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**Conference**

**War in Cities: Searching for practical solutions to contemporary challenges**

***SUMMARY***

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**25 April 2019**

**Residence Palace**

**155 rue de la Loi, 1040 Brussels**

Welcome and general introduction

**Speaker: Wenke Roggen, Federal Magistrate, on behalf of Lieve Pellens, President of the Belgian Interministerial Commission for Humanitarian Law**

This conference took as a point of departure the following observation: nowadays, in most armed conflicts, almost all of the fighting takes place in the cities. City centres and residential areas are the battlefields of our century. In the specific context of urban warfare, the implementation of the basic principles of international humanitarian law (IHL) – distinction, proportionality, and precaution – faces many difficulties. Civilians are mistaken for fighters, and civilian property is often used for military purposes. The civilian population is the first to suffer from the appalling consequences of such conflict. Faced with the partial or complete destruction of essential infrastructure, civilians are forced to flee, abandoning their jobs, their homes, and their way of life. Furthermore, access to humanitarian assistance is frequently hampered, even denied. These observations recall the urgent need to comply with and to ensure compliance with the humanitarian principles that form part of IHL.

To tackle the delicate and complex questions raised by contemporary armed conflicts, the conference was set up in four panels:

* The first panel set the scene by highlighting the reasons for the urbanisation of armed conflicts and by addressing the challenges raised at a military and humanitarian level.
* The second panel considered the question of the practical implementation of the precautionary principle in urban areas.
* The third panel was devoted to legal and operational issues related to means and methods of warfare in the context of urban conflicts. These were, on the one hand, the practical application of the fundamental rules on the conduct of hostilities and the means of using weapons (e.g. EWIPA), and, on the other hand, the question of new technologies.
* The fourth panel focused on humanitarian actions for civilians during urban conflicts. This issue gave rise to legal, operational and policy challenges for belligerents and humanitarian actors.

Panel 1: Setting the scene

In order to address the reasons of the urbanisation of armed conflict and the challenges that it raises at a humanitarian and military level, two practitioners were invited to present their experience.

**Speaker: Brigadier General Darren Stewart, Head of Operational Law, British Armed Forces**

This first panel began with an intervention of the Brigadier General Darren Stewart, who gave the perspective of a military practitioner. To set the scene, he suggested that **the conduct of military operations in the urban environment**, at least in the context of an international armed conflict, **has always been a characteristic of armed conflict**. However, things have naturally changed in the last 100 years. We have seen the development of weapons technology that can deliver greater destructive effect, but also the development of precise weapons enabling military commanders to strike military objectives with greater accuracy. The development of mega cities, involving the expansion of the size and density of the urban environment, and the evolution of non-international armed conflicts (NIACs) in such a way that they now typically have a trans-border character are also new factors that are to be taken into consideration.

Alongside these developments, **there is also the development of IHL**. In particular, IHL considerations are now very much a factor in the planning and conduct of military operations by commanders at all levels because of accountability mechanisms and the utility of compliance with IHL in meeting military objectives. However, due to the complexity of the urban environment, the military has had to develop specific tactics such as more precise weapons in order to reach only military objectives. This, in turn, has led to an increased focus on mitigating the effects of these operations as required by the law through applying the IHL principles of discrimination, proportionality and precautions to minimise the impact on civilian populations.

As a consequence, **planning military operations in urban field has become increasingly sophisticated**. Thus, we can see that there is at this time a desire to develop IHL to mitigate the effects of urban fighting, especially the use of explosive weapons and an attempt to look at the reverberating effects that set very high standards for military commanders. However, even if advances in technology can help diminish civilian casualties, Brigadier General Darren Stewart reminded the audience that we should not lose sight of the fact that there will always be civilian casualties as long as there is war. He also warned of potential challenges we may face if there was a trend to restrict too much the use of means and methods of warfare (ex: explosive weapons, lethal autonomous weapons systems) in order to humanize armed conflicts because it could have a counter intuitive effect which is a return to the less precise and less able to discriminate weapons systems that have been used in the past.

**Speaker: Dominique Loye,** **Deputy Director of the Department of International Law and Policy, ICRC**,

The second speaker of this first panel, Dominique Loye, addressed the urbanisation of armed conflicts and its challenges from a humanitarian point of view.

If the direct **humanitarian consequences of urban warfare** (e.g. death, injury, or destruction) are often visible, there are also **mid-term or more indirect** consequences. He decided to focus his presentation on three of them.

First, **the use of explosive weapons with wide area impact in densely populated areas** is highly problematic for civilian services and infrastructure. Indeed, in this specific environment, there are “reverberating effects” of attacks using explosive weapons, meaning that incidental damage of the explosion on civilian objects is exacerbated by the interdependence and interconnection of the infrastructure of urban services. In addition, urban services depend on people, hardware and consumables. Therefore, adverse effects on any one of these three components can cause disruptions to essential urban services. No one component is sufficient on its own, and in the context of an urban conflict, it is even more complex to have all three components available. For example, it is pointless having the spare parts required to repair a power substation, if the only skilled staff able to install them have fled the conflict. Moreover, this infrastructure is so large and complex that the restoration of parts of it is often too costly for municipalities and humanitarian agencies. If not dealt with in time, it can become impossible to restore the service. Dominique Loye therefore stated that the traditional approach to humanitarian action is being rethought to consider how strengthen the resilience of urban service systems in protracted crisis.

Second, i**nternally displaced persons are increasingly concentrated inside urban areas**. Arriving in cities in order to find security and humanitarian assistance, most of the displaced persons prefer not to settle in camps, but rather in shelters within host communities. When prolonged, and without support from the government or humanitarian organisations, displacement can evolve into a burden on host communities.

Third, **humanitarian access in urban contexts can be particularly challenging** because of the presence of explosive remnants of war, the restricted access to cities by the occupying power, and the difficulty to identify the people in need of assistance.

Despite all the challenges raised by urban warfare for both civilians and armed forces, the obligation to respect the laws applicable during armed conflict remains intact. For example, **the “reverberating effects” which are reasonably foreseeable should be taken into consideration when respecting the principles of precaution and proportionality**, and included in the proportionality test when military and armed groups are planning and carrying out an attack. This requirement is actually not an additional obligation but a simple implementation of the principle of precaution and proportionality.

To conclude, Dominique Loye is on the opinion that there is an urgent need to adapt military policy, doctrine, training, equipment and planning processes to the specificities of urban environments and to develop new approaches combining both short and long-term, individual and systemic, humanitarian and development methodologies.

Panel 2: The practical implementation of the principle of precaution

The second panel looked more closely to the practical implementation of the principle of precaution, as set out in articles 57 and 58 of the First Additional Protocol, in the urban context. Whilst article 57 deals with the precautions for the attacker to respect the principle of distinction and proportionality, or the obligation to give effective advance warnings, article 58 deals with feasible precautions to be taken by the defenders to protect the civilian population and civilian objects under their control against the effects of the attack, e.g. to remove civilians from the vicinity of military objectives or to avoid placing military objectives within populated areas. The main issues concerning these obligations set out in articles 57 and 58 are their scope and their interpretation, which are subject to extensive debate, especially in an urban warfare context. Although it is clear that these obligations are not absolute and that they only have to be applied to the extent feasible or to the maximum extent feasible, it raises the question of what “feasible” means in an urban context?

**Speaker: Colonel Randall Jay Bagwell, former US Army**

Colonel Randall Jay Bagwell opened this panel with an introductory remark: “civilians will not leave the cities, so military commanders have to deal with this parameter”.

For him, the first solution would be to avoid fighting in cities, but it seems inevitable given the significant advantages it gives to both the defenders and attackers. Indeed, the urban battlefield is multidimensional, with buildings and sewers. Moreover, for weaker armed groups, it erodes technological advantages of modern militaries since it degrades command and control system, blinds reconnaissance, reduces unit communication, destroys unit cohesion, and perhaps most importantly, denies attacking forces the ability to mass troops in the attack.

Given the inevitability of urban warfare, **what kind of measure can be taken to avoid, or at least reduce, harming civilians and civilian property?** The Urban Warfare Project at the Modern War Institute at West Point, NY, which is currently studying urban fighting considers that Armed forces have to change their organisation but also the manner they fight and train their soldiers.

Colonel Randall Jay Bagwell described the current U.S. military doctrine and practice, which is similar to many countries today, and consist of clearing every building of the city by fire. Regarding the compliance with the principle of distinction, soldiers and leaders convince themselves that civilians have fled and the only people remaining are enemy fighters. However, if they search for ways to spare civilian lives and property, they cannot overlook the fact that the lives of soldiers also matter and that they have expensive and limited military assets. Therefore, the solution can not be one that places the lives of soldiers at greater risk. Both soldiers and civilians have to be spared

Taking all these parameters into account, the speaker **proposed five recommendations to minimize civilian harms**. First, the major militaries of the world should plan now and develop new techniques before urban fighting starts. Second, they should develop weapons specifically designed for urban fighting, which include non-lethal options or the use of tear gas. Third, they should improve intelligence-gathering techniques for urban fighting with all new technologies available. Fourth, they have to modernize the way they warn the civilian population. Fifth, caution should be exercised before seeking to ban a certain class of weapons, e.g. the use of mortars.

With regard to **the scope of the principle of precaution**, the interpretation of certain keywords generates debate among States. For example, **what is the definition of feasible**? The debate arises as to whether a commander is required to use precision-guided explosive weapons (PGM) whenever practically feasible, or whether he has the right to preserve PGM for higher value targets. Colonel Rendall Bagwell agreed with the commentary to Article 57 which provides that the interpretation is a matter of common sense and good faith. He stated that the wording of articles 57 and 58 (i.e. “feasible”, “endeavour” and “unless circumstances do not permit”) offers the flexibility to adapt the rules to ever-changing circumstances, which is vital for military leaders.

In the final part of his presentation, he broached the **protection of “critical infrastructure**” by the current IHL precaution rules. Unfortunately, only certain critical infrastructures, such as hospitals, receive higher protection. Infrastructures like the electrical grid, phone service, Internet connection, and others do not receive increased protection even though these services have become vital to the civilian population. If article 54 of the 1st additional Protocol concerning the objects indispensable to the survival of the civilian population could *a priori* be useful, its scope is very limited. In light of the growing number of objects indispensable to the survival of the civilian population, they need additional and specific protection by the law. To conclude, he recalled that militaries and States must adapt their training and organisation to fight in urban areas if they want to avoid a civil disaster.

**Commentator: Colonel Koval, Head of Legal Service of the Ukrainian armed forces**

The first commentator, Colonel Koval presented the specific situation in Ukraine since 2014. He focused his intervention on the **Ukrainian legislation on implementation of IHL applicable within the armed forces** and the preventive measures that are taken during all the stages of military planning and decision-making process to comply with IHL rules. **Specific legislation** has been adopted on 18th January 2018 **concerning the occupied territories of Donetsk and Luhansk**. It highlighted that: “The Joint Forces Operation is complicated due to special economical and geographical factors. Donetsk and Luhansk oblasts are industrial regions of Ukraine which are characterized by densely located communities with high compactness of population”.

Besides, in view of the on-going armed conflict and necessity to improve the legal framework, a **new Instruction on the procedure of execution of norms of international humanitarian law within the Armed Forces** of Ukraine was published*.* This Instruction features by test questions to define targets, which permits the commanders to take decisions as soon as possible with a possibility to avoid or minimize civil casualties. Concerning preventive measures, IHL courses, lectures and seminars are an integral part of the military training and are often realized in cooperation with the ICRC.

The **specific algorithm that is applicable for the planning and decision making** by the commanders warns the civilian population about military operations and envisages the possibility to cease the use of force in case of danger for civilians. Moreover, military units of the Ukrainian Armed Forces avoid locating military objectives at or in the vicinity of critical civilian infrastructure.

To conclude his presentation, Colonel Coval gave a few examples of how fundamental IHL principles were implemented during military operations in Eastern Ukraine and stressed again the importance of implementing IHL and taking precautionary measures to avoid civilian casualties during urban conflicts.

**Commentator: Andres Muñoz Mosquera, ACO Legal Advisor, NATO**

The second commentator, Andres Muñoz Mosquera, completed this panel by explaining what NATO is and what NATO has done in the field of urban conflicts.

He stressed that NATO is not only a military alliance but is above all a platform where States can discuss topics related to security and defence. In that respect, **NATO provides a space where States can develop capabilities in order to comply with IHL** when sending soldiers in urban areas.

According to him, discussions within the NATO on urban warfare began in 2002 and started really seriously in 2005. The focus was on future cities and the threats they may pose to the joint and combined forces led by NATO and the UN mandate. High technology weapons were one of the particular subjects that were debated because there is no doubt that the closest we go to high technology, the more we are in compliance with the principles of distinction and proportionality. Another issue of concern was the deployment of “GPS guided munitions”, as mentioned in the presentation of Colonel Bagwell, but also the need for a clear application of the law in order to be sure that everyone complies with the orders. In the future, Andres Muñoz Mosquera is on the opinion that the use of GPS guided munitions, if not a legal obligation, could become at least a moral obligation for those Nations that can provide this type of weapons.

Based on those discussions, NATO has approved in April 2019 a “Capstone Concept on NATO Joined Operations in an Urban Environment”, which will focus on the following areas: planning, training, doctrine and community of interests, which means that it will include States and other actors that are interested. Hopefully, this will help Nations to improve their compliance with IHL when fighting in urban environment.

Panel 3: Legal and operational challenges related to methods and means of warfare in urban conflicts

The third panel was dedicated to the legal and operational issues relating to the means and methods of warfare in urban conflicts. It covered the practical implementation of the fundamental rules on the conduct of hostilities, in particular the principle of distinction between military and civilian objects and persons, the principle of proportionality and the principle of precaution. Moreover, the panel also covered the use of specific weapons in accordance with the above-mentioned principles and notably the question of new technologies on the one hand and the use of EWIPA on another hand.

**Speakers: Major Simon Gerard and Major Pieter van Malderen, Belgian Ministry of Defence**

First, Major Simon Gerard and Major Pieter van Malderen addressed some **clarifications on the aim and principles of International Humanitarian Law (IHL)**. If the primary aim of IHL is to alleviate the suffering of those who do not (or no longer) participate in hostilities, one should not lose sight of the fact that IHL is in fact a balance between two notions. On the one hand this humanitarian principle of alleviating the suffering and on the other hand the principle of military necessity which allows opposing parties to try to submit the enemy at the lowest cost in the shortest possible time. Regarding the conduct of hostilities in urban areas, it has to be noted that there are no special or specific rules within IHL dealing exclusively with urban warfare. And on the condition that all parties to the conflict respect and apply IHL, there is also no need for specific additional rules.

Second, they presented **the application of the principles of precaution at the six phases of the targeting cycle**. The aim of military action is always to generate effects and these effects contribute to the achievement of objectives that are set at different levels during the operational planning cycle. In order to effectively achieve the required effect, military personnel follow the targeting cycle, which includes 6 phases: find, fix, track, target, engage, assess or the so-called F2T2EA in the military jargon. Precaution principles are applied in all 6 phases of the targeting cycle. After the engagement of Combat Forces in multiple recent urban combats, technology, tactics, training and procedures (TTPs) have evolved and affect the way precaution is applied in targeting.One has to make the distinction between deliberate targeting, where targets are pre-identified and vetted without time constraints and dynamic targeting where time plays a significant role in the engagement and where the F2T2EA cycle is drastically reduced.

Third, they clarified **the Collateral Damage Estimation Methodology combined with the proportionality assessment**, which is a military-operational management tool developed for the armed forces and created to assist those who plan or decide on an attack regarding the application of the mandatory precautions in attack. This methodology is based on scientific research in calculating the effects of weapon systems on near collateral concerns. The result is however not exact science and the collateral damage can therefore be higher or lower.

The process starts with the ‘Positive Identification’ (Pos ID) of the target and refers to the question whether or not the proposed target is a legitimate military objective in accordance with the Law of Armed Conflict. If replied positively, the targeteer should verify if the Rules of Engagement (ROE) for this operation permit or add restrictions to engaging the target. A negative reply to the first question or additional restrictions imposed by the ROE will prevent target engagement.

The methodology is based on a 5-level risk estimation, each with its corresponding level of command that needs to give approval (the Target Engagement Authority) prior to a strike:

1- “Target validation and initial assessment”; 2- “General / Minimum target size assessment”; 3- “Weaponeering assessment”; 4- “Refined assessment overview” and 5- “Casualty estimate / assessment”.

And finally, they concluded with some considerations on two of the most difficult questions related to the application of the principle of proportionality: **the reverberating effects discussion and the standard to be applied to make the proportionality assessment**. The discussion revolves around whether or not, and, if acknowledged, to which extent, indirect incidental damage to civilians or civilian objects needs to be added to the proportionality test? The speakers are of the opinion that as a rule the CDEM, as an indication of state practice, does not account for reverberating effects, but only accounts for the direct effects of the weapon on the nearest collateral concern(s). There is only one exception to this in the Methodology. The indirect or reverberating effects are taken into account when there is a risk for Chemical, Biological or Radiological plume hazard or other Environmental Hazards that could produce long-term damage to the civilian population. In these cases, the proposed target is referred to specialized agencies that will put specialists to work to prepare a hazard prediction assessment analysis and sometimes use specific modeling programs. The designated agency then analyses the effects of the weapon on the target or on a civilian structure that may be incidentally damaged by the attack and determines to what extent it may cause harm to the civilian population. Targeting operations that might cause these risks are immediately referred to CDEM level five (Casualty estimate / assessment) and thus referred to the highest command authorities that have to evaluate the proportionality.

Regarding the standard to be applied to make the proportionality assessment, the speakers finally believe that the standard to be applied in the field of targeting under IHL should be the one of the ‘reasonable military commander’, as it can be found in academic writing and case-law.

**Commentator: Roland Evans, Advisor at Geneva International Center for International Demining**

Roland Evans was the first commentator of this panel and discussed about some data aspects of the EWIPA debate.

While progress has been made in understanding this issue, he admitted that the debate has been inhibited by the lack of good quality data on the impact of EWIPA. This is partly due to the difficulties in actually collecting the data, typically from conflict or immediately post conflict areas, even though there were already some good precedents during the Second World War. But it is also a question of standardising how we collect and count that data, so that any measuring of the impact of EWIPA is credible. Ideally, a minimum degree of standardisation should be applied to collect data on EWIPA in order to enhance its quality and validity.

He is on the opinion that developing common counting rules for measuring the impact of explosive weapons in populated areas could be worth considering.. There is also a need to standardise the characterisation of the explosive weapons causing the damage (e.g. artillery projectile, artillery rocket, aerial bomb etc). Then there is the need to standardise how casualty data is counted alongside more standardisation on how we directly link displacement to EWIPA.

Furthermore, defining explosive weapons with wide area effects could also be useful because there is presently no agreed list of what weapon types this term includes. Some have defined it as having three characteristics; “a substantial blast and fragmentation radius resulting from a large explosive content; inaccuracy of delivery, meaning that the weapon may land anywhere in a wide area; and use of multiple warheads or multiple firings, sometimes designed to spread, affecting a wide area”. However, even if such definitions were accepted, it is not clear, or at least not agreed, what weapons would qualify.

To conclude, he conceives that there is certainly room to improve and that only better, standardized data can enhance our understanding of the issue and foster an increasingly informed debate.

**Commentator: Stéphane Kolanowski, Senior Legal Advisor, ICRC**

The second commentator, Stéphane Kolanowski, pursued on the topic of EWIPA by explaining the nature of these weapons and the position of the ICRC and the International Red Cross and Red Crescent Movement on this issue.

He pointed out that although this kind of weapons is first of all designed for use in open battlefield, they are being used instead in populated areas, urban areas and other areas where there is a concentration of civilians. The result is a devastating short- and long-term, often widespread, direct and indirect / reverberating effects on the civilian population. These weapons are lawful, but inappropriate for the populated environment. Key IHL principles and rules regulating the conduct of hostilities apply to the use of EWIPA but the latter raises serious questions regarding compliance with these principles and rules, in particular the prohibition of indiscriminate and disproportionate attacks and the obligation to take all feasible precautions in attack. The responsibility of the attacking force / commander to ensure attacks respects for distinction and proportionality and to avoid or at least minimize civilian harm is heightened because of the characteristics of the weapons (“wide area effects”), the characteristics of the environment and the vulnerability of civilians therein.

Based on this, the ICRC pushes the “avoidance principle” in addition to general precautions required by IHL. Due to the significant likelihood of indiscriminate effects (based on evidence), this principle suggests a presumption of non-use EWIPA in densely populated areas. That means not using these weapons (in principle), unless sufficient mitigation measures are taken to reduce to an acceptable level the risk they pose to civilians. Moreover, it should be accompanied by concrete measures and guidance (policies and practices), i.e.: mitigation measures to (1) limit the wide area effects of the weapon and (2) to prevent and reduce the likelihood/extent of incidental harm. Finally, Stéphane Kolanowski insisted during the Q&A session on the fact that the principle of avoidance is not a “new rule” but simply the logic of the continuity of the principle of precaution.

Panel 4: Challenges raised by contemporary urban conflicts for humanitarian action

The last panel addressed a further but equally lifesaving dimension humanitarian action for civilians during urban conflict. This issue raises legal operational and policy challenges and questions for belligerent and also the humanitarian actors.

**Speaker: Patrick Hamilton, Deputy Director of Middle-East, ICRC**

Patrick Hamilton's presentation addressed the ICRC's perspecives and analysis on urban warfare. After sharing an anecdote illustrating the main challenges faced by humanitarian actors in urban environments, he explored the broader generic context.

Warfare has evolved over the past 15 to 20 years. Conventional international armed conflicts between two States have gradually given way to a proliferation of asymmetric non-international armed conflicts featuring a multiplication of actors and types of actor involved in various relationships of support. Overlapping with a growing trend of exceptionalism towards the application and applicability of international humanitarian law (IHL), today’s conflicts are characterized by a diffusion of responsibilities. Warfare has also become society-centric and has increasingly been taking place in complex urban environments typified by densely populated areas and interdependent and integrated essential services.

Reacting to this evolution, the ICRC has sought to map the commonalities of issues, actors' behaviour, consequences and responses across urban conflicts. This mapping exercise enabled the ICRC to document trends in political behaviour and the conduct of hostilities, and to identify the often-inadequate preparation for and management of the aftermaths of military operations.

The ICRC’s mapping exercise also highlighted that, in terms of consequences, hostilities in urban environments result in heightened exposure and consequences for the affected population. This mapping exercise has therefore provided guidance to the ICRC in adapting humanitarian action in urban contexts to address these main trends of behaviour and needs.

In terms of behaviour, the ICRC has firstly sought to challenge the trends of exceptionalism to IHL, dehumanization, politicization of humanitarian aid and attempts to de-regulate the status of those believed to have some relation to the adversary. The institution is secondly focusing on the issue of support relationships in armed conflict as a priority, in acknowledgement that hardly anyone fights alone today, but that contemporary crowded and highly fragmented theatres of conflict are significantly heightening the risk for the populations exposed to them. The ICRC is therefore looking to engage with states, non-state armed groups (NSAGs) and other actors to improve the practice of supporting and supported actors in today’s partnered warfare towards better protecting people in conflict. Nine main areas of practice have been identified for this engagement: 1) normative engagement, 2) assessment and framing of the potential support relationship, 3) institutional capacity building, 4) monitoring, evaluation and accountability of the supported party, 5) training and advice, 6) assistance, 7) transparency, oversight and accountability of the supporting actor, 8) structured disengagement and 9) incorporation of lessons learned.

In terms of needs, the ICRC has doubled the scale of its budget and operations commensurate with the more than doubling of non-international armed conflicts since 2000. It has also sought to build in and build up its operational tool-kit to ensure that it is able to address the vast range of urban needs, given the dependence of very large and diverse populations on complex essential services infrastructure.

He concluded by stating that, despite the efforts to adapt humanitarian responses to urban conflicts, these efforts remain a drop in the ocean compared to the global scale of needs. In addition, the shrinking of operational space for humanitarian actors within this contemporary warfare paradigm hinders them from doing what is necessary to protect human life and dignity.

**Commentator: Ben Klappe, Army legal service of Netherlands**

The first commentator, Ben Klappe, focused his presentation on displacement of civilians during NIAC. He recalled the legal framework governing such displacements and their prohibition under IHL in such conflicts (including according to the Second Additional Protocol of 1977 and Customary IHL). Although not explicitly mentioned in Article. 17 APII and its corresponding customary rule, he underlined the delicate issue of the “forcible” character of such displacements and the fact that this condition derives from the reference to an “order to displace”(this last notion being specific to NIAC). He also stressed that the parties to the conflict should keep in mind that humanitarian evacuation operations are clearly distinct, materially and temporarily, from the unlawful ordering of displacement. He finally explained that the prohibition of civilian displacement was however subject to two exceptions, displacement for imperative military reasons and the obligation to evacuate wounded and sick.

**Commentator: Ezequiel Heffes, Geneva Call**

Ezequiel Heffes was the last commentator of this fourth panel and presented a practical aspect through his work at Geneva Call, which is a neutral and impartial NGO dedicated to promoting Armed Non-State Actors’ (ANSAs) compliance with international humanitarian norms. Geneva Call workers travel to the field to engage in dialogue with the various armed groups involved in conflicts in order to incite armed groups to a greater compliance with IHL.

In his presentation, Mr. Heffes presented some of the challenges faced by Geneva Call workers, as well as the conclusions that can be drawn in terms of compliance with IHL. Generally speaking, there is a lack of compliance with humanitarian norms by all parties to the conflict, including armed groups and a lack of knowledge and ownership of international law by armed groups.

Moreover, there are some specific challenges related to humanitarian actions and armed groups. Between 2015 and 2016, Geneva Call consulted 19 ANSAs and conducted a study based on these consultations. The study revealed a lack of knowledge by armed groups of humanitarian principles, such as the confusion between neutrality and impartiality of humanitarian action. The study concluded on the importance of dialogue and training on IHL with ANSAs, the need for proactive, coherent and sustained engagement with them and adherence to humanitarian principles by humanitarian actors. Finally, Mr. Heffes briefly presented a concrete example of protection of medical care in urban areas in order to illustrate the reasons of lack of respect for IHL by the non-state armed groups and the main arguments raised to encourage them to comply with IHL rules.

Closing Remarks

The closing remarks of the conference were given by Didier Reynders, Belgian Minister of Defence and Foreign Affairs and by Walter Füllemann, Head of the ICRC Delegation to the EU, NATO and the Kingdom of Belgium.

**Didier Reynders** reminded the importance of the Geneva Conventions and their accuracy to answer the contemporary challenges. He recalled the need to achieve a universal ratification of the Additional Protocols to the Geneva Conventions and concluded by taking the opportunity to share some “Belgian good practices” in the field of IHL, namely the five following ones: 1) the respect of strict engagement rules by the Belgian Armed Forces in order to ensure respect for IHL; 2) The organization by the Royal Military School of a IHL training for Belgian officers appointed to act as Counselor in Law of Armed Conflicts; 3) the organization of a hostile environment awareness training (HEAT) designed for experts in cultural heritage; 4) the IHL training of the Malian army and finally, 5) the engagement of Belgium during his non-permanent seat at the UN Security Council to advocate for a guaranteed access to humanitarian aid.

**Walter Füllemann** highlighted the many insightful contributions from a military, civilian and humanitarian perspective. He is on the opinion that the main purpose of the Conference, which was to share and confront these views to better understand and anticipate the realities of urban warfare, was achieved. Fighting in cities has become the “new normal” and the discussions have confirmed that the military and the humanitarian community should pursue their efforts in adapting to this phenomenon. Urbanization in general is a growing global trend and fighting will inevitably keep moving from rural to urban areas. The ICRC is eager to hear more about the practice of the military to better understand how States, as well as non-State armed groups, are integrating their legal obligations into the planning and conduct of military operations. These exchanges are not only important to identify good practices, but also to inspire other parties to armed conflicts, the ultimate goal being to improve the situation of the civilians caught in an armed conflict. This is precisely why the ICRC has initiated discussions with military practitioners on the avoidance of the use of explosive weapons with a wide area impact in populated areas. As it was explained during the sessions, the ICRC is not looking at crafting new law or new rules. Rather, the idea is to find better and more appropriate ways to implement existing legal provisions under IHL, keeping the focus on the humanitarian goal of constantly caring for civilians without losing sight of military objectives.

He concluded by thanking the organizers and expressed his appreciation for the historic and significant role played by Belgium in maintaining and strengthening IHL as a State, as a founding member of the European Union, as a Member State of NATO, and currently, as a non-permanent member of the UN Security Council (2019-2020).