasion of Iraq revealed the significant influence of the occupying force and its intentional conversion of the urban battlefield into a heavily militarized area. This was achieved by targeting infrastructure that served both civilian and military purposes, as well as implementing strategies and communication methods on the ground to enhance security measures.

The main object of this thesis is to provide insight into the application of IHL to the emerging Urban warfare conflicts, and further steps forward towards apprehending the concept of making cities resistant institutionally to an ideal urban governance, hence, for that purpose, the structure of the study is organized into four parts, the first part provides a comprehensive introduction to the topic by providing the definition and meaning of IHL, urbanization, and factors of urban warfare. It also studies the emerging importance of IHL in urban warfare and its legal dimensions. The second part identifies the key legal challenges of urban warfare and analyzes them with case studies and relevant IHL laws and principles. The third part delves into the need for an effective code for the protection of cities and civilians, making it a political game-free zone. The thesis concludes with the findings and some recommendations of the author.

### **1.3 Significance of Research**

Approximately 50% of the global population resides in urban areas, and over time, the nature of warfare has undergone transformation. War no longer primarily consists of a battle between two different sides. The war is

now a very different phenomenon. This research work focuses on the implication that global urbanization brings to the character and conduct of war and why war is increasingly being urbanized. In the past decade, the most violent examples of war hitting the urbanization are the war against ISIS, and civil wars in Libya, Syria, and Yemen. Such war has not only devastated cities but has also affected the socio, spatial, and political features of large cities influencing wars. Further apprehending the situation in the context of the threshold set by IHL, and envisioning the benchmark to be set in a manner for holding cities resistant institutionally under IHL.

#### **1.4 Aims and Objectives**

The key goals and objectives of this research will be as follows:

- Study the evolution of urban warfare and evaluate its consequential catastrophes from an IHL perspective.
- Analyze the global urbanization demographics and their significant influence on asymmetric warfare through significant case studies
- Identify and explore the impact of external intervention particularly the infamous war of terror on urban warfare through leading case studies.
- Assess the loopholes in IHL for providing an adequate response to Urban warfare.
- Provide measures to address the challenges of urban warfare posed to IHL in the form of protecting cities and civilians by devising an adequate code for ideal urban governance.

## **1.5 Literature Review**

The review of literature for this research is conducted through both primary and secondary sources, including books, journals, articles, and various international, governmental, and nongovernmental reports, however, undeniably academic literature is scarce on this topic, which can be majorly attributed to the fact that Urbanization in IHL has recently in past years been attributed significance. And the work has only just begun on developing and entrenching the concept which has existed there for decades. However, the situation isn't as daunting as it may seem for there are some resources available that have formed the basis of this research.

In the book "*The Challenge of Conflict International Law Responds*"<sup>5</sup>, edited by Ustinia Dolgopol and Judith Garda, have addressed the challenges posed by conflict and how international law can mitigate and respond to these challenges. They have argued that the growth of the world population would significantly intensify economic, political, ethnic, and other conflicts. The majority of this growth, amounting to 95%, will occur in developing nations, mostly in urban regions that are experiencing rapid expansion. Considering that many of these countries possess vulnerable political systems, the convergence of population expansion, insufficient economic capability, and urbanization will foster instability. While the work acknowledges the legal implications, a more in-depth legal analysis could examine specific legal challenges faced by the State and its adequate response back. Moreover, the writer has expressed his knowledge of the dynamics of Future Conflict. He observed that the conflict dynamics will persist due to authoritarianism,

---

5 Ustinia Dolgopol and Judith G. Gardam. "The Challenge of Conflict," International Humanitarian Law Series, vol. 13, MartinusNijhoff Publishers, 2006.

anocracy, state repression, poverty, vicious identity politics, and religious and ethnic grievances. There will perpetually exist conflicts over the dominion of minerals and other valuable resources.

ICRC in its 2019 report<sup>6</sup> considers new challenges such as the urbanization of armed conflict, new technologies of warfare, IDPs and persons with disabilities, access to education in armed conflict, and the impacts of armed conflict on the environment. Institutional Strategy 2019–2022 provides a compass for action for the next four years. It guides the organization in both preventing and alleviating the suffering of people and communities affected, and in delivering relevant and sustainable humanitarian impact. In this report, ICRC reminded governments, and organizations, to take IHL into account in their policy-making and activities. Moreover, ICRC’s 2017 report on “*Contemporary future challenges to IHL*”<sup>7</sup> asserted that the principles of distinction, proportionality, and precautions are interrelated and must all be upheld in order for an attack to be considered legal. Controversy has emerged regarding the significance of anticipated collateral damage to civilians, like as illness and psychological distress, when applying the concepts of proportionality and prudence. The ICRC believes it is crucial to take into account the potential harm that might be anticipated, such as the contamination resulting from targeting a military objective in a city that houses harmful industrial chemicals, or the transmission of diseases caused by unintentional damage to municipal sewage systems. This is especially pertinent in situations where an assailant intends to create unintentional harm to water or sewage

---

<sup>6</sup> ICRC, “Report on IHL Contemporary Challenges”, 2019.

<sup>7</sup> ICRC, “Report on IHL Contemporary Challenges”, 2017.

systems in a city that already has a prevalence of cholera or other highly contagious diseases, as has been observed in many recent conflicts.

William S. Turley, in his writing "*Urbanization in War*"<sup>8</sup>, provides a clear insight into Hanoi City which was deeply affected at the outset, because the opening battle was a contest for control of the city. He claims that urban life became almost unbearable as a result of the amalgamation of instability, adversities, and persistent conflict. The civilian population had both a strong incentive to flee the city and placed a heavy load on the remaining soldiers. As a result, almost all civilians either fled or were evacuated. After the cessation of hostilities, many displayed hesitance in going back due to the protracted delay in the restoration of essential amenities, extensive damage to residences, absence of economic activity and financial resources, excessive living expenses, and a strong sense of patriotic aversion towards the prospect of returning to an area under French control. He maintained that the wars had both similar and dissimilar effects on urban economic, social, and political life. In each case, the urban economy experienced the destruction or dismantling of its major industries and a compensatory profusion of very small units of production, handicraft industries, and individual entrepreneurs. The author highlights understanding of such dynamics as crucial for policymakers, and military planners in light of government structure. His expertise in his respective field provides a better insight of such dynamics.

In the renowned publication "*Protecting Civilians In Urban Areas*,"<sup>9</sup> Nathalie Durhin asserts that effectively applying the tenets of IHL poses a

---

<sup>8</sup>William S. Turley, "Urbanization in War: Hanoi, 1946-1973," *Pacific Affairs* 48, no. 3 (1975).

<sup>9</sup>Nathalie Durhin, "Protecting Civilians in Urban Areas: A Military Perspective on the Application of International Humanitarian Law," *International Review of the Red Cross* (2017).



significant difficulty when it comes to prioritizing the safeguarding of civilians in contemporary urban armed situations. The implementation of a principle of distinction has challenges in acquiring intelligence, especially when there are no troops present in the area. To minimize collateral damage, it is necessary to implement highly accurate targeting methods and even employ tactics that aim to relocate conventional warfare away from urban areas. Precautionary measures in fighting or defense against the consequences of an attack must be tailored to the specific circumstances of urban warfare. However, he maintains that IHL continues to be a crucial tool that needs to be thoroughly examined and implemented in order to carry out military operations that are both efficient and in accordance with the law.

In a research work titled “*The Rural and Urban at War*,”<sup>10</sup> Toby Lincoln argues that the invasion largely targeted cities and the transportation links connecting them. Toby Lincoln is an academic author specializing in modern history, particularly the history of warfare, violence, and conflict. He has written extensively on topics related to war, including the interplay between rural and urban environments during periods of conflict. Toby Lincoln's research sheds light on how warfare transformed both rural and urban landscapes, affected local economies, and shaped societal norms and behaviors. His work contributes to our understanding of the complex dynamics of conflict and its repercussions on diverse communities across different geographical settings. He also examines how municipal authorities and urban inhabitants tried to deal with this devastating occurrence. The

---

<sup>10</sup>Lincoln, Toby. "The Rural and Urban at War: Invasion and Reconstruction in China during the Anti-Japanese War of Resistance," *Journal of Urban History*, 2012.

magnitude of the devastation transformed the structure of the city, and immediately after, the local population called upon a previously existing urban character from before the conflict. He explains that the occurrence of violence during wartime is influenced by geographical factors, both within the city and along the rural-urban gradient. This introduces a new aspect to the societal effects of war, as it enables us to precisely determine when individuals acquired personal knowledge of war, how this knowledge varied based on their location, and how it potentially influenced the challenging decisions they had to make while under occupation. The Japanese incursion into the Lower Yangzi Delta, sometimes referred to as Jiangnan, was a calamitous event characterized by the bombing of cities, forced displacement of populations, and the perpetration of heinous acts. After a span of two years, cities across the globe experienced comparable suffering, as advancements in warfare technology enabled aggressors to effectively attack entire urban communities. Invading forces now sought to not only obliterate the military and industrial facilities of their adversaries, but also to crush their citizens into surrender using the complete array of mechanized warfare. Although modern warfare is predominantly fought in urban areas, researchers have only just started exploring the significant connection between cities and war, which has been a defining characteristic of modern history.

In the book *“The Law of Armed Conflict: International Humanitarian Law in War,”*<sup>11</sup> Gary D. Solis states that in reality, matters of proportionality can occasionally perplex even high-ranking military officials. Amidst the U.S. invasion of Iraq from March 20 to May 1, 2003, the leading general in charge

---

<sup>11</sup>David Solis. *The Law of Armed Conflict: International Humanitarian Law in War.* Cambridge University Press, 2010.

of the operation made it clear that he would not hesitate to suggest launching attacks that endangered civilians, as long as important targets were identified. He was aware that precise targeting with high collateral damage would be necessary to destabilize the Iraqi regime swiftly.

In the 2004 first battle of Fallujah, Iraq, the strategic value of capturing Fallujah was deemed significant enough to warrant a military assault on the city. He asserted that in highly developed governments where military targets are mixed with civilian areas, it is challenging to render the military objectives ineffective without causing harm to the civilian population at the same time. The author observed that proportionality and military necessity, “the yin and yang of military operations”, become difficult assessments in global urbanization.

### **1.5 Research Questions**

Concerning the aims and objectives of the study, the following research questions are constructed:

1. How has war revolutionized urban warfare and what are its consequential catastrophes?
2. How global urbanization demographics has influenced asymmetric warfare?
3. What is the impact of external intervention (war of terror) on urban warfare?
4. Does IHL provide for an adequate response to Urban warfare?
5. What is the benchmark to be set for making cities resistant institutionally to ideal urban governance in the context of IHL?

## **1.6 Research Methodology**

The research is descriptive and qualitative. Primary sources such as books will be consulted. The research will also include official and other secondary sources, general comments, and international jurisprudence. Secondary sources including journals, papers, articles, and reports provide relevant data for the same. Libraries will be utilized as a means of conducting research. Likewise, the internet will be used for the collection of data. The course of study will also integrate new research methodologies and techniques. Wherever necessary, the systems in other jurisdictions have also been considered and used as a model for the findings reached in this research, therefore in particular cases, a comparative framework has also been adopted.

## **CHAPTER II- REVOLUTION OF URBAN WARFARE AND ITS CATASTROPHES**

### **2.1 Introduction**

A modern city by its very nature, including its infrastructural advancements, high population density, anonymity, and dependence on imported resources like food, water, and energy, contribute to the potential for violence within and directed at the city. Consequently, both state and non-state actors view a city as their primary means of conducting warfare. There have been numerous recent instances in which non-state actors have gained significant power to project and reinforce their political violence by taking control of the technical infrastructure required to sustain a globalized urban life. Insurgents have utilized infrastructure to carry out attacks in major urban centers such as New York, Mumbai, London, and Madrid.<sup>12</sup> In cities like Iraq and Nigeria, they disrupt cellular systems, oil pipelines, and electricity networks. Somalis have utilized spies among London's maritime brokers to gather intelligence for their systematic hijacking of global shipping routes. In such a way, these insurgents have effectively utilized many means of transportation, including airliners, metro trains, cars, small boats, as well as modern technologies such as mobile phones, electricity, and communications grids, to carry out lethal attacks.

These purportedly altruistic methods of warfare lead to the deaths of the most vulnerable individuals of a community. They are just as efficient as carpet bombing, but regrettably occur out of sight of the cameras. Such modes of war are more often shown in media as ways of bringing the adversary

---

12 Mary Kaldor, *New and Old Wars: Organised Violence in a Global Era* (Oxford: Polity, 1999)

regimes under political pressure. In urbanized societies, with no alternatives inter alia water, food, power, and medical facilities, the aforementioned assaults are often organized through planned public health crises<sup>13</sup>. The complex urban setting along with constant violence and disrespect towards the IHL<sup>14</sup> along with the embargos and other restrictions on the entry of materials result in difficulty in the development of adequate responses. This is enhanced by the diverse opportunities accessible to support interventions that are typically unavailable in rural contexts.

Warfare has evolved from traditional warfare into urban warfare resulting in exponential catastrophes which is evident from millions of people facing the brunt of the consequences which include killing and injuring of civilians, displacement of communities, and disruption of basic services for survival. This means of warfare causes the consequences of armed conflicts to last for years or decades, and in such cases, humanitarian needs become crucial as a consequence of the weakening of public services and entire systems which poses a great challenge to IHL.

## **2.2 Defining Urbanization and its Relation to Armed Conflict**

Urbanization is generally defined as a process whereby a large number of people become permanently concentrated in smaller areas resultantly forming cities<sup>15</sup>. It refers to the process in which individuals relocate to urban regions, leading to the expansion of cities and towns. It can be termed a

---

13 "Addressing Mental Health and Psychosocial Needs of People Affected by Armed Conflicts, Natural Disasters, and Other Emergencies," 33IC/19/12.2, 2019.

14 ICRC, ICRC, "Urban Services during Protracted Armed Conflict," 2015  
[https://www.icrc.org/sites/default/files/topic/file\\_plus\\_list/4249\\_urban\\_services\\_during\\_protracted\\_armed\\_conflict.pdf](https://www.icrc.org/sites/default/files/topic/file_plus_list/4249_urban_services_during_protracted_armed_conflict.pdf).

15 Ibid

"progressive increase in the number of people"<sup>16</sup> and their concentrated use of resources. Urbanization is primarily driven by the notion that urban regions, such as towns and cities, offer superior economic, social, and political advantages compared to rural areas. The term city is usually defined as a matter of demographics, however the same changes concerning time and place. The United Nations adopts the definition of the term "urban" used in each country which may vary considerably and does not have a definition of its own. For example, in the United States, the phrase "urban place" is used to refer to a locality that has a population of more than 2,500 people.<sup>17</sup> The term "urban place" in Peru refers to population centers with a hundred or more dwellings. With sophisticated communication, infrastructural advancements, medical and educational facilities, improved standards of living, enlightenment, liberalization, and other social amenities together, the urban areas become more tech-savvy. This phenomenon also leads to urban congestion, which progressively intensifies as the population and influx of immigrants into cities and towns seeking improved living conditions continue to grow.<sup>18</sup>

### **2.3 Military Urbanism**

Military urbanism refers to the integration of military strategies, technologies, and infrastructure within urban environments. It involves the design and organization of cities and urban areas in a way that facilitates military operations, defense, and control. Military urbanism has become increasingly prominent in recent years due to the increasing urbanization of

---

<sup>16</sup> Ibid

<sup>17</sup> Université Laval and the ICRC, "The Principle of Proportionality in the Rules Governing the Conduct of Hostilities under International Humanitarian Law," 2018, [https://www.icrc.org/en/download/file/79184/4358\\_002\\_expert\\_meeting\\_report\\_web\\_1.pdf](https://www.icrc.org/en/download/file/79184/4358_002_expert_meeting_report_web_1.pdf).

<sup>18</sup> Ibid

the world and the changing nature of warfare.<sup>19</sup> It includes planning and implementation of processes by which the areas are fortified and militarized along with the military observations and critiques. Military urbanism acknowledges the unique challenges and opportunities presented by urban warfare. It involves developing tactics, training, and equipment for military forces to operate effectively in complex urban environments, where traditional methods of warfare may not be applicable. incorporates the construction and modification of urban infrastructure and architecture to support military objectives. This can include the establishment of military bases, fortifications, surveillance systems, and communication networks within cities.<sup>20</sup> Military urbanism emphasizes the use of advanced surveillance technologies, including drones, CCTV cameras, and sensors, to monitor urban areas and maintain control. These systems help in intelligence gathering, situational awareness, and identifying potential threats. cordon and search operations are commonly employed to isolate and secure specific areas within cities. This involves establishing checkpoints, roadblocks, and restricted zones to control movement and prevent unauthorized access.

Military urbanism recognizes the importance of collaboration between military forces and civilian authorities in urban areas. It involves coordinating efforts with local law enforcement, emergency services, and municipal governments to ensure effective responses to security challenges and crises. acknowledges the significance of psychological and information operations in

---

19 Roberto Riceño-León and Verónica Zubillaga, "Violence and Globalization in Latin America," *Current Sociology* 50, no. 1 (2002): 21.

20 Alberto Concha-Eastman, "Urban Violence in Latin America and the Caribbean: Dimensions, Explanations, Actions," in Susana Rotker (ed.), *Citizens of Fear: Urban Violence in Latin America* (New Brunswick: Rutgers University Press, 2002), 44.



influencing the urban population<sup>21</sup>. These operations may involve propaganda, disinformation campaigns, or efforts to win the support or cooperation of the local population. It's important to note that military urbanism is a complex and evolving concept, and its application can vary depending on the context and specific military strategies employed. It raises ethical and legal questions regarding the balance between security and individual rights, as well as potential impacts on the urban environment and civilian life.

The transformation of Gaza from a dense urban society of 1.5 Million people to a prison camp is one powerful example after the Israeli siege as a consequence of the election of Hamas in 2006<sup>22</sup>. Deaths of people, ranging from young to old, healthy to sick, are hidden from the outer world. An individual who has survived is burdened to live a life, most appropriately termed by Giorgio Agamben as a 'bare life' which refers to "biological existence that can be sacrificed at any time by a colonial power that maintains the right to kill with impunity but has withdrawn all moral, political or human responsibilities from the population"<sup>23</sup>.

#### **2.4 Revolution of War and its Comparison**

With time there has been great evolution in technology, human performance, and the strategies/tactics used in war. From the traditional warfare era to the autonomous warfare era, there has been great enhancement

---

21The Incidental Harm Side of the Assessment," research paper, 2018, available at <https://www.chathamhouse.org/sites/default/files/publications/research/2018-12-10-proportionality-conduct-hostilities-incident-harm-gillard-final.pdf>.

22 Edelberto Torres-Rivas, "Epilogue: Notes on Terror, Violence, Fear, and Democracy," in KeesKoonings and Dirk Kruijt (eds.), *Societies of Fear: The Legacy of Civil War, Violence, and Terror in Latin America* (London: Zed Press, 1999), 287.

23 KeesKoonings, "Shadows of Violence and Political Transformation in Brazil: From Military Rule to Democratic Governance."

in warzones and tactics.<sup>24</sup> The battlefield lessons learned along with the new technologies and combined arms breakthrough strategy is one of the most modern revolutions introduced by the German Military from World War through World War II<sup>25</sup>. Like such events and struggle war has been revolutionized from its earlier past. Further comparison of the same gives a deeper insight into such a view. It's important to note that the distinction between traditional warfare and urban warfare can sometimes blur, as conflicts may involve a combination of both types depending on the operational context. Additionally, modern warfare often requires forces to be prepared for urban operations, as conflicts increasingly occur in urbanized areas. There is a strong need to contextualize the assessments about the level of difficulty of urban warfare in the present time in contrast to the past conflicts or different environments<sup>26</sup>. It is therefore imperative to understand war and warfare in all the dimensions inter alia including social, human, political, and psychological. For example, civilian casualties causing political scenarios in warfare have increased extraordinarily. When comparing previous and modern urban warfare, it is crucial to highlight the practices of indiscriminate killing of individuals regardless of their combatant status, as well as the enslavement of women and children. The vast difference between wars fought with swords, arrows, and horses with wars fought through the use of tanks, gunpowder, and bombs with the ability to turn cities into piles of dust cannot be negated.<sup>27</sup> During ancient times, urban warfare mostly revolved around sieges, which

---

24 Cathy McIlwaine and Caroline O.N. Moser, "Latin American Urban Violence as a Development Concern: Towards a Framework for Violence Reduction," *World Development* 34, no. 1 (2006): 112.

25 UN-Habitat, *Global Report on Human Settlements 2007: Enhancing Urban Safety and Security* (London: Earthscan, 2007).

26 World Health Organisation, *World Report on Violence and Health*, Geneva, 2002.

27 Susan Willett, "Insecurity, Conflict, and the New Global Disorder," *IDS Bulletin* 32, no. 2 (2001): 35.

were a prevalent military strategy for an extended period, particularly in the Middle Ages. These sieges predominantly took place in fortified locations. When these fortifications surrounding the cities were breached, the same resulted in the sacking or capitulation of the cities. This siege warfare era eventually came to an end after the invention and introduction of advanced military strategies and artillery including gunpowder-based weapons. From the seventeenth century, the armies of European kings adopted norms of decisive battle. Similarly, with the rise of the *levée en masse*<sup>28</sup> that followed armies did not fight in urban areas except when they were repressing domestic uprisings. Western military units did not engage in frequent urban combat until World War II. Most of the urban combat was a component of broader military operations conducted in rural regions.

During urban counter-insurgency operations, governments deploy forces to defeat an insurgency. Counterinsurgencies are defined as a complex subset of warfare.<sup>29</sup> Insurgents employ guerrilla, terrorist, and paramilitary strategies to achieve their political goals. Insurgents increasingly employ the strategy of disguising themselves among the local population in order to carry out sudden and brief attacks. Dense metropolitan locations provide insurgents several advantages, including high concentrations of huge people, government troops, and establishments as potential targets, as well as easy access to essential resources such as food, water, and money. Urban fighting is the most challenging form of warfare, encompassing both counterinsurgency and deliberate attack. This is due to the physically restrictive nature of the urban

---

28 Roberto Briceño-León and Verónica Zubillaga, "Violence and Globalization in Latin America," *Current Sociology* 50, no. 1 (2002): 19.

29 Mo Hume, *The Politics of Violence: Gender, Conflict, and Community in El Salvador* (Oxford: Wiley Blackwell, 2009).

environment and the numerous policy restrictions it presents. Traditional warfare and urban warfare are distinct in their characteristics, strategies, and challenges. The comparison between the two is as under:

2.4.1 Terrain and Environment: Traditional warfare often takes place in open, rural, or less densely populated areas. The terrain can vary from deserts and forests to open fields, allowing for more maneuverability, longer engagement ranges, and easier identification of targets. Urban warfare, on the other hand, occurs in densely populated urban environments characterized by buildings, narrow streets, and complex infrastructure. The presence of civilians, numerous hiding places, and limited lines of sight pose significant challenges for military operations.

2.4.2 Tactics and Strategies: Traditional warfare relies on conventional military tactics, such as large-scale troop movements, frontal assaults, and maneuver warfare. The focus is often on seizing and holding key strategic locations, gaining control of territory, and engaging enemy forces in open battles. Urban warfare requires specialized tactics and strategies. It involves close-quarters combat, room clearing, and dealing with improvised explosive devices (IEDs) and booby traps<sup>30</sup>. Military units must adapt to the urban environment, use cover and concealment effectively, and engage in small-unit operations.

2.4.3 Troop and Equipment Deployment: In traditional warfare, military forces can deploy larger units, such as divisions or brigades, across

---

<sup>30</sup> Cathy McIlwaine and Caroline O.N. Moser, "Living in Fear: How the Urban Poor Perceive Violence, Fear, and Insecurity," in K. Koonings and D. Kruijt (eds.), *Fractured Cities: Social Exclusion, Urban Violence and Contested Spaces in Latin America* (London: Zed Press, 2007), 117.

wider areas. They can utilize heavy armored vehicles, artillery, and air support more effectively due to the open terrain.<sup>31</sup> In urban warfare, forces often operate in smaller, dispersed units due to the limited space and the need for flexibility. Light infantry, special forces, and urban warfare-trained units are typically employed. Soldiers rely on individual weapons, small arms, and urban-specific equipment.

2.4.4 Intelligence and Reconnaissance: In traditional warfare, intelligence gathering and reconnaissance rely on aerial assets, such as drones and reconnaissance aircraft, as well as ground-based patrols and surveillance. The expansive terrain allows for broader visibility and longer detection ranges. Whereas, urban warfare requires detailed intelligence on urban infrastructure, building layouts, and enemy positions. Soldiers rely on human intelligence sources, surveillance systems, and advanced technologies, including drones and robots, to gather information within the urban environment.

2.4.5 Civilian Considerations: While civilians may be present in traditional warfare, the level of civilian density and the potential for collateral damage is generally lower compared to urban warfare. Efforts are made to minimize civilian harm, but the focus is primarily on engaging enemy forces. Urban warfare places a greater emphasis on minimizing civilian casualties and protecting critical infrastructure. Forces must navigate the complex ethical, legal, and humanitarian considerations associated with fighting in densely populated areas.

---

<sup>31</sup> Teresa P.R. Caldeira, *City of Walls: Crime, Segregation, and Citizenship in São Paulo* (Berkeley, CA: University of California Press, 2000).  
Dennis Rodgers, "'Disembedding' the City: Crime, Insecurity, and Spatial Organization in Managua, Nicaragua," *Environment and Urbanization* 16, no. 2 (2004): 113.

## **2.5 Direct, Indirect, and Cumulative Impact**

Direct impact refers to the immediate and tangible consequences resulting directly from armed combat, such as the destruction of urban infrastructure and the loss of lives of technicians. Conversely, indirect impact is a result of direct impact and affects a related part of a system. Cumulative impact pertains to the gradual degradation in the functioning of vital services due to the cumulative and gradual effects on one or more crucial elements of these services, whether through direct or indirect impacts.<sup>32</sup> The cumulative impact is highly detrimental due to the extensive scope of infrastructure restoration required to reinstate any urban service or combination of services.

The second direct consequence of armed conflict is the inadequate or total absence of access to a particular service component. Municipal electricity repair or maintenance teams frequently face obstacles in accessing specific neighborhoods due to military restrictions or risks associated with the conflict.<sup>33</sup> Conversely, when armed conflict and sanctions start to impact a nation's economy, vital services in metropolitan regions tend to see indirect repercussions, particularly in locations outside the capital. Decreased cash transfers have the potential to interrupt ongoing initiatives of lesser importance and terminate planned projects.<sup>34</sup> The decrease in financial resources can also result in a decline in personnel motivation. Addressing the indirect consequences on essential equipment becomes challenging when they arise

---

<sup>32</sup> Cathy McIlwaine and Caroline O.N. Moser, 'Latin American urban violence ...', op. cit. in note 11.

<sup>33</sup> Ibid.

<sup>34</sup> Cathy McIlwaine, "Gender and Age-Based Violence," in Vandana Desai and Robert B. Potter (eds.), *The Companion to Development Studies* (London: Arnold, second edition, 2008), 445.

from coping strategies that the impacted individuals have developed and now depend on. If it is challenging to obtain replacement components of high quality, the systems from which parts are taken may become dysfunctional or function at a diminished capacity. Consequently, the diminished pressure to address these components of the system results in their recurring failure. Protracted conflict and sanctions have a greater impact on essential supplies. The diminished finances allocated for the purchase of spare parts or equipment repairs exacerbate the worse quality of these items. This leads to the deterioration of the infrastructure.

Certain services rely on others to ensure their uninterrupted operation. For instance, the provision of high-quality health services relies on the availability of safe drinking water and a consistent and trustworthy electricity source.<sup>35</sup> Improperly maintained dump sites can potentially contaminate groundwater. When the pollution is widespread, it becomes crucial to promptly commence decontamination measures. Access to essential services such as food, water, energy, transport, and communications is reliant on other commodities and services that are not under the authority of the population. These services are necessary for both rural and urban locations. The majority of the interdependencies are connected to monetary transactions. Imposing economic sanctions on a country leads to a reduction in funding for vital services. Armed conflict can impede the transfer of funds from remittances originating from distant countries.

---

35 Irma Arriagada and Lorena Godoy, "Seguridad Ciudadana y Violencia en América Latina: Diagnóstico y Políticas en los Años Noventa," in Social Policy Series, no. 32 (1999).

## **2.6 Protracted Conflict in Urban Areas with Examples**

Protracted conflict in urban areas refers to situations where armed conflicts or wars persist over an extended period within densely populated cities or urban environments. This type of conflict poses unique challenges due to the complex nature of urban settings and the presence of civilian populations.

Protracted conflict in urban areas often leads to significant humanitarian crises. The close proximity of combatants and civilians heightens the likelihood of civilian casualties, relocation, infrastructure destruction, and restricted access to essential services like healthcare, water, and food. The prolonged nature of the conflict exacerbates these challenges, leaving the civilian population vulnerable to violence and suffering. Protracted conflict in urban areas often involves guerrilla warfare tactics employed by non-state actors. The dense urban environment provides opportunities for insurgents or rebel groups to blend in with the local population, launch surprise attacks, and conduct hit-and-run operations. This type of warfare can prolong the conflict and make it challenging for conventional forces to effectively counter the insurgency. The presence of armed groups within urban areas can lead to abuses against civilians, including arbitrary arrests, torture, sexual violence, and forced recruitment. Safeguarding human rights and protecting the well-being of the civilian population becomes progressively challenging in protracted urban conflicts. In some cases, protracted urban conflicts can lead to sieges or the establishment of fortified enclaves controlled by different factions. This can result in protracted standoffs, limited access to humanitarian aid, and exacerbation of tensions between opposing



groups. It is even more troublesome when the innate intricacy of an urban setting is compounded by rehashed patterns of outfitted struggle of protracted conflict and its potential impact in light of worldwide bans as well as limitations on the exchange, importation, and conveyance of merchandise. Addressing protracted conflict in urban areas requires a comprehensive approach that combines humanitarian assistance, conflict resolution efforts, peacebuilding initiatives, and urban planning for post-conflict reconstruction. Furthermore, it requires the active participation of diverse stakeholders, including as national governments, international organizations, local communities, and civil society, to tackle the root causes of the conflict and strive for long-lasting peace and development.

One example of protracted conflict in an urban area is the ongoing conflict in Syria, particularly in cities like Aleppo, Damascus, and Homs. The Syrian conflict, which began in 2011, has evolved into a complex and protracted conflict with significant urban dimensions. The conflict in Syria initially started with peaceful protests but escalated into a full-scale civil war. Over time, various armed groups, including government forces, opposition factions, and extremist organizations, became involved, leading to a protracted conflict within urban <sup>36</sup>.

The city of Aleppo, once Syria's largest and most vibrant urban center, has witnessed intense fighting and significant damage throughout the conflict. The city became divided between government-controlled and opposition-held areas, leading to prolonged urban warfare, sieges, and indiscriminate shelling.

---

<sup>36</sup> Cathy McIlwaine, "Geography and Development: Violence and Crime as Development Issues," in *Progress in Human Geography* 23, no. 3 (1999): 453.

The conflict destroyed infrastructure, including hospitals, schools, and residential buildings, leaving the civilian population in dire conditions. The capital city, Damascus, has also experienced protracted conflict. While the government maintained control over most of the city, there have been intermittent clashes with opposition forces in certain neighborhoods. Urban warfare and the presence of armed groups have had a severe impact on the population, leading to displacement, destruction of infrastructure, and loss of lives. Homs, another major city in Syria, has been a focal point of the conflict. It experienced intense fighting, including street battles and sieges. The protracted conflict resulted in significant damage to the city's infrastructure, including its historic sites, and caused the displacement of a large number of residents. The conflict in Syria illustrates the challenges and complexities of protracted urban warfare. The prolonged duration of the conflict can be attributed to the existence of numerous armed factions, the participation of external entities, and the densely populated urban environment. The urban areas have borne the brunt of the violence, leading to immense human suffering, displacement, and destruction of urban <sup>37</sup>.

## **2.7 Urban Warfare Contemporary Future Challenge to IHL**

Urban warfare poses significant challenges to IHL due to the unique characteristics of urban environments and their impact on civilian populations. Here are some contemporary and future challenges that urban warfare presents to IHL.

2.7.1 Distinction and Identification of Targets: Distinguishing between combatants and civilians in densely populated urban areas can be

---

<sup>37</sup>Ibid.

challenging.<sup>38</sup> Armed groups frequently camouflage themselves within the civilian populace, utilizing civilian infrastructure as a disguise. This makes it difficult to identify legitimate military targets and increases the risk of civilian harm.

2.7.2 Proportionality and Collateral Damage: The principle of proportionality mandates that military forces must ensure that the projected military benefit of an attack is not surpassed by the predicted harm to civilians and civilian objects. In urban warfare, where combat is often near civilian infrastructure, the risk of collateral damage and civilian casualties is heightened, making the application of the proportionality principle complex. Accidental risks are one of the potential damage which may include urban infrastructure destruction<sup>39</sup>. Urban environments have greater risks because of complicated physical terrain, the civilian population, and the ecosystem comprising the political, social, and economic ecosystem.

2.7.3 Protection of Civilians: Urban warfare places civilians at significant risk. The use of heavy weaponry, indiscriminate attacks, and siege tactics can result in civilian casualties, displacement, and denial of essential services. Urban warfare can have severe humanitarian consequences for children, affecting their physical and mental well-being, access to essential services, education, and overall development. Protection measures, access to essential services, psychosocial support, education continuity, and efforts to prevent child recruitment are essential components of a comprehensive response to safeguarding children's rights and well-being in conflict-affected

---

38 International Humanitarian Law and the Challenges of Contemporary Armed Conflicts, 2015, 32IC/15/11, 52; available at <https://www.icrc.org/en/download/file/15061/32ic-report-on-ihl-and-challenges-of-armed-conflicts.pdf>. (Subsequent references to this report will cite it as the IHL Challenges Report 2015.)

39 ICRC, *IHL Challenges Report 2015*, 49

urban environments. Armed groups may exploit the chaos of urban conflict to recruit children as soldiers, spies, or laborers. In conflict-affected regions of Africa, such as the Democratic Republic of the Congo (DRC) and South Sudan, armed groups have been known to recruit children as soldiers. In the conflict in Gaza, Israel's military operations often involved airstrikes and artillery shelling targeting militant groups. However, these attacks also caused extensive damage to civilian infrastructure, including schools and residential buildings, putting children at risk of injury or death. Protecting civilians and ensuring their well-being amid the chaos and destruction of urban warfare remains a critical challenge.

2.7.4 Counterinsurgency operations: A counterinsurgency is one of the riskiest missions that a nation can carry out involving disproportionate levels of political, tactical, and accidental risk for liberating a city from a defending force. The major urban operations aimed at regime change or neutralizing the enemy's urban capabilities will be conducted as part of counterinsurgency operations, with the mission objective of isolating a small enemy force from the surrounding populace. Specific urban counterterrorist operations<sup>40</sup> are highly targeted raids that rely on intelligence and necessitate swift action from specialized military troops, which might potentially result in fatalities.

2.7.5 Safe Access for Humanitarian Aid: Urban warfare can impede the safe and timely delivery of humanitarian assistance to affected populations. Infrastructure destruction, limitations on access, and the presence

---

<sup>40</sup>*The Principle of Proportionality in the Rules Governing the Conduct of Hostilities under International Humanitarian Law*, 37. See also, International Law Association Study Group, *The Conduct of Hostilities and International Humanitarian Law: Challenges of 21st Century Warfare*, 11.

of armed individuals can impede the distribution of vital provisions like as food, water, medical supplies, and other forms of humanitarian assistance to those who require it.

2.7.6 Use of Explosive Weapons in Populated Areas: The utilization of explosive weapons that have a broad impact range, such as artillery, airstrikes, and unexploded ordnance, in densely inhabited urban areas presents a substantial peril to civilians. The blast radius and fragmentation can cause indiscriminate harm, damage critical infrastructure, and leave behind unexploded ordnance, further endangering civilians even after the fighting ends. Tactical nuclear weapons and the destruction of cities through aerial bombardment are the possibilities to quote.

2.7.7 Urban Gorilla Tactics and Urban Shielding: Non-state armed groups often employ guerrilla tactics in urban warfare, taking advantage of the urban terrain, concealing oneself within the civilian population and utilizing civilian structures as a means of protection. This tactic, known as urban shielding, blurs the line between combatants and civilians, making it challenging to target legitimate military objectives without causing harm to civilians.

2.7.8 Displacement: Displacement caused by urban warfare presents significant challenges to IHL. IHL emphasizes the protection of civilians, including those who are displaced due to armed conflict. Displaced persons are particularly vulnerable, facing risks such as inadequate access to food, water, healthcare, shelter, and protection from violence. Ensuring their safety and well-being during and after displacement is a key challenge for IHL.

International humanitarian law (IHL) mandates specific responsibilities on the parties involved in a conflict to assist displaced persons. This includes ensuring safe and unhindered access to humanitarian organizations and facilitating the delivery of necessary aid. Displacement in urban areas often results in the destruction or damage to property, including homes, businesses, and public infrastructure. The dense and complex urban environment, including the risk of urban warfare tactics such as demolitions and booby traps, poses challenges to safeguarding property rights and ensuring adequate compensation for losses. IHL acknowledges the entitlement of individuals who have been displaced to safely and honorably return to their residences once the hostilities have ceased. Nevertheless, within the framework of urban warfare, the destruction of infrastructure, the existence of explosive leftovers of war, and the unpredictability of the security situation can hinder the safe and voluntary repatriation. Rebuilding urban areas and ensuring the necessary conditions for sustainable return pose considerable challenges.<sup>41</sup> Moreover, proper identification and documentation of displaced persons are crucial for ensuring their protection, access to assistance, and the possibility of durable solutions. In the chaos and disruption caused by urban warfare, documentation systems may be damaged or inaccessible, making it challenging to accurately identify and track displaced persons and their specific <sup>42</sup>.

2.7.9 Accountability and Investigations: The urban environment can make it difficult to investigate and gather evidence of potential violations of

---

41ICRC, *Displaced in Cities: Experiencing and Responding to Urban Internal Displacement Outside Camps*, 2018, 18f. [Available at <https://shop.icrc.org/displaced-in-cities-experiencing-and-responding-to-urban-internal-displacement-outside-camps-2926.html>] See also *Chapter III. 1*) on internally displaced persons.

42 The Principle of Proportionality in the Rules Governing the Conduct of Hostilities under International Humanitarian Law, 40. See also, International Law Association Study Group, *The Conduct of Hostilities and International Humanitarian Law: Challenges of 21st Century Warfare*, 12.

IHL. The destruction of infrastructure, displacement of witnesses, and the complexity of urban settings can hinder the collection of evidence and hinder accountability for war crimes and violations of international humanitarian law.

Addressing these challenges requires a comprehensive approach. Strengthening compliance with IHL, raising awareness among armed forces and non-state actors, enhancing training on urban warfare and IHL, promoting urban-specific guidelines and rules of engagement, and ensuring effective investigations and accountability for violations are crucial steps to mitigate the impact of urban warfare on civilians and uphold the principles of IHL.<sup>43</sup>

## **2.8 Conclusion**

The ongoing process of global urbanization is expected to continue, with an increasing proportion of the global population residing in urban areas. As a result, armed conflicts are likely to increasingly unfold in urban environments, making the protection of civilians a critical challenge for International Humanitarian Law. The transition from conventional warfare to urban warfare exemplifies the shifting dynamics of armed conflicts and the developing strategic factors influencing military operations. In the past, military operations primarily focused on capturing and controlling open, rural areas or strategic points like borders or key infrastructure. However, as urbanization has increased worldwide, armed conflicts are more likely to occur in densely populated urban areas. The strategic importance of cities, with their political, economic, and symbolic significance, has led to a shift in military objectives. The presence of urban warfare presents several challenges to International

---

<sup>43</sup> ICRC, *IHL Challenges Report 2015*, 50.

Humanitarian Law, the legal framework that aims to safeguard civilians and reduce the impact of suffering in times of armed conflicts.





## CHAPTER III- GLOBAL URBANIZATION INFLUENCING ASYMMETRIC WARFARE AND EXTERNAL INTERVENTION

### **3.1 Introduction**

As enunciated in the previous chapter armed conflict has changed impressively, especially over the last 200 years which can be separated into three particular periods concerning entities concerned. The first period relates to the rise of States and current armed forces in the 1800s,<sup>44</sup> when wars were pursued between one State and another and on open battlefields<sup>45</sup>. In the subsequent period, from the 1930s, urban areas were progressively focused on and impacted by struggle. The Spanish Civil War, the Sino-Japanese War, and the Second World War<sup>46</sup> were all struggles where urban communities and their solid modern limits became vital focuses for fighting countries, and once in a while even military targets themselves, like Dresden and Hiroshima<sup>47</sup>. Designated nonmilitary society turned into the main casualty. In the end, the Cold War resurfaced, with cities becoming the battleground, as seen in Vietnam, Cambodia, and several African nations.<sup>48</sup> The guerrilla tactics employed by El Salvador and Guatemala were thus both remarkable and ineffective against the non-state armed groups associated with them.

Since the end of coalition-on-alliance hostility in the 1990s, wars seem to have increasingly transpired in urban based, taking on the attributes of

---

44 Gregory J. Ashworth, *War and the City*, (Routledge, 1991).

45Alvina Hoffmann, "The Urbanization of Warfare: Historical Development and Contemporary Challenges," *St Antony's International Review* 12, no. 2 (February 2017): 176.

46 Alexandre Vautravers, "Military Operations in Urban Areas," *International Review of the Red Cross* 92, no. 878 (June 2010): 452.

47 Heintschel von Heinegg, *Asymmetric Warfare: How to Respond?* (2011), 465.

48Ibid

contemporary equipped struggle as in they are more inner than worldwide<sup>49</sup>, last longer, and include adversaries with unfathomably various means. This is alluded to as "uneven fighting". There appears to have been a flood of such contentions, even though exact information is absent regarding the matter.

The present outfitted clashes scarcely look like conflicts depicted in history books, where at least two states' armed forces connect on a customary front line, and where just the fighter's capacities and the tactical initiative stand among triumph and rout.<sup>50</sup> Fighting today seldom occurs between states, but rather between parties with different lawful statuses and extensively unique military assets, associations, and commando structures. Conflicts where the gatherings contrast as far as subjective or potentially quantitative strength can be depicted as topsy-turvy. This chapter discusses asymmetric warfare and external intervention in the context of urban warfare.

### **3.2 Defining Asymmetric Warfare**

Asymmetric warfare is a form of conflict where two or more opposing parties have notably diverse military capabilities, plans, or resources. In such conflicts, it is common for one side to be comparatively inferior in terms of conventional military capabilities, such as weaponry, technology, or organizational structure, when compared to the opposing side. In traditional warfare, opposing forces often engage in confrontations on a battlefield, employing similar tactics and weapons. However, in asymmetric warfare, the weaker party employs unconventional methods and strategies to exploit the vulnerabilities and weaknesses of the stronger adversary. These methods aim

---

<sup>49</sup> United Nations, *World Urbanization Prospects 2018*, (United Nations, May 2018).

<sup>50</sup> François Grünewald, "War in the City: Lessons Learned for the New Century of Urban Disasters" (Nova Publishers, 2013), 156.

to offset the power disparity and maximize the weaker side's chances of success<sup>51</sup>.

Weaker forces employ non-conventional tactics that deviate from conventional warfare, such as guerrilla warfare, insurgency, terrorism, or cyber warfare. These tactics aim to avoid confrontations with the stronger party and instead target their weaknesses or exploit the population's support or grievances. The parties involved have unequal access to military resources, including manpower, technology, intelligence, and weaponry. The weaker party relies on creativity, adaptability, and knowledge of the local environment to compensate for its resource limitations. Weaker forces may use deception, misinformation, propaganda, and psychological operations to confuse or demoralize the stronger party. This asymmetric approach aims to influence public opinion, erode support for the stronger party, or create divisions within their ranks. Asymmetric conflicts frequently encompass a blend of traditional and non-traditional strategies, causing a blurring of boundaries between the military, political, economic, and social domains.<sup>52</sup> Hybrid warfare strategies may include a mix of conventional military engagements, irregular warfare, cyber-attacks, economic manipulation, and information warfare. Weaker forces in asymmetric warfare typically aim to outlast or exhaust the stronger party, avoiding large-scale battles and seeking to gradually erode the opponent's will to fight. They may employ hit-and-run tactics, ambushes, and

---

51 François Grünewald, "War in the City: Lessons Learned for the New Century of Urban Disasters" (Nova Publishers, 2013), 150.

52 Vincent Bernard, "Editorial: War in Cities: The Specter of Total War," *International Review of the Red Cross* 98, no. 901 (April 2016): 10.

small-scale attacks, wearing down the stronger force's morale, resources, and public<sup>53</sup>.

Asymmetric warfare is not limited to conflicts between nation-states. It can also arise in scenarios involving non-state actors, such as insurgencies, terrorist groups, or militias, confronting the military forces of a state. The goal of the weaker party is often to undermine the stronger adversary's ability to project power and achieve its strategic objectives.

### **3.3 Theory Behind Asymmetric Warfare in an Urban Setting**

The theory behind asymmetric warfare stems from the understanding that in any conflict, parties with differing capabilities will seek to exploit their relative strengths and weaknesses to gain an advantage. Asymmetric warfare theory acknowledges that not all conflicts can or should be fought using conventional, symmetrical approaches.

As per Thornton, "[a]symmetric fighting is as old as fighting itself and as later as the last fear-based oppressor outrage."<sup>54</sup> However, despite the familiarity of deviation in principle, the methods and strategies employed in these conflicts have evolved to involve the general public to a significantly greater extent than before. Contemporary hilter-kilter fighting creates circumstances where a more fragile party to an equipped struggle chooses techniques that are not similar to IHL to debilitate its more grounded rival. This is extremely viable for non-state entertainers since rival states ordinarily don't view themselves as ready to go astray from the rules in a similar way without confronting the gamble of genuine results both in the wording of

---

<sup>53</sup>Ibid.

<sup>54</sup> Thornton, *Asymmetric Warfare: Threat and Response in the Twenty-First Century*, (2007), 2.

obligation and notoriety. According to Barnett, "genuine lopsidedness [involves] those activities that a foe can practice that you either can't or will not".<sup>55</sup>

The results of deviated fighting are not yet obviously clear as far as the IHL application; furthermore, the exhaustive examination would subsequently be a much-invited commitment to writing on IHL. The vast majority would concur that the non-military actors which included our society ought to be left out at whatever threats are going on.<sup>56</sup> The non-state entertainer is generally very much aware that the state will just battle however long it has support from the public. The non-state entertainer truly does face the challenge of losing support for its own goal while focusing on regular citizens.<sup>57</sup> One of the more dubious techniques utilized is self-destruction besieging; an individual from the gathering takes his own life in an essential area killing innocent individuals.

Asymmetric warfare strategies often incorporate urban warfare tactics due to the advantages that urban environments provide to the weaker, non-state actors. Asymmetric actors often employ guerilla tactics in urban warfare. This includes hit-and-run attacks, ambushes, and sniping, using the urban landscape to launch surprise attacks on stronger, conventional forces.<sup>58</sup> The ability to quickly strike and disappear into the urban fabric makes it challenging for the stronger party to effectively respond and neutralize the asymmetric threat. Urban warfare can exert a substantial psychological influence on both the opposing forces and the civilian population. Asymmetric

---

<sup>55</sup> Barnett, *Asymmetric warfare: Today's Challenges to US Military Power* (2002), 15.

<sup>56</sup> ICRC, *International Humanitarian Law and the Challenges of Contemporary Armed Conflicts* (2003), 7.

<sup>57</sup> Thornton, *Asymmetric Warfare: Threat and Response in the Twenty-First Century* (2007), 12

<sup>58</sup> *Ibid.*

actors may intentionally operate in urban areas to exploit the dense population and infrastructure as a shield, knowing that the stronger party may be reluctant to employ heavy firepower for fear of causing significant civilian casualties. This can create a sense of vulnerability and frustration among the stronger party, potentially eroding public support and international perception of their actions. Asymmetric actors often utilize urban warfare scenarios to generate media attention and shape public perception. They may employ tactics that provoke a strong response from the stronger party, such as conducting attacks in highly visible urban areas or targeting symbolic landmarks. By showcasing the resulting destruction, civilian casualties, and disruption caused by urban warfare, they aim to garner sympathy, support, and international condemnation against the stronger. <sup>59</sup>

### **3.4 Examples of Asymmetric Warfare**

Some examples of how asymmetric warfare has utilized urban warfare tactics are as under:

3.4.1 Battle of Mogadishu (1993): This battle, depicted in the book and film "Black Hawk Down," occurred during the UN peacekeeping mission in Somalia. Somali militias employed urban warfare tactics in the city of Mogadishu, utilizing the narrow streets, buildings, and urban cover to engage US forces in close-quarter combat. They utilized hit-and-run tactics, sniper fire, and barricades to hinder the movements of US troops. <sup>60</sup>

3.4.2 Battle of Fallujah (2004): The Battle of Fallujah took place during the Iraq War when US and coalition forces launched an offensive to

---

<sup>59</sup> Thornton, *Asymmetric Warfare*, 6

<sup>60</sup> Thornton, *Asymmetric Warfare*, 7

retake the city from insurgent control. The insurgent forces, which included components of Al-Qaeda in Iraq, utilized strategies of urban warfare. They established defensive positions in buildings, used improvised explosive devices (IEDs) to create obstacles, and engaged in street fighting, causing significant challenges for the coalition forces. <sup>61</sup>

3.4.3 Siege of Sarajevo (1992-1996): During the Bosnian War, the city of Sarajevo was subjected to a prolonged siege by Bosnian Serb forces. The Bosnian Serb forces employed urban warfare tactics, including sniper attacks, shelling, and setting up barricades. They took advantage of the urban environment to maintain control over key positions and restrict the movement of opposing forces. <sup>62</sup>

3.4.4 Battle of Marawi (2017): The Battle of Marawi occurred in the Philippines when government forces engaged in combat with an ISIS-affiliated group known as the Maute Group. The Maute Group used urban warfare tactics in the city of Marawi, including establishing defensive positions in buildings, conducting ambushes, and utilizing tunnels for movement and evasion. The battle lasted for several months and resulted in significant destruction and displacement of the civilian pop

3.4.5 Israeli-Palestinian Conflict: On numerous occasions during the protracted conflict between Israeli and Palestinian militant factions, urban warfare strategies have been implemented. Palestinian armed groups, such as Hamas and Islamic Jihad, have utilized urban environments in Gaza and the

---

<sup>61</sup> Thornton, *Asymmetric Warfare*, 6

<sup>62</sup> Thornton, *Asymmetric Warfare*, 9



West Bank to launch rocket attacks, set up ambushes, and carry out guerrilla-style operations against Israeli forces.<sup>63</sup>

These examples demonstrate how asymmetric actors<sup>64</sup> have utilized urban warfare tactics to level the playing field and resist stronger, conventional forces. The urban environment provides opportunities for concealment, surprise attacks, and exploiting the vulnerabilities of the stronger party. It highlights the challenges faced by conventional forces when operating in complex urban settings against asymmetric adversaries.

### **3.5 Concept of External Intervention in International Law**

In the context of international law, external intervention pertains to the participation of one or more states or international organizations in the internal affairs of another nation. External actions that affect the sovereignty, territorial integrity, or internal affairs of a state are encompassed within this category. External intervention can take various forms, such as military intervention, economic sanctions, diplomatic pressure, or humanitarian assistance.

International law establishes a structure for governing external interference and seeks to find a middle ground between the concept of state autonomy and the duty to safeguard human rights and uphold global peace and security. State sovereignty is a core tenet of international law that acknowledges the self-governing and independent nature of states. The statement affirms that each state possesses the sole jurisdiction to administer its territory and determine matters pertaining to its internal affairs. External

---

<sup>63</sup> Thornton, *Asymmetric Warfare*, 18

<sup>64</sup> International Law Association Study Group, *The Conduct of Hostilities and International Humanitarian Law: Challenges of 21st Century Warfare*, 2017, available at <https://ila.vettoreweb.com/Storage/Download.aspx?DbStorageId=3763&StorageFileGuid=11a3fc7e-d69e-4e5a-b9dd-1761da33c8ab>. See also Chatham House, *Proportionality in the Conduct of Hostilities*.

intervention must respect the principle of sovereignty, except in cases where it is authorized by the United Nations Security Council or falls within the scope of other recognized exceptions under international law. The principle of non-intervention mandates that states are not allowed to interfere in the internal affairs of other states without their explicit consent. The principle in question is a fundamental tenet of both the United Nations Charter and customary international law. Non-intervention aims to safeguard state sovereignty and maintain international peace and stability. However, this principle is not absolute and is subject to exceptions and justifications, such as self-defense, humanitarian intervention, or authorization by the Security Council.

Interventions are not always unjustified when they involve the use of force. The Charter of the United Nations addresses the use of power by the Security Council (Article 42), which is justified (Article 51), through regional arrangements (Article 52), and through other methods that do not contradict the purposes of the United Nations or the regional respectability and political independence of states.<sup>65</sup>

Humanitarian intervention refers to the use of force or other actions by external parties to prevent or alleviate widespread human rights violations or humanitarian disasters taking place within a sovereign state.<sup>66</sup> Although subject to controversy and without universal acceptance, the idea of humanitarian intervention is used when the international community believes

---

<sup>65</sup> U.N. Charter art. 2, para. 7

<sup>66</sup> Ibid.

that a state is incapable or unwilling to safeguard its population from severe human rights violations.<sup>67</sup>

### **3.6 External intervention in the form of war on terror**

The term "war on terror" refers to the worldwide counterterrorism initiatives launched by the United States and its allies in reaction to the terrorist attacks on September 11, 2001. It represents a multifaceted approach to combatting terrorism, which includes military action, intelligence cooperation, law enforcement measures, and other forms of intervention. Nevertheless, it is crucial to acknowledge that the term "war on terror" lacks a precise legal definition within the realm of international law.

The external interventions undertaken as part of the war on terror have raised several legal and ethical concerns. The United States has defended its military operations in the war on terror as acts of self-defense in accordance with Article 51 of the United Nations Charter. Their contention was that the September 11 attacks amounted to an act of aggression against the United States, warranting military retaliations against both the perpetrators and their supporters. Other countries have invoked self-defense arguments as well in their counterterrorism efforts. The use of force in the context of the war on terror has generated debates regarding compliance with international law. The United States has engaged in military interventions in other nations, such as Afghanistan, Iraq, and Yemen, with the explicit aim of particularly targeting individuals and groups affiliated with terrorism. The United States launched Operation Enduring Freedom in October 2001 as a response to the 9/11

---

67 Michael Ignatieff, "Human Rights, Sovereignty and Intervention," in *Human Rights, Human Wrongs: The Oxford Amnesty Lectures 2001*, ed. Nicholas Owen (Oxford: Oxford University Press, 2002), 55.

attacks, garnering support from coalition forces. The objective was to remove the Taliban regime in Afghanistan, as it was providing shelter to Al-Qaeda and its commander, Osama bin Laden. The intervention aimed to disrupt and dismantle terrorist networks operating in the country. In 2003, the United States, along with a coalition of allied countries, launched the invasion of Iraq. The stated rationale was to eliminate Saddam Hussein's regime and eliminate alleged weapons of mass destruction (WMD) programs. While the primary focus was not solely on counterterrorism, the broader context of the war on terror influenced the decision to intervene in Iraq. The United States has executed drone attacks in multiple states, including Pakistan, Yemen, and Somalia, with the intention of eliminating individuals and factions suspected of having ties to terrorist organizations such as Al-Qaeda and its affiliated groups. These interventions have often been carried out without the consent of the affected states and have generated debates regarding their legality and the collateral damage caused. The legality of these activities has been a topic of debate, particularly in cases where there has been no specific authorization from the United Nations Security Council or where the measures occurred on the territory of another sovereign state without its consent. In 2011, a coalition of NATO countries, with the mandate of United Nations Security Council Resolution 1973, intervened in Libya. The intervention aimed to protect civilians from the government of Muammar Gaddafi and support opposition forces during the Libyan civil war. While counterterrorism was not the sole objective, the intervention was influenced by concerns over Gaddafi's support for international terrorism.<sup>68</sup>

---

<sup>68</sup> Thornton, *Asymmetric Warfare*, 99

Counterterrorism operations in the context of the war on terror have faced criticism for potential human rights abuses and violations of IHL. Concerns have been raised about issues such as arbitrary detention, torture, extrajudicial killings, and civilian casualties. Preserving human rights and guaranteeing adherence to international law is crucial when it comes to counterterrorism operations. It is important to recognize that perspectives on the war on terror and external interventions in this context vary widely. Different countries, international organizations, and scholars hold differing views on the legality, effectiveness, and ethical implications of the actions taken. The complexities of counterterrorism efforts and the balance between security concerns and respect for human rights continue to be subjects of ongoing debate and analysis within the international community. It is important to note that the examples given above represent a fraction of the various interventions and counterterrorism efforts undertaken as part of the war on terror. The scope and nature of external interventions have varied across countries and regions, reflecting different strategic considerations and objectives.

### **3.7 External Intervention in Urban Warfare**

The war on terror and external interventions have also had significant implications for urban warfare. Urban areas have become critical battlegrounds in the fight against terrorism, as terrorist groups often exploit urban environments to carry out their activities and seek protection among civilian populations. In the war on terror, external interventions have often involved engaging in urban warfare due to the presence of terrorist groups or the need to clear and secure urban areas. External interventions involving

urban warfare must consider post-conflict stabilization and reconstruction efforts. Rebuilding infrastructure, restoring urban services, and addressing the social, economic, and political dimensions of urban areas affected by conflict are essential for long-term stability. Balancing security considerations with the needs and aspirations of the urban population is vital in post-conflict reconstruction.

### **3.8 Conclusion**

Global urbanization has had a significant impact on asymmetric warfare and external interventions, leading to an increase in urban armed conflicts. Global urbanization has created new dynamics and challenges in asymmetric warfare and external interventions. The concentration of populations, resources, and infrastructure in urban areas provides opportunities and challenges for asymmetric actors and external intervention forces alike. Addressing the complexities of urban armed conflicts requires a comprehensive understanding of urban dynamics, engagement with local communities, and a balance between security objectives and humanitarian considerations.

## **CHAPTER IV-RESPONSE OF IHL TO URBAN WARFARE**

### **4.1 Introduction**

IHL aims to protect civilians, minimize suffering, and ensure that combatants adhere to humane principles even in the midst of such conflicts. Its primary goal is to balance the military necessity of warfare with the protection of individuals who are not or are no longer taking part in the hostilities. It's important to note that while IHL provides a comprehensive legal framework, its effective implementation and enforcement can be challenging in practice. The changing nature of warfare and technological advancements continually raise new challenges for ensuring compliance with IHL. Efforts are ongoing within the international community to strengthen IHL, promote accountability, and address emerging issues related to warfare and armed conflicts. In recent years, the challenges posed by urban warfare have prompted discussions about updating and adapting IHL to better address these issues. The international community is actively striving to safeguard civilians and uphold International Humanitarian Law in the context of urban warfare scenarios, as conflicts progress.

### **4.2 Existing Civilian Protection under IHL**

International Humanitarian Law primarily focuses on safeguarding the well-being of civilians in the midst of armed hostilities. The scope of the subject includes the Geneva Conventions (GC) of 1949 and their Additional Protocols (AP), along with customary International Humanitarian Law. IHL sets forth regulations and fundamental concepts aimed at minimizing the impact of armed conflicts on non-combatants and guaranteeing their safety.

The four Geneva Conventions of 1949 establish essential safeguards for non-combatants in times of war. The rules pertain to the treatment of civilians, the wounded and sick, prisoners of war, and civilians in occupied territory by a side involved in the conflict. The Conventions explicitly forbid any acts of violence or intimidation directed towards civilians and ensure crucial safeguards, such as compassionate treatment, availability of medical assistance, and preservation of their dignity. The Additional Protocols I and II, which were ratified in 1977, enhance the safeguards offered by the Geneva Conventions. Protocol I pertains to conflicts between nations, known as International Armed Conflict (IAC), while Protocol II is applicable to conflicts within a single nation, known as Non-International Armed Conflicts (NIAC). The guidelines are established to safeguard civilians, encompassing the principle of differentiation, prohibition of assaults on civilians and civilian assets, and measures to ensure humanitarian access and aid. Human rights law, as established in international treaties and customary law, is also applicable in times of armed conflicts. This encompasses safeguarding the fundamental civil, political, economic, social, and cultural rights of individuals, including non-military personnel. Human rights law predominantly pertains to periods of peace, however specific articles remain relevant even during times of armed conflict, guaranteeing the safeguarding of civilians' rights.<sup>69</sup>

Following are some key legal provisions in international law that cover various aspects of urban warfare.

---

<sup>69</sup> Marco A. Bouvier, *How Does Law Protect in War? Cases, Documents, and Teaching Materials on Contemporary Practice in International Humanitarian Law* (ICRC).



- The Common Article 3 of **Geneva Conventions of 1949**: This article applies to non-international armed conflicts and provides basic protections for civilians and non-combatants. It prohibits violence to life and person, cruel treatment, torture, and outrages upon personal dignity, especially in urban settings where civilians are most vulnerable.
- **Additional Protocols to the Geneva Conventions (Protocol I and II)**:
  1. Protocol I, Article 51: This article prohibits indiscriminate attacks and attacks against civilian objects. It also emphasizes the principle of distinction, requiring parties to distinguish between civilians and combatants, as well as civilian objects and military objectives, particularly relevant in urban warfare scenarios.
  2. Protocol I, Article 57: This article requires parties to take all feasible precautions to avoid and minimize incidental loss of civilian life, injury to civilians, and damage to civilian objects during military operations in urban areas.
  3. Protocol II, Article 13: This article protects civilians from the effects of military operations in non-international armed conflicts, including those occurring in urban environments. It prohibits attacks against

civilians and civilian objects, as well as acts or threats of violence aimed at spreading terror among the civilian population.

- Rule 1, 22 and 23 of Customary International Humanitarian Law (CIHL) which provides that parties to a conflict must distinguish between civilians and combatants and between civilian objects and military objectives. This rule is particularly crucial in urban warfare settings where the civilian population is dense, and infrastructure is intertwined with military targets. Parties must take feasible precautions to protect civilians and civilian objects from the effects of military operations, including in urban areas where the risk of harm to civilians is heightened. Parties must refrain from employing weapons and methods of warfare that are inherently indiscriminate or cause excessive civilian harm, which is relevant in addressing the use of certain weapons in urban warfare.
- Article 8(2)(b)(ii) of International Criminal Court (ICC) Statute: This provision of the ICC Statute considers intentionally directing attacks against civilian populations, civilian objects, or infrastructure as war crimes, including those committed in urban areas during armed conflicts.
- Various, United Nations Security Council Resolutions such as Resolution 2286, emphasize the protection of medical facilities and personnel, including in urban areas, and condemn attacks against civilians and civilian infrastructure in violation of IHL.

### **4.3 Essential Principles for Mitigating the Impact of Armed Conflicts on Civilians**

The principle of distinction, emphasized by IHL, mandates that parties involved in a conflict must consistently differentiate between civilians and combatants. Civilians are those who are not taking part in hostilities, while combatants are individuals directly participating in the fighting. This distinction is vital as it ensures that civilians are not deliberately targeted and are protected from direct harm. The principles of International Humanitarian Law forbid acts of aggression that fail to differentiate between military objectives and civilians or civilian objects. Indiscriminate attacks, such as those that employ weapons incapable of distinguishing between military objectives and civilians, are strictly prohibited. This helps prevent harm to civilians and minimize their suffering during armed conflicts. International humanitarian law identifies particular objects as protected entities, including hospitals, schools, houses of worship, and cultural heritage sites. Parties involved in a war are forbidden from deliberately attacking or causing harm to certain items, unless they are being utilized for military objectives and have forfeited their protected status. Protecting such objects helps maintain essential services, preserves cultural heritage, and safeguards civilian infrastructure.

International Humanitarian Law mandates that parties involved in armed operations must undertake practicable measures to mitigate injury to

civilians. This encompasses the selection of strategies and tactics in warfare that aim to prevent or reduce harm to non-combatants, providing clear and efficient warnings to the civilian population, and implementing steps to ensure that attacks are proportionate with the military advantages sought. IHL explicitly prohibits sexual violence, forced displacement, torture, and other inhumane acts against civilians. These acts are considered war crimes and can be prosecuted under international criminal law. Protecting civilians from such grave violations helps safeguard their dignity and physical integrity during armed conflicts.

International humanitarian law underscores the need of guaranteeing the provision of humanitarian aid to civilians in distress and facilitating the transportation of vital assistance, such as sustenance, medical treatment, and housing. The parties involved in a war have a duty to permit and assist the delivery of humanitarian assistance, guaranteeing that civilians get the essential relief required for their welfare and continued existence. IHL includes specific measures that prioritize the protection of children who are impacted by armed conflict. This encompasses the prohibition of the enlistment and utilization of underage combatants, guaranteeing the availability of education and healthcare, and offering specific attention and safeguarding for youngsters who are separated from their homes. It is crucial to acknowledge that the observance of IHL is a collective duty that falls upon all entities participating in armed conflicts, encompassing nations, non-state armed factions, and individual combatants. Adhering to these principles is crucial for lessening the effects of armed conflicts on civilians, safeguarding

their rights and dignity, and minimizing avoidable suffering during times of war.

#### **4.4 Application by Courts**

The case law established by international and national courts typically plays a significant role in shaping and clarifying the application of International Humanitarian Law in armed conflict. These cases aid in the interpretation and establishment of precedents for the implementation of IHL rules. The International Criminal Tribunal for the Former Yugoslavia (ICTY) has had a substantial impact on the development of case law pertaining to International Humanitarian Law. The tribunal has resolved a significant number of cases, including those related to war crimes, crimes against humanity, and genocide. The tribunal's rulings have offered explanations of articles in IHL, elucidated the components of war crimes, and developed legal principles that are relevant to armed conflicts. The International Criminal Tribunal for Rwanda (ICTR) has made significant contributions to the establishment of case law in IHL, much like the ICTY. The court has addressed cases pertaining to the Rwandan genocide and has set legal precedents for the prosecution of genocide, war crimes, and crimes against humanity. The tribunal's rulings have contributed to elucidating the implementation of IHL within the framework of the Rwandan conflict. The ICC is the inaugural enduring international tribunal, founded under the Rome Statute. The jurisdiction of this entity extends to war crimes, crimes against humanity, genocide, and the crime of aggression. The court's legal decisions have played a significant role in shaping the body of law concerning IHL. These decisions have specifically dealt with important matters including the

deliberate attack on civilians, the accountability of military commanders, and the safeguarding of cultural assets in times of war.<sup>70</sup>

National courts have a crucial function in the implementation of IHL and the establishment of legal precedents. They possess the authority to prosecute individuals who have committed war crimes and other grave violations of IHL within their boundaries. National court rulings have a role in shaping local case law that conforms to international standards of IHL and can impact the understanding and implementation of IHL principles. The International Court of Justice (ICJ), which is the primary judicial body of the United Nations, has dealt with matters pertaining to IHL in multiple instances. The institution offers expert guidance on legal inquiries and resolves conflicts among nations. Although its cases typically center around inter-state disputes, they can have significant consequences for the understanding and implementation of IHL in armed conflicts.

#### 4.4.1 The Tadić case (Prosecutor v. Dusko Tadić):

The Tadić case, often referred to as Prosecutor v. Dusko Tadić, is a significant legal case that took place at the ICTY. It is relevant to discussions about urban warfare, particularly concerning the application of IHL in such settings. The case centered on the charge of Dusko Tadić, a Bosnian Serb paramilitary leader, for his purported participation in war crimes perpetrated during the 1990s conflict in the former Yugoslavia. The ICTY's 1997 verdict in the Tadić case established significant legal concepts and precedents concerning armed

---

70 Jean Pictet, *Development and Principles of International Humanitarian Law: Course Given in July 1982 at the University of Strasbourg as Part of the Courses Organized by the International Institute of Human Rights* (Netherlands: Nijhoff, 1985).

conflicts and the application of International Humanitarian Law.<sup>71</sup> An important element of the Tadić case revolved around the establishment of the precise definition of armed conflict. The ICTY affirmed that armed conflicts could be categorized into two types: IAC, which involve hostilities between two or more states, and NIAC, which occur within the territory of a single state between government forces and non-state armed groups or between such groups themselves. The context taken into consideration in this case was the definition of war crimes under Article 2 of the Statute of ICTY, definition of crimes against humanity under Article 5 of the ICTY Statute and Interpretation of armed conflict and applicability of international humanitarian law under Common Article 3 of the GCs. The Tadić case ruling further clarified individual culpability for breaches of IHL in times of armed situations. The principle was established that individuals can be held responsible for war crimes, crimes against humanity, and other grave violations of IHL, irrespective of their official position or affiliation. This principle expanded the scope of accountability beyond traditional notions of state responsibility. Furthermore, the Tadić case recognized that violations of IHL, including acts such as torture, murder, and sexual violence, can constitute war crimes. It emphasized the significance of safeguarding civilians, such as prisoners of war and other individuals not engaged in conflict, and reiterated the concepts of distinction, proportionality, and military necessity in times of armed conflict. The Tadić case verdict has had a substantial influence on following cases presented before the ICTY as well as other international and national courts. It established significant legal

---

<sup>71</sup>*Prosecutor v. Dusko Tadić*, Case No. IT-94-1-T, Judgment, May 7, 1997, para. 21.

standards for prosecuting war crimes and crimes against humanity, provided clear definitions and categories for armed conflicts, and underlined the relevance of IHL in addressing violations that occur during armed conflicts.

#### 4.4.2 The Lubanga case (The Prosecutor v. Thomas Lubanga Dyilo)

The Lubanga case holds great importance within the International Criminal Court (ICC) since it deals with the implementation of IHL in the context of armed conflict, notably focusing on the enlistment and utilization of child soldiers. Thomas Lubanga Dyilo, a Congolese militia leader, faced charges of war crimes for his role in recruiting, enlisting, and deploying minors under the age of 15 to actively engage in hostilities during the armed conflict in the DRC. The court's decision in the Lubanga case,<sup>72</sup> delivered in 2012, set significant legal precedents for the prosecution of persons for the enlistment and deployment of child soldiers as acts of war crimes. It played a role in advancing and defining the legal framework for the safeguarding of children in armed conflicts.

#### 4.4.3 The Al Mahdi Case (The Prosecutor v. Ahmad Al Faqi Al Mahdi)

The Al Mahdi case, formally referred to as The Prosecutor v. Ahmad Al Faqi Al Mahdi, is a notable case currently being heard by the ICC. This case focuses on the interpretation and implementation of IHL in the context of armed conflict,<sup>73</sup> particularly about the destruction of cultural heritage. While the Al Mahdi case specifically addresses the destruction of cultural heritage sites, it also has broader implications for understanding the application of IHL in urban warfare settings. Ahmad Al Faqi Al Mahdi, a member of an extremist

---

<sup>72</sup>*Prosecutor v. Lubanga*, Case No. ICC-01/04-01/06, Judgment, March 14, 2012, para. 247

<sup>73</sup>*The Prosecutor v. Ahmad Al Faqi Al Mahdi*, Case No. ICC-01/12-01/15, Judgment, September 27, 2016, para. 27.



Islamist group in Mali, was indicted for committing war crimes by deliberately demolishing cultural and religious landmarks in the city of Timbuktu from 2012 to 2013. The judgment in the Al Mahdi case, issued in 2016, represented the inaugural conviction for the war crime of deliberately targeting religious and historical monuments. It established significant legal precedents for the safeguarding of cultural heritage during times of armed hostilities. The provisions undertaken in this case were War crimes under Article 8(2)(e)(iv) of the Rome Statute for intentionally directing attacks against cultural property, Prohibitions on cultural property destruction under Article 53 of AP I of the GCs and Customary International Humanitarian Law Rule 38 protecting cultural property from intentional destruction during armed conflicts. The Al Mahdi case has had a profound influence on the acknowledgment and safeguarding of cultural assets during times of armed strife. It played a role in increasing knowledge regarding the importance of protecting cultural and religious sites, fostering respect for cultural diversity, and assuring responsibility for the destruction of these assets. While the Al Mahdi case specifically addresses the destruction of cultural heritage, its broader implications underscore the importance of protecting civilian areas, including cultural sites, during urban warfare. The case serves as a reminder of the responsibilities of combatants under IHL to minimize harm to civilians and preserve cultural heritage, even in the midst of armed conflict.

#### 4.4.4 The Israel Targeted Killings Case (Israeli Supreme Court)

The Israeli Supreme Court examined the constitutionality of targeted assassinations carried out by the Israeli Defense Forces (IDF) in the case of *Public Committee Against Torture in Israel v. Government of Israel*. The court

established guidelines for the lawful implementation of targeted killings in accordance with IHL, highlighting the fundamental principles of proportionality, military necessity, and differentiation between combatants and civilians.

#### 4.4.5 The Ntaganda Case (The Prosecutor v. Bosco Ntaganda)

Bosco Ntaganda, a former military leader from the Democratic Republic of Congo, has been accused of committing a range of war crimes and crimes against humanity. These include acts such as murder, rape, sexual enslavement, the recruitment and deployment of child soldiers, and attacks on civilians. These crimes were allegedly committed in the Ituri region of the Democratic Republic of Congo during the years 2002 and 2003. The judgment in the Ntaganda case, delivered in 2019, established important legal precedents and contributed to the development of IHL.<sup>74</sup> The case focused on the matter of sexual and gender-based offenses perpetrated in the context of armed conflict. The judgment recognized and condemned acts of sexual violence, rape, and sexual slavery as war crimes and crimes against humanity. It reaffirmed the need for gender-sensitive approaches in addressing such crimes. The Ntaganda case underscored the prohibition and illegality of recruiting and employing child soldiers in armed hostilities. The judgment clarified the elements of the crime and established the responsibility of commanders for the recruitment and use of children under the age of 15. It highlighted the importance of protecting civilians during armed conflict. The judgment addressed attacks against civilian populations, including murder, displacement, and persecution, and established the criminal responsibility of

---

<sup>74</sup>*The Prosecutor v. Bosco Ntaganda*, Case No. ICC-01/04-02/06, Judgment, July 8, 2019, para. 8

individuals for such acts. It strengthened the principle of individual liability for war crimes and crimes against humanity. It held Bosco Ntaganda accountable for his actions as a commander, highlighting that individuals can be held criminally liable for their role in planning, instigating, or executing such crimes. The Ntaganda case has contributed to the jurisprudence of the ICC and the broader understanding of IHL about armed conflict. It has helped establish legal precedents, clarify the scope of crimes, and hold individuals accountable for serious violations of IHL. Through its comprehensive examination of various offenses perpetrated in times of armed conflict and its emphasis on the criticality of safeguarding civilians and averting sexual and gender-based violence, the Ntaganda case has substantially advanced the implementation of IHL and fostered accountability for heinous international crimes.

#### **4.5 IHL Question Raised by the Use of Explosive Weapons in Populated Areas:**

ICRC identified in its 2015 report, *IHL and the Challenges of Contemporary Armed Conflicts*,<sup>75</sup> critical IHL issues raised by the use of weapons with a wide regional impact in densely populated areas.

It maintained that although IHL does not explicitly prohibit the use of unstable weapons with a wide effect zone against military objectives located in populated regions, such usage is governed by guidelines that appear to include the prohibition of aimless attacks, the prohibition of unbalanced attacks, and the obligation to avoid potential risk in assault. The ICRC noted in its 2015 report that the inherent error of dangerous weapon systems, such as

---

<sup>75</sup> ICRC, *IHL Challenges Report 2015*, 48.

numerous mortars, cannons, and multiple rocket launcher systems currently in use, particularly when employing unguided weapons, unguided airborne bombs, and rockets, engenders legitimate concerns regarding aimless assaults. As anticipated by this criterion, the coordination of these weapons against a specific military level is exceedingly difficult due to their low precision. Thus, there is a significant risk that they will unlawfully target civilian and military targets.<sup>76</sup>

The ICRC also noted in its 2015 report that in addition to the immediate effects of an assault, utilizing unstable weapons having resonating effects should likewise be considered while surveying incidental occurrence as expected by the standards on proportionality and precautionary measures in assault, to the extent that they are in all actuality predictable in the circumstances.

Some states invoke the concept of "self-defense" when hazardous weapons with a wide-ranging impact are employed for protection. They do so to argue that IHL restrictions on the use of force, including those pertaining to weapon selection, may be less stringent than such restrictions in premeditated attacks, and to justify the deployment of weapons that carry a significant risk of unforeseeable consequences in hostile environments. Many countries use fire change techniques so that they can strike targets after a few rounds when they are using indirect fire weapons. Such procedures consist of continuously firing closer to the target, documenting the impact, and implementing modifications (amendments) prior to firing "for effect" at the target. Such

---

<sup>76</sup>François Bugnion, *The International Committee of the Red Cross and the Protection of War Victims* (Switzerland: Macmillan Education, 2003).

strategies for changing fire inside a populated region themselves represent a significant hazard. The utilization of such methods in populated regions in this manner brings up issues under IHL.

#### **4.6 The Interpretation and Application of IHL in the Context of Urban Armed Conflicts**

The interpretation and application of IHL in the context of urban armed conflicts can vary among states and non-state actors. Disagreements over the interpretation of legal provisions, inconsistent application, and differing understanding of the obligations under IHL can contribute to the challenges in its effective implementation. States may have different perspectives on the interpretation and application of IHL based on their legal traditions, military doctrines, and political considerations. Varying national perspectives can lead to differences in the understanding of IHL provisions, including those related to urban warfare. Both states and non-state armed organizations may employ distinct military techniques and tactics in order to effectively operate within urban environments. These strategies may involve varying degrees of compliance with IHL provisions. For example, some may prioritize minimizing harm to civilians and adhere strictly to IHL principles, while others may adopt more permissive interpretations or even deliberately target civilian areas. States and state actors may differ in their level of legal expertise and awareness of IHL.<sup>77</sup> This can influence their understanding and

---

77Theodor Meron, W. Michael Reisman, Luigi Condorelli, George H. See also, Aldrich, René Kosimik, and J. Ashley Roach, "Application of Humanitarian Law in Noninternational Armed Conflicts," *Proceedings of the Annual Meeting (American Society of International Law)* 85 (1991): 101. Accessed from <http://www.jstor.org/stable/25658575>.

application of IHL rules in urban contexts. Varying levels of knowledge and training can lead to different interpretations and practices on the ground.

Political motivations and objectives can influence the interpretation and application of IHL. Parties involved in urban armed conflicts may selectively interpret or apply IHL provisions to further their political or military goals. This can lead to different approaches in safeguarding people and adhering to International Humanitarian Law standards. Non-state armed groups frequently operate beyond the jurisdiction of the state and may not acknowledge or comply with their obligations under International Humanitarian Law. They may have their interpretations of the rules or may disregard them entirely. This can lead to significant variations in the treatment of civilians and compliance with IHL provisions in urban armed conflicts involving such groups. IHL is subject to interpretation and can be open to different understandings. States and non-state actors may have differing interpretations of specific provisions, such as those related to the distinction between civilians and combatants, proportionality, or precautions in attack. These interpretive disagreements can result in varying approaches to IHL compliance in urban warfare.

Urban warfare can result in substantial civilian casualties and extensive damage to civilian infrastructure when heavy artillery is employed. States may have differing interpretations of IHL provisions regarding the proportionality of using such weapons in densely populated areas. Some states may exercise caution and limit the use of heavy artillery to minimize harm to

civilians, while others may adopt a more permissive interpretation<sup>78</sup>, leading to higher civilian casualties. The implementation of sieges in urban areas can have varying interpretations and applications of IHL.<sup>79</sup> Siege tactics involve encircling and restricting access to urban areas, often leading to severe humanitarian consequences for the civilian population. Some parties may argue that sieges are legitimate military operations to weaken armed groups, while others may view them as collective punishment and a violation of IHL protections for civilians.

The ongoing conflict in Syria has seen substantial discrepancies in the understanding and implementation of International Humanitarian Law by different parties involved. The Syrian government, rebel groups, and foreign actors involved have been accused of indiscriminate attacks, deliberate targeting of civilians and civilian infrastructure, and besieging urban areas. These actions demonstrate different interpretations and adherence to IHL principles, leading to significant civilian casualties and humanitarian consequences. The urban conflict against ISIS in cities like Mosul and Raqqa involved a coalition of international forces, Iraqi security forces, and Kurdish Peshmerga fighters. The campaign against ISIS raised concerns about the protection of civilians, particularly regarding the use of heavy artillery, airstrikes, and the potential destruction of civilian infrastructure. While efforts were made to minimize civilian harm, there were instances of civilian casualties, demonstrating differing interpretations of IHL in a complex urban

---

<sup>78</sup> Ibid

<sup>79</sup> *Legality of the Threat or Use of Nuclear Weapons* [hereafter *Nuclear Weapons*], General List No. 95, Advisory Opinion of the International Court of Justice, 8 July 1996, paras. 78, 35 I.L.M. 809 (1996).

environment. The conflict in Yemen has seen divergent interpretations and applications of IHL by different parties. The Saudi-led coalition, which is backing the internationally recognized Yemeni government, has faced allegations of conducting indiscriminate bombings and deliberately targeting civilian objects. On the other hand, Houthi rebels have been criticized for using residential areas for military purposes and employing tactics that put civilians at risk. These examples reflect differing perspectives on IHL and varying compliance with its provisions<sup>80</sup>. The conflict in eastern Ukraine, particularly in cities like Donetsk and Luhansk, has showcased variations in the interpretation and application of IHL. Both Ukrainian government forces and separatist groups have been accused of violations, including the targeting of civilian areas and infrastructure. Disagreements over the status of combatants and the application of proportionality have contributed to divergent practices and outcomes.

#### **4.7 Practice of States in Urban Warfare in IHL**

IHL provides a legal framework to regulate armed conflicts, including those that take place in urban environments. The application of IHL to urban warfare aims to mitigate the impact on civilians and protect their rights during armed conflicts. Here are examples<sup>81</sup> of how states have responded to urban warfare within the context of IHL.

4.7.1 United States: During the Iraq War, the United States implemented measures to minimize civilian harm in urban areas. These

---

<sup>80</sup> Ibid

<sup>81</sup> Jean-Marie Henckaerts, "International Humanitarian Law as Customary International Law," *Refugee Survey Quarterly* 21, no. 3 (2002): 186. Accessed from <http://www.jstor.org/stable/45054625>.



included training its armed forces on IHL principles and rules, adopting rules of engagement that prioritized the protection of civilians, and employing precision-guided munitions to reduce collateral damage. The U.S. military also developed tactics, techniques, and procedures specific to urban warfare, taking into account the complexities of operating in densely populated areas while seeking to minimize harm to civilians.

4.7.2 Israel: The Israeli military has encountered urban scenarios within the context of conflicts, notably the Israeli-Palestinian conflict. In response to the challenges posed by urban environments, Israel has established specific rules of engagement and operational procedures to protect civilians during military operations. The Israel Defense Forces (IDF) have employed various measures, including targeted intelligence gathering, the use of advanced technology, and specialized training to minimize civilian casualties and property damage in urban areas.

4.7.3 Russia: Russia has been involved in urban warfare situations, notably during the conflict in Syria. While there have been allegations of IHL violations by Russian forces, Russia has highlighted its efforts to avoid civilian casualties and comply with IHL. The Russian military has claimed to use precision airstrikes, coordination with local authorities, and humanitarian corridors to minimize harm to civilians. Nevertheless, human rights organizations have continuously engaged in debates and expressed worries about the repercussions of Russian military actions on the civilian population.<sup>82</sup>

---

<sup>82</sup>*Urban Services During Protracted Armed Conflict*. 2022. International Committee of the Red Cross. Accessed from <https://www.icrc.org/en/publication/4249-urban-services-during-protracted-armed-conflict>.

It is important to note that while states may have taken steps to comply with IHL in urban warfare, there have been instances where allegations of IHL violations have been raised against them. The implementation and adherence to IHL in urban warfare remain complex and challenging due to the nature of such environments and the difficulties associated with distinguishing between combatants and civilians.

#### **4.8 Failed Responses About Wars**

Overall, states have recognized the unique challenges posed by urban warfare and have attempted to develop strategies, rules of engagement, and operational procedures to mitigate the impact on civilians. However, ongoing efforts are necessary to ensure better compliance with IHL in urban warfare scenarios and to address any shortcomings identified through effective monitoring, accountability mechanisms, and improved training for armed forces.<sup>83</sup> There have been instances<sup>84</sup> where these responses have fallen short, resulting in significant failures in protecting civilians and upholding IHL.

4.8.1 Aleppo, Syria (2016): The conflict in Aleppo during the Syrian Civil War witnessed widespread destruction and numerous violations of IHL. The city faced intense urban warfare, including airstrikes, indiscriminate shelling, and attacks on civilian infrastructure. Both government forces and armed opposition groups have been alleged to have violated the principles of IHL, leading to substantial harm to civilians, displacement, and destruction of

---

<sup>83</sup>ibid

<sup>84</sup>Emanuela-Chiara Gillard, "The Position about International Humanitarian Law," *Proceedings of the Annual Meeting (American Society of International Law)* 100 (2006): 130-135.

critical civilian infrastructure, including hospitals, schools, and marketplaces.

85

4.8.2 Mosul, Iraq (2016-2017): The battle to retake Mosul from the Islamic State (ISIS) saw intense urban warfare. While efforts were made by Iraqi and coalition forces to protect civilians, there were significant challenges and failures. ISIS militants reportedly used civilians as human shields, positioned themselves in civilian areas, and booby-trapped buildings, resulting in a high number of civilian casualties. There were also reports of indiscriminate attacks by both sides and insufficient measures to ensure the safe evacuation of civilians.<sup>86</sup>

4.8.3 Gaza Strip (various conflicts): The Israeli-Palestinian conflict in the Gaza Strip has seen repeated instances of urban warfare, resulting in significant civilian suffering. The conflicts have involved airstrikes, artillery shelling, and ground operations in densely populated areas. Despite efforts by both parties to adhere to IHL, there have been allegations of disproportionate use of force, attacks on civilian infrastructure, and failure to adequately distinguish between combatants and civilians.<sup>87</sup>

4.8.4 The Siege of Sarajevo (1992-1996): During the Bosnian War, the city of Sarajevo experienced a prolonged siege characterized by intense urban warfare. Despite the existence of IHL, the conflict witnessed numerous violations, including indiscriminate shelling and sniping that resulted in substantial civilian casualties. The international community's inadequate response to the siege and inability to implement principles of International

---

<sup>85</sup>Ibid

<sup>86</sup>Ibid

<sup>87</sup>Ibid

Humanitarian Law (IHL), such as safeguarding civilians and distinguishing between military and civilian targets, resulted in protracted suffering and loss of life.<sup>88</sup>

8.5 Fallujah, Iraq (2004): The Battle of Fallujah during the Iraq War involved heavy fighting in an urban environment. The use of heavy artillery, airstrikes, and ground operations resulted in significant destruction and civilian casualties. Critics argued that IHL's principle of proportionality was not effectively applied, leading to excessive harm to civilians and infrastructure. There were allegations of indiscriminate attacks, insufficient measures to protect civilians, and inadequate access to humanitarian aid during the conflict.<sup>89</sup>

4.8.6 The War in Yemen: The conflict in Yemen has witnessed extensive urban warfare, including airstrikes and ground operations in densely populated areas. Multiple sources have shown significant civilian casualties and the extensive damage to civilian infrastructure.<sup>90</sup> Critics have argued that IHL has not been effectively enforced, with allegations of indiscriminate attacks, targeting of civilian objects, and insufficient measures to protect civilians. The complexities of the conflict and the involvement of multiple parties have made accountability and compliance with IHL challenging.

These examples<sup>91</sup> illustrate instances where IHL has been perceived as falling short in addressing the unique challenges posed by urban warfare. The

---

<sup>88</sup>International Law Association Study Group, *The Conduct of Hostilities and International Humanitarian Law: Challenges of 21st Century Warfare*, 12.

<sup>89</sup>Ibid

<sup>90</sup>"Report: Urban Services During Protracted Armed Conflict". 2022. International Committee of the Red Cross. <https://www.icrc.org/en/document/urban-services-protracted-conflict-report>.

<sup>91</sup>International Humanitarian Law: Answers to Your Questions (Geneva: International Committee of the Red Cross [hereafter ICRC], 1998), 4

difficulties of distinguishing combatants from civilians, the presence of non-state actors operating within civilian areas, and the complex nature of modern urban conflicts have posed significant challenges to the effective application of IHL. It is important to note that assessing the failures of IHL in specific conflicts requires a comprehensive understanding of the specific circumstances, the actions of all parties involved, and the complexities of the conflict dynamics. The failures should not be attributed solely to IHL but also to the lack of compliance, enforcement, and political will by the parties involved in the conflicts.

#### **4.9 Conclusion**

IHL was primarily developed to regulate conflicts in traditional battlefield settings, and its provisions may not adequately address the unique challenges posed by urban environments. Addressing the insufficiencies of IHL in urban armed conflicts requires ongoing efforts to develop new guidelines, adapt existing rules, and enhance compliance and accountability mechanisms. Furthermore, it necessitates enhanced collaboration among states, non-state entities, and international organizations to discover pragmatic resolutions to the intricate obstacles presented by urban warfare, all while maintaining the principles of IHL.

## **CHAPTER V- CONCLUSION AND RECOMMENDATIONS**

### **5.1 Conclusion**

Urban warfare includes armed conflicts and military operations conducted within densely populated areas, including cities, towns, and other urbanized environments. It involves combat and military activities within the complex and confined spaces of urban settings, including streets, buildings, and infrastructure. Urban warfare, characterized by armed conflict in densely populated urban areas, presents significant challenges to the effective implementation of IHL. The world observed with trepidation as renowned cities including as Damascus, Aleppo, Raqqa, Palmyra, and Homs were devastated by intense conflicts, resulting in the deaths, injuries, and displacement of their inhabitants. The conflict in these urban areas has caused significant damage to the social texture of affected communities and deprived entire generations of their childhood.

The complex and dynamic nature of urban environments poses unique obstacles that hinder the protection of civilians, civilian infrastructure, and the adherence to fundamental principles of IHL. Due to the complexities and challenges associated with urban warfare, it requires specialized training, tactics, and considerations to mitigate risks to civilians and protect infrastructure while achieving military objectives. The complexities and difficulties presented by urban warfare in relation to the implementation of IHL are substantial and varied. The complexities of distinguishing combatants from civilians, assessing proportionality, protecting civilian infrastructure, ensuring humanitarian access, and holding violators accountable highlight the urgent need to address these issues.

Based on the information currently accessible in the ICRC, it appears that only a few states possess explicit instructions and training regarding urban warfare or the engagement in hostilities in densely populated regions. However, there are some indications of progress in this regard. Oftentimes, the international community does not have an official authorization to participate in efforts to prevent conflicts in urban areas. This is because urban violence is typically considered a matter of domestic law enforcement, rather than a concern for maintaining peace and security on an international level.

Asymmetric warfare and external intervention can significantly impact urban warfare, both in terms of its dynamics and the application of IHL. Asymmetric warfare involves the use of unconventional tactics and strategies by a weaker party against a stronger adversary. In urban environments, non-state armed groups often employ asymmetric tactics, such as guerrilla warfare, ambushes, and urban insurgency, to counter the conventional military superiority of state forces. Urban areas provide non-state armed groups with opportunities to blend into the civilian population, exploit the urban infrastructure for cover and concealment, and conduct hit-and-run operations. These tactics make it challenging for external forces to identify and engage with the enemy, increasing the complexity and risks associated with urban warfare. External intervention refers to the involvement of foreign states or international actors in a conflict taking place within a specific country or urban area.

External intervention in urban warfare can occur for various reasons, such as humanitarian concerns, regional stability, counter-terrorism efforts, or the protection of national interests. Intervention may involve military support,

peacekeeping operations, or direct military intervention. External intervention can have significant implications for urban warfare, including changes in the power dynamics, increased resources available to one or both sides and potentially altering the nature of the conflict. It can also introduce new actors and interests into the urban environment, further complicating the situation. asymmetric warfare and external intervention have significant implications for urban warfare. These factors bring about novel dynamics, difficulties, and risks, which have an effect on the implementation of IHL and the safeguarding of civilians. Efforts should focus on improving the comprehension and implementation of IHL in urban warfare scenarios, formulating norms and practices tailored to urban settings, and reinforcing systems for holding individuals accountable. Only through these measures can IHL effectively address the unique challenges of urban warfare and better protect civilians caught amid armed conflict. IHL plays a pivotal role as a legal framework for the regulation of armed conflicts and the mitigation of the suffering endured by those impacted. However, the complex and dynamic nature of urban warfare poses significant challenges that reveal the inadequacy of IHL in addressing the unique realities of armed conflicts in urban environments.

## **5.2 Recommendations**

- IHL should establish robust measures to ensure unhindered humanitarian access to affected populations in urban areas. This includes provisions to facilitate the safe passage of humanitarian personnel, supplies, and equipment, even in highly congested urban environments.



- IHL should address specific tactics and technologies commonly employed in urban warfare, such as the use of booby traps, suicide bombings, urban guerrilla tactics, improvised IEDs, and human shields. It should prohibit unlawful tactics and technologies that disproportionately harm civilians or violate fundamental principles of distinction and proportionality. Instances of express limitations on heavy explosive weapons and associated methods of warfare in populated areas can be found, these are scattered or mission-specific and rarely part of a consistent approach toward military operations conducted in such environments.
- IHL should provide detailed guidance on how to distinguish combatants from non-combatants in the context of asymmetric warfare and external intervention in urban warfare. This includes addressing challenges such as the use of civilian attire, blending with the civilian population, or exploiting civilian infrastructure. Specific guidelines can help parties to the conflict effectively apply the principle of distinction and minimize harm to civilians.
- IHL should enhance accountability mechanisms to ensure that violations in urban warfare are effectively investigated and prosecuted. This includes facilitating access to conflict zones, collecting evidence, and holding both state and non-state actors accountable for their actions.
- IHL should promote comprehensive training and education programs for armed forces, including both regular and irregular forces, on the specific challenges and principles applicable to urban warfare. This

would enhance their understanding and compliance with IHL in urban environments.

- IHL should emphasize the importance of coordination and cooperation among all parties involved in urban warfare, including states, non-state armed groups, and humanitarian actors. This would help minimize harm to civilians, avoid unnecessary destruction, and facilitate the provision of essential services. Development agencies should coordinate more effectively over the long term with each other and with humanitarian agencies, most importantly with the relevant local actors. Good relationships will help to ensure that work continues even when conducted on a remote basis, facilitate sharing of pre-conflict baseline indicators, and keep all relevant parties informed about their planned re-engagement once the conflict has ended.
- IHL should incorporate lessons learned from past urban conflicts to continually improve its provisions and adapt to evolving challenges. This involves analyzing case studies, best practices, and the experiences of humanitarian actors, military forces, and affected communities. Ultimately, local and international implementing agencies will also have to improve their logistical and technical capacity to deal with the complexity of the challenges, including (but not limited to) the development of technical competencies that cover urban water, sanitation, and energy services. Failing that, local and international implementing agencies should evaluate their support of local coping mechanisms can at times be counterproductive or dangerous to others.

- IHL should provide a clear definition and classification of asymmetric warfare and external intervention in urban warfare. This would help establish a common understanding of these terms and their implications for the application of IHL.
- IHL should adapt its principles to the urban context, considering the unique dynamics and challenges of urban warfare. This includes enhancing rules related to distinction, proportionality, and precautions in attack to address the complexities of combatants blending with the civilian population and the increased risk of civilian harm.
- IHL should establish clear rules and limitations on external intervention in urban warfare. This includes defining the scope and objectives of external intervention, specifying the responsibilities and obligations of intervening forces, and ensuring compliance with IHL principles.
- IHL's general goal would be to prevent the occurrence of harmful cycles by recognizing and addressing both direct and indirect impacts – as part of a long-term strategy that promotes proactive planning. This means that during the early stages of any armed conflict, humanitarian agencies should be more assertive and structured in initiating programs in anticipation of the eventual arrival (or not) of development agencies, as well as preventive maintenance. The undertaking would require the identification and analysis of cumulative impact, with particular attention being paid to measures that might lead to vicious cycles and hence large-scale deterioration of essential urban service systems.

- Furthermore, it is recommended that current conflict prevention methods, such as mediation and Disarmament, Demobilization and Reintegration, should prioritize the current aspects of urban life, including urban group identities, networks, livelihoods, and culture. This task entails devising strategies for urban areas to effectively handle non-state entities that hinder them from engaging in violent activities or, in cases when violence has already erupted, assisting them in transitioning away from violence and integrating into the legal framework. International actors should prioritize their attention on urban power struggles that are susceptible to the establishment of persistent violence, which can have significant consequences for both national and international politics. Determining the origins of these risks is arguably the primary and fundamental obstacle in adapting the idea and practice of 'conflict prevention' to the future context of humanity's urban existence.

## Bibliography

### Books:

Bugnion, François. *The International Committee of the Red Cross and the Protection of War Victims*. Switzerland: Macmillan Education, 2003.

Bouvier, Marco A. *How Does Law Protect In War? Cases, Documents and Teaching Materials on Contemporary Practice in International Humanitarian Law*. ICRC.

Kaldor, Mary. *New and Old Wars: Organised Violence in a Global Era*. Oxford: Polity, 1999.

Pictet, Jean. *Development and Principles of International Humanitarian Law: Course Given in July 1982 at the University of Strasbourg as Part of the Courses Organized by the International Institute of Human Rights*. Netherlands: Nijhoff, 1985.

### Papers and Reports:

International Law Association Study Group. *“The Conduct Of Hostilities and International Humanitarian Law: Challenges of 21st Century Warfare”*, 2017.

Chatham House. *“Proportionality in the Conduct of Hostilities: The Incidental Harm Side of the Assessment”*, 2018.

ICRC. *“Urban Services during Protracted Armed Conflict: A Call for a Better Approach to Assisting Affected People”*, 2015.

ICRC. *“International Humanitarian Law Challenges Report”*, 2015.

World Health Organisation. “*World Report on Violence and Health*”, 2002.

ICRC. “*Displaced in Cities: Experiencing and Responding to Urban Internal Displacement Outside Camps*”, 2018.

**Articles:**

Riceño-León, Roberto, and Verónica Zubillaga. “Violence and Globalization in Latin America”. *Current Sociology*, vol. 50, no. 1 (2002).

Concha-Eastman, Alberto. “Urban Violence in Latin America and the Caribbean: Dimensions, Explanations, Actions”. *Citizens of Fear. Urban Violence in Latin America*. New Brunswick: Rutgers University Press, 2002.

McIlwaine, Cathy, and Caroline O.N. Moser. "Drugs, alcohol, and community tolerance: An urban ethnography from Colombia and Guatemala". *Environment and Urbanization*, vol. 16, no. 2 (2004).

Torres-Rivas, Edelberto. “Epilogue: Notes on Terror, Violence, Fear, and Democracy”. *Societies of Fear: The Legacy of Civil War, Violence and Terror in Latin America*. London: Zed Press, 1999.

McIlwaine, Cathy. "Latin American Urban Violence as a Development Concern: Towards a Framework for Violence Reduction". *World Development*, vol. 34, no. 1 (2006).

McIlwaine, Cathy. "Geography and Development: Violence and Crime as Development Issues". *Progress in Human Geography*, vol. 23, no. 3 (1999).

Willett, Susan. "Insecurity, Conflict, and the New Global Disorder". *IDS Bulletin*, vol. 32, no. 2 (2001).

McIlwaine, Cathy. "Gender- and Age-Based Violence". *The Companion to Development Studies*. London: Arnold, second edition, 2008.

UN-Habitat. *Global Report on Human Settlements 2007: Enhancing Urban Safety and Security*. Earthscan, 2007, London.