

Urban warfare: a challenge for humanitarian law and action

Julien Antouly • Chargé de développement à la Fondation Croix-Rouge française

Increasingly, war is being fought in urban areas. Because it is where the centres of power are based, where resources are concentrated and where the civilian population can be held hostage. A situation that questions the law of war and the intervention strategies adopted by humanitarian organisations.

Mosul, Aleppo, Sanaa. Many cities have recently experienced deadly and destructive conflict, and some are still the theatre of complex and violent military operations. The destruction of civilian property, the collapse of healthcare infrastructure and the terror brought by bombing have led to thousands of civilian deaths and caused many survivors to flee¹.

This article analyses the challenges posed by contemporary armed conflict in cities. After a brief historical overview, it addresses the humanitarian problems encountered, particularly the consequences of using explosive weapons in populated areas, before suggesting ways of adapting humanitarian law and interventions to address these challenges.

The increasing urbanisation of armed conflict

War is an ancient social phenomenon and is constantly evolving. Even though conflict studies very rarely mention cities, they have always been affected by armed violence. All periods of history have seen cities destroyed², or experimented with specific techniques of urban warfare, such as the use of the siege in ancient times or the Middle Ages.³ But urban warfare has changed considerably, particularly over the last two hundred years which can be divided into three distinct periods.

The first corresponds to the emergence of States and modern armies in the 18th century, when wars were essentially waged between one State and another and on open battlefields⁴. In the second period, from the 1930s, cities were increasingly targeted and affected by conflict. The Spanish Civil War, the Sino-Japanese War⁵ and, not least, the Second World War⁶ were all conflicts in which cities and their strong industrial capacities became strategic targets for warring nations, and sometimes even military objectives themselves, such as Dresden and Hiroshima.

¹ In a recent report, the International Committee of the Red Cross (ICRC) explored this issue in the three countries listed, drawing on the first-hand account of a young Aleppo resident forced to flee his home town because of the war: ICRC, “*I saw my city die: voices from the front lines of urban conflict in Iraq, Syria and Yemen*”, 14 June 2017, https://shop.icrc.org/i-saw-my-city-die.html?_store=fr

² François Grünewald, “War in the city: lessons learnt for the new century of urban disasters”, Nova Publishers, 2013, p.123-156.

³ Gregory J. Ashworth, *War and the city*, Routledge, 1991.

⁴ Alvina Hoffmann, “The urbanization of warfare: historical development and contemporary challenges”, *St Antony’s International Review*, vol.12, n°2, February 2017, p.176-189.

⁵ Vincent Bernard, “Editorial: War in cities: the spectre of total war”, *International Review of the Red Cross*, vol.98, n°901, April 2016, p.1-12.

⁶ Alexandre Vautravers, “Military operations in urban areas”, *International Review of the Red Cross*, vol.92, n°878, June 2010, p.437-452.

HUMANITARIAN ALTERNATIVES

Directly targeted civilian society thus became the first victim. Lastly, the Cold War often took warfare back to rural areas, giving rise to conflicts fought far from the urban centres, as was the case in Vietnam, Cambodia and some countries in Africa.⁷ The urban guerrilla tactics of El Salvador or Guatemala were therefore as exceptional as they were ineffective for the non-State armed groups engaged there.

However, since the 1990s, and the end of bloc-on-bloc antagonism, wars seem to have become more urban based, adopting the characteristics of contemporary armed conflict in the sense that they are more internal than international, last longer and involve enemies with vastly different means. This is referred to as “asymmetric warfare”. There seems to have been a surge in such conflicts, although there is a lack of precise data on the subject.

To explain this phenomenon of urbanisation, the first thing to consider is the change in global demographics. This century, the urban population has exceeded the rural population and is still rising, expected to reach 68% by 2050⁸. Secondly, the asymmetric nature of contemporary conflicts can partly explain their urbanisation. Where there is a stark disparity of means and forces, the weakest belligerent has every interest in fighting in an urban area. As noted by Eyal Weizman⁹, for non-State armed groups, the city now equates to the jungle of the 1970s and 1980s: an environment where they can easily hide and use their knowledge of the terrain to their advantage, and one which renders certain means of technological warfare available to powerful armies inoperable¹⁰. The urban environment also offers them greater media exposure and concentrates the economic, political and symbolic centres of the power they are fighting. Lastly, the role played by the civilian population in conflicts has also changed and can explain their urbanisation. According to political scientists, the population itself is now a third-party player, and whether to destroy, terrorise or protect it is a strategic decision¹¹. As war consists of “winning hearts and minds”, it must therefore be waged as close to these populations as possible.

Urban warfare: a humanitarian challenge

The latest data gathered, albeit patchy, suggests that urban warfare currently affects over 50 million civilians worldwide¹², and kills on average eight times more¹³ than a conflict in a rural environment¹³. The complex nature of urban sites is a major challenge for military and humanitarian aid operations given the population density and the fact that civilians and combatants intermingle. Joshua Baker, producer and director of the film *Battle for Mosul*¹⁴ relates the following account: “One commander told me that the fighting was so close that he could be in the kitchen of one apartment and be exchanging fire with an enemy in the sitting room whilst there were civilians on the floor above.”

Another major humanitarian challenge is the damage caused by the use of means and methods of warfare that were designed for use in open battlefields. These include the use of explosive weapons in densely populated areas; these are often indiscriminate in that they have a wide “impact area”

⁷ François Grünewald, “War in the city...”, art. cit.

⁸ United Nations, *World Urbanization Prospects 2018*, United Nations, May 2018.

⁹ Vincent Bernard, “Interview with Eyal Weizman”, *International Review of the Red Cross* vol.98, n°901, April 2016, p.21-37.

¹⁰ Alicia Hills, *Future War in Cities: Rethinking a Liberal Dilemma*, Frank Cass Publishers, 2004.

¹¹ Matthew Waxman, *International Law and the Politics of Urban Air Operations*, RAND Corporation, 2000.

¹² ICRC, *Urban Services During Protracted Armed Conflict*, ICRC, 2015.

¹³ ICRC press release upon publication of the ICRC report “*I saw...*”, 14 June 2017. <https://www.icrc.org/en/document/new-research-shows-urban-warfare-eight-times-more-deadly-civilians-syria-iraq>

¹⁴ ICRC, “*I saw...*”, *op. cit.*, p.31.

HUMANITARIAN ALTERNATIVES

due to their relatively inaccurate delivery system, their explosive power or the number of sub-munitions they contain. The ICRC, many non-governmental organisations (NGOs)¹⁵ and even States¹⁶ jointly condemn these practices, the use of which is steadily rising and which cause major damage among civilian populations. The NGO coalition, Action on Armed Violence (AOAV), which documents such use, claims that their deployment in an urban area kills on average twenty-eight people (90% of whom are civilians) compared with just three in a non-populated area¹⁷.

In addition to the direct damage caused by an explosion, explosive weapons can give rise to a myriad of indirect effects, “domino effects”, which affect the population’s essential infrastructure. An attack on an arms depot, for example, could damage a nearby electrical transformer leading to power cuts which would cause problems for a hospital¹⁸ or a sanitation system, thus creating risks for the wounded and ideal conditions for the emergence of water-borne diseases. These consequences are more severe in an urban environment where the population is more dependent on essential services and the networks are highly interconnected, increasing the risk of malfunction or stoppage when one component part is affected by conflict. The shutdown of certain parts of an infrastructure can, because of its central position upstream of a network of services (so-called “upstream components”¹⁹), affect thousands of people at the same time.

To address these contemporary challenges, we propose two courses of action, one based on an interpretation of certain aspects of international humanitarian law (IHL), and another one based on adapting the actions of humanitarian aid organisations.

Interpreting international humanitarian law in light of urban warfare

IHL is a set of rules which aims to limit the effects of armed conflict, protect people who do not or no longer participate in combat, and restrict belligerents’ use of authorised means and methods of war. With a few exceptions²⁰, IHL contains no specific rules regarding urban environments. The fact that a conflict is taking place in a city, however, can influence how existing rules are interpreted²¹. Even though the use of explosive weapons in an urban environment is not expressly forbidden, their legality can be questioned in terms of two core principles of IHL: distinction and proportionality.

The principle of distinction aims to protect civilian populations and property, mainly by prohibiting attacks such as “those which employ a method or means of combat which cannot be directed at a specific military objective”²² as such means are too inaccurate. To clarify interpretations of this rule and its application to the use of explosive weapons in urban environments, it is possible to draw on the empirical data gathered by specialist NGOs. According to AOAV, even when an attack is launched against a military target, 56% of the casualties are civilians; this figure can rise to 82% when attacks are launched in densely populated areas. The NGO Article 36 has modelled the

¹⁵ The “International Network on Explosive Weapons” coalition comprises over thirty NGOs including Human Rights Watch, Humanity & Inclusion, Oxfam, Save the Children, and Article 36.

¹⁶ ICRC, *Expert Meeting, Explosive Weapons in Populated Areas: Humanitarian, Legal, Technical and Military Aspects*, Chavannes-de-Bogis, 24 and 25 February 2015.

¹⁷ AOAV, “Explosive Truths: Monitoring Explosive Violence in 2016”, April 2017, p17.

¹⁸ There are many well-documented examples at: www.thirstycitiesinwar.com/

¹⁹ ICRC, *Urban Services...*, *op. cit.*

²⁰ For example, the ban on regarding a city as a single military objective, as cited in Article 51 of Additional Protocol I to the 1949 Geneva Conventions.

²¹ ICRC, *International Humanitarian Law and the challenges of contemporary armed conflicts*, Geneva, 2011, p.41.

²² Article 51§4 of Additional Protocol I to the Geneva Conventions of 1949.

HUMANITARIAN ALTERNATIVES

impact of certain types of mortar widely used in Syria and Iraq²³. Their impact area – the zone where the explosives are likely to fall – can often be several hundred metres across. This level of precision now seems incompatible with the principle of distinction, and morally unacceptable when these weapons are used in densely populated areas.

The use of explosive weapons in populated areas also challenges their respect for the principle of proportionality. This principle forbids attacks whose expected damage would be excessive when compared to the military advantage gained²⁴. Even though the binding force of the principle of proportionality is now well established, its interpretation in urban areas raises certain issues. When weighing military advantage against expected collateral damage, should the belligerents consider just the direct and immediate consequences of the attack (the number of dead or wounded) or all the expected effects, including indirect and non-immediate effects?

A detailed legal analysis²⁵ reveals a growing consensus about the obligation to consider all the “foreseeable effects” of an attack, be they immediate or indirect. Naturally, it would be a fiction to think that all the consequences of an attack could be foreseen. However armed forces can implement a certain number of best practices.

Firstly, the principle of precaution²⁶ requires them to gather the maximum possible amount of information so as to assess the effects of an attack (plans, areas of vulnerability etc.). This assessment is facilitated by technological developments and also by the generation of empirical data regarding the use of certain weapons, available in Open Source. In this respect, certain civil society actors have gathered data about urban conflicts in order to model the consequences of armed violence on civilian buildings and to present this information to belligerents²⁷. Lastly, some military experts²⁸ recommend, for example, that urban specialists be included in the military staff to facilitate the assessment of collateral damage.

There is no doubt that the use of explosive weapons in an urban environment is difficult to reconcile with IHL compliance, especially when these weapons are particularly inaccurate, as confirmed by the ICRC which calls upon belligerents to avoid using them: “Due to the significant likelihood of indiscriminate effects and despite the absence of an express legal prohibition for specific types of weapons, the ICRC considers that explosive weapons with a wide impact area should be avoided in densely populated areas.”²⁹

Adapting humanitarian action to urban conflicts

The nature of the challenges posed by conflicts in urban areas also calls for a rethink, if not a “paradigm shift” in the ways in which humanitarian aid is provided³⁰. Firstly, it would seem that a holistic approach is needed to address humanitarian aid requirements in urban conflicts. The interdependence of service networks, the intermingling of civilians and combatants, and the

²³ Article 36 & PAX, “*Areas of harm: Understanding explosive weapons with wide area effects*”, October 2016.

²⁴ Article 51§5 b of Additional Protocol I to the Geneva Conventions of 1949.

²⁵ Laurent Gisel (ed.), “The principle of proportionality in the rules governing the conduct of hostilities under international humanitarian law”, ICRC/Université Laval, Report of the International Expert Meeting, 22-23 June 2016. Julien Antouly, *La protection des civils lors des conflits armés urbains*, CESICE, 2017.

²⁶ Article 57 of Additional Protocol I to the Geneva Conventions 12 August 1949.

²⁷ See, for example, the “Gaza platform” a project run by Amnesty International and Forensic Architecture. Available at <https://gazaplatform.amnesty.org>

²⁸ John Spencer, *The army needs an urban warfare school and it needs it soon*, Modern War Institute, 2017.

²⁹ ICRC, *International Humanitarian Law...*, *op. cit.*, p.42.

³⁰ ICRC, *Urban Services...*, *op. cit.*, p.7.

HUMANITARIAN ALTERNATIVES

prolonged nature of conflicts require cross-cutting rather than sector-based interventions, and for the long term. Repairing urban services requires time, resources and specific skills (repairing infrastructure, training managers, etc.); while at the same time, it is essential that emergency actions continue to be carried out in order to help the affected populations survive. This is why some humanitarian actors are requesting new funding schemes³¹ to reconcile short and long-term actions as well as individual and systemic approaches.

Furthermore, there is a major change in humanitarian needs in urban conflicts where invisible damage is caused by incessant bombardment, weeks of siege and the destruction of powerful symbols. For example, mental health needs of the affected populations, which must be addressed by humanitarian aid actions. More recently, “digital needs” also seem to be gaining in importance; populations who are affected by violence are expressing an increasing need to be connected, to communicate with their loved ones, and to see their digital data and identity protected so that they can safeguard certain essential documents. Last December, Yves Daccord, Director-General of the ICRC, said that these are a “third generation” of humanitarian needs³².

Lastly, if gaining access to conflict zones and the affected civilian populations is a global problem of ever-increasing importance³³, it is a particularly significant issue in urban environments. Cities in conflict situations are often fragmented and controlled by various belligerents, some of whom may deliberately deny access to certain areas. It is important that humanitarian aid organisations are able to negotiate and communicate more with local public authorities and civil society organisations so as to “decentralise” humanitarian diplomacy. Despite occasional and well-founded concerns about compliance with humanitarian principles or corruption³⁴, such collaboration can lead to a greater understanding of the local situation, facilitate access, and help identify humanitarian needs much more quickly³⁵.

Translated from the French by Derek Scoins

Biography • Julien Antouly

Julien graduated in law and international relations from the Université Grenoble-Alpes and has a master’s degree in management from the École Supérieure de Commerce de Grenoble. His research has so far focused on international humanitarian law and transitional justice. He is currently a Development Officer at the French Red Cross Foundation and temporary Lecturer at the Université Paris II Panthéon-Assas.

*Reproduction prohibited without the agreement of the review Humanitarian Alternatives.
To quote this article: Julien Antouly, “Urban warfare: a challenge for humanitarian law and action”,
Humanitarian Alternatives, n°10, March 2019, p.108-117,*

*<http://alternatives-humanitaires.org/en/2019/03/25/urban-warfare-challenge-humanitarian-law-action/>
ISBN of the article (PDF): 978-2-37704-499-3*

³¹ *Ibid*, p.35.

³² *France Culture’s* “Où va l’humanitaire?” series, episode broadcast on 17 December 2018.

³³ Ben Ramalingam and Paul Knox Clarke, “Meeting the urban challenge: adapting humanitarian efforts to an urban world”, *ALNAP*, July 2012.

³⁴ *Ibid*.

³⁵ Donald Brown *et al.*, *Urban Crises and Humanitarian Responses: a literature review*, University College London, April 2015.