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Bombarded cities

ICIP

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INTRODUCTION

Reality versus ethics, law and politics

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The *Peace in Progress* magazine has dealt with issues regarding humanitarian law in situations of conflict on several occasions, given the incredible speed at which the nature and location of armed conflicts change, as well as the considerable and constant technological revolution which has been a mainstay of military affairs since the beginning of the twentieth century. Whenever we have approached these issues, as is the case of military use of drones or unmanned aerial vehicles, we always come to the same conclusion that De Gaulle was right when he said that in politics – including international politics and that associated with armed conflict – every solution begets a new problem. This monograph once again demonstrates the problem in the case of the use of explosive weapons in densely populated areas.

We are referring here to the resort to bombing urban areas and civilian populations, often from aircraft, using a variety of weapon types, bombs, and shells. The articles included in this issue tackle different aspects of the problem from different perspectives: impact on the civilian population and infrastructure – for example, in the lives of women in Sarajevo–, the role of international humanitarian law, the use of aircraft as a weapon of war, and campaigns to regulate and/or ban the use and trade of explosive weapons.

The articles reveal, therefore, a growing and distressing reality: a reality that is always one step ahead of ethics, rights and regulatory and corrective action; a reality which invariably accompanies the emergence of new weapons and tactics and strategic doctrines for their use. However, we should not lose sight of the context, something that is often neglected in the analysis and practice of research for peace and by the

associated social movements. Therefore, we have chosen specifically to focus on this context.

“ “While going to war remains to be such an easy option, explosive weapons and new technologies will be used in towns and cities inflicting direct and indirect harm on civilian populations” ”

As such, it is imperative to consider the changes in the nature and location of armed conflict and the revolution in military affairs stemming from technological developments (from copper to iron, gunpowder...) and/or how military force is organized (such as the revolutionary introduction of the Greek and later Roman phalanx). There has clearly been a shift in the nature of armed conflicts since the mid-1970s, both in terms of their geographic location and frontiers, as well as the number of victims, towards what are basically, internal, civil affairs with a sharp decline in the number of interstate conflicts. The post-Cold War era exacerbated this trend, according to registers of armed conflicts in existence, to the point that between 90% and 95% of conflicts are internal, an event which has given rise to a variety of definitions by different authors, who refer to the age of “small wars” (Singer, Zartman, Bloomfield), “guerrilla wars or wars of the third kind” (Arrissi), “non-Clausewitzian or non-trinitarian wars” (Kaldor, Holsti) or what are referred to generically as “new wars”. Since most internal wars affect urban populations, the obvious result is that victims of armed conflicts are increasingly civilians in their majority, which in turn prompts the massive movement of refugees and displaced persons, particularly women and children. Furthermore, despite the sophisticated arms race set in motion in the 1950s, since the mid-1970s, most of the victims are the result of light, short range, and unsophisticated “smaller” weaponry: assault weapons, rifles, pistols, small shells, mines and grenades, short-range missiles, cluster bombs, etc. In other words, explosive weapons. The very category of weaponry for which there are fewer disarmament agreements, arms controls and clamp downs, despite progress made in the area of anti-personnel mines and cluster bombs during

the post-Cold War era.

The situation of explosive weapons used in urban settings, often densely populated areas, is not a recent development, nor can it be said to represent the latest strain on international law, ethics and politics. Each new technological advance applied to combat gives rise to fresh problems. For far too long, the foundation of humanitarian law and war (the distinction between combatants and civilians) has been severely worn down as a result of the change in the nature of war and armed conflict and because the “field of battle” has in fact since the Second World War, very often been towns and cities. Surely, we must minimize the impact – as several articles remind us, and block trade of explosive weapons to the countries and regimes we know are using them, or which may potentially use such weapons in densely populated areas, either directly or indirectly¹. As we must also regulate the use of armed military drones. The faster and more resolute our actions, the better.

In addition, I would like to emphasize the core idea in peace research and conflict resolution: the solution is to be found by looking for the underlying, fundamental causes, in other words, by seeking out the roots of the problem. And the root of this problem is militarism and the ever too frequent resort to the use of weapons to resolve conflicts. While going to war remains such an uncomplicated option, explosive weapons will be utilised in towns and cities and new technologies will be brought to bear in coming years inflicting direct and indirect harm on civilian populations. The fight against cancer strives to prevent metastasis and the struggle for peace must pour all its resources into preventing wars, not only to mitigate the impact.

1. See the full report [from the International Red Cross conference, February 2015.](#)

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Political action to end the use of explosive weapons in populated areas

Ray Acheson

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The use of explosive weapons in populated areas is a major humanitarian crisis. It must be confronted through international action, including the development by states of a commitment to end this practice. It must also be prevented through stopping arms transfers to actors using explosive weapons in populated areas. The killing of civilians, destruction of cities, and refugee crises are not inevitabilities. States have the political, legal, and moral responsibility to refrain from actions that result in such severe humanitarian suffering.

Bombing towns, trading arms

In Iraq, Syria, Ukraine, Yemen, and other situations where bombing and shelling is occurring in populated areas, civilians are being killed and injured in their homes, on their streets, in their hospitals and schools. The disruption and destruction to water, sanitation, and electricity supplies are untenable, as is the psychological harm of living under bombardment. People are forced to flee their villages, towns, and cities, into unknown futures in distant places, facing threats of violence and exploitation along the way and once in their new locations.

Many of the bombs and other explosive weapons killing civilians in armed conflicts around the world, which should be controlled by international law and moral conscience, are instead sold for profit to those who use them for political gain. The Arms Trade Treaty (ATT), which entered into force in December 2014, should prevent such arms transfers. Yet many of its states parties and signatories continue to engage in arms transfers that result in human suffering, violations of international humanitarian law (IHL) and international human rights law, and undermine

socioeconomic development and international peace and security¹.

The use of explosive weapons in populated areas and arms transfers to states that engage in such behaviour highlight critical gaps between law and practice. They also highlight limitations of existing law that need to be addressed through the development of new standards, commitments, and treaties.

Preventing harm through a political commitment

The use of explosive weapons in populated areas must end if further humanitarian catastrophes and refugee flows are to be prevented. Many governments, international organisations, and civil society groups have recognised this. In September 2015, the government of Austria convened a meeting in Vienna to explore how to prevent harm from the use of explosive weapons in populated areas. This meeting extended from concern expressed by over 40 governments in UN Security Council debates on the protection of civilians and children and armed conflict, at which the UN Secretary-General has urged international action on this issue². It also followed expert meetings hosted by Norway, Chatham House, the UN Office for the Coordination of Humanitarian Affairs, and independently the International Committee of the Red Cross (ICRC).

“ The use of explosive weapons in populated areas must end if further humanitarian catastrophes and refugee flows are to be prevented” ”

The general agreement at the Vienna meeting was that preventing humanitarian harm should be the basis for a political instrument to stop the use of explosive weapons in populated areas. Among other things, this is also a recognition that existing international law is insufficient to address the problem.

Action on Armed Violence, a member of the civil society coalition the International Network on Explosive Weapons (INEW)³, has found that when explosive weapons are used in populated areas, 90% of the resulting casualties are civilians⁴. This would

seem to indicate violations of IHL—but the rules of IHL, which do not have specific guidelines for consistent application, do not on their own draw a clear boundary against the use of explosive weapons in populated areas ⁵.

“Based on the effects of explosive weapons in populated areas being witnessed today,” the ICRC has argued, “there are serious questions regarding how the parties using such weapons are interpreting and applying IHL. Divergent practice of militaries, and contrasting views among experts and in the case law of international criminal tribunals regarding what is or is not legally acceptable, may point to ambiguities in IHL and the need for States to clarify their interpretation of the relevant IHL rules or to develop clearer standards to effectively protect civilians.” ⁶

Government engagement

The initiative to develop clearer standards and commitments received support from a number of states during the UN General Assembly First Committee on Disarmament and International Security in October 2015. Austria, Costa Rica, Guatemala, Ireland, Mexico, The Netherlands, and Norway all raised this humanitarian concern during their contributions to First Committee, with Norway also doing so at Prime Ministerial level during the high-level opening of the General Assembly’s 70th session ⁷.

Most of these countries urged international action to prevent humanitarian harm from the use of explosive weapons in populated areas. The representative of Costa Rica said her government “fully supports” the development of “stricter standards and commitments to prohibit and restrict their use.” Costa Rica, New Zealand, and Norway endorsed the UN Secretary-General’s recommendation that parties to conflict should refrain from the use in populated areas of explosive weapons with wide-area effect ⁸.

“ “When explosive weapons are used in populated areas, 90% of the resulting casualties are civilians” ”

In addition to these states, other countries have raised concern about the use of explosive weapons in populated areas during UN Security Council open debates on the protection of civilians in armed conflict or children and armed conflict ⁹. Others have raised concerns and also indicated support for the UN Secretary-General's recommendation noted above ¹⁰. Some states have called for action without referencing the UN Secretary-General's recommendation. Belgium urged all parties to armed conflicts to "renounce" the use of explosive weapons in populated areas, Malaysia to "restrict" their use, and Republic of Korea to "avoid" their use. Benin encouraged the pursuit of "criminalisation" of their use.

Some countries have linked the use of explosive weapons in populated areas and the international arms trade. Tunisia, recognising the effects on civilians of the "indiscriminate use of weapons and explosives in densely populated areas and the illegal arms trade," called for both to be banned. The Human Security Network ¹¹ has called on all parties to conflict to refrain from the use of explosive weapons in populated areas, also stressing the need for improved casualty recording and for implementation of the ATT.

A commitment to act

An international process to develop a political commitment to end the use of explosive weapons in populated areas is underway. All states concerned with the appalling human suffering of people living with bombing and shelling should join the effort and seek the strongest possible outcome. This must include a call to end the use in populated areas of explosive weapons.

“ “The harm from the use of explosive weapons in populated areas is unacceptable. States have a responsibility to take action now to prevent human suffering” ”

This process will necessitate reviews of national policy and practice to facilitate changes that will strengthen the protection of civilians. States should also support stronger data-gathering on the use and impact of explosive weapons, including age-, sex-, and disability-disaggregated recording of casualties. They should recognise the rights of survivors, families of those killed or injured, and affected communities, and ensure a response to their short- and long-term needs ¹².

At a broader level, states need to prevent those that use explosive weapons in populated areas from acquiring weapons. Even if a state commits itself to not using explosive weapons in populated areas, arms transfers they approve may end up being used to bomb civilians. Regardless of whether or not states are party to the ATT, they must not transfer weapons to countries that are bombing or shelling in villages, towns, cities, or other populated areas.

As INEW argues, too often the dropping of bombs or firing of rockets or mortars into populated areas is considered inevitable in armed conflict. But experience shows that states and other armed actors can stop the use of certain weapons and by doing so prevent devastating civilian harm. The current pattern of harm from the use of explosive weapons in populated areas is unacceptable. States and others have a responsibility to take action now to prevent human suffering ¹³.

1. For examples, please see Ray Acheson, *Trading arms, bombing towns: the lethal connection between the international arms trade and the use of explosive weapons in populated areas* Reaching Critical Will, october 2015

2. For extracts from government statements on this issue, please see here (<http://www.inew.org/acknowledgements>).

3. See www.inew.org

4. Robert Perkins, “Four years of harm: Explosive Weapons Monitor 2011–2014,” *Action on Armed Violence*, 14 September 2015.

5. Ray Acheson, “States move to stop the bombing and bombardment in towns and cities”, *Reaching Critical Will*, 24 September 2015.

6. International Committee of the Red Cross, “International humanitarian law and the challenges of contemporary armed conflicts”, Report prepared for the 32nd International Conference of the Red Cross and Red Crescent, October 2015.

7. For full reporting on statements at First Committee, please see the First Committee Monitor published weekly by Reaching Critical Will. Articles on explosive weapons were written by Thomas Nash of Article 36.

8. See for example the latest UN Secretary-General report on the protection of civilians in armed conflict, S/2015/453, 18 June 2015.

9. Such countries include Afghanistan, Argentina, Azerbaijan, Bangladesh, Benin, Canada, Denmark, Finland, Gabon, Holy See, Iceland, Indonesia, Japan, Jordan, Liechtenstein, Lithuania, Luxembourg, Mexico, Nigeria, Palestine, Qatar, Slovakia, Spain, Sweden, Togo, Tunisia, Turkey, and the United States.

10. Such countries include Australia, Botswana, Chile, Germany, and Montenegro.

11. Austria, Chile, Costa Rica, Greece, Ireland, Jordan, Mali, Norway, Panama, Slovenia, Switzerland, and Thailand (and South Africa as an observer) are members of the Human Security Network.

12. For details of INEW’s recommendations, please see A Commitment to Act: Protecting civilians from the use of explosive weapons in populated areas, International Network on Explosive Weapons, September 2015.

13. *Ibid.*

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Magnitude and impact of the use of explosive weapons in populated areas

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In conventional wars, the battlefield was the physical space where armed confrontations or battles were fought between armies. Until World War II, battles took place in unpopulated areas and most of the victims were soldiers. In today's armed conflicts, the civilian population has become a target of war, in war scenarios or battlefields; each side battles the other by attacking the population that identifies with the opposing side or enemy. They all try to obtain their subjugation by generating fear and terror on the population.

Every day, explosive weapons are used in densely populated areas in Syria, Yemen, the occupied territories of Gaza, Iraq, Libya, Somalia or Ukraine, causing immense damage to the civilian population. The widespread use of explosive weapons by government military forces and armed groups in cities, towns and villages results in thousands of deaths and injuries among the civilian population, the destruction of infrastructure that is essential for people's lives and the destruction of their livelihoods.

In all these countries there are patterns of death and destruction that repeat themselves: all the armed actors use explosive weapons against the civilian population. They drop explosives from the air or launch them from ground systems: bombs, rockets, missiles, mortars and artillery, or improvised explosive devices, such as car bombs. In Syria, for example, Assad's army has dropped explosive barrels full of shrapnel on several cities, and both the short-term and long-term effects on people are devastating. All these explosive devices hit areas where a lot of people congregate: houses, markets, schools, parks, hospitals, health centers, public buildings or places of worship. But they also destroy infrastructure that may be vital, like the systems of water treatment and

distribution, the power supply and sewage systems, streets, roads, ports or airports, and productive infrastructure, such as shops, businesses and farmland.

“ “Beyond the physical and mental suffering of the victims, shelling destroys and damages infrastructure that is vital to the civilian population” ”

In the conflict in Syria, in the city of Homs, where government troops and militias have been fighting for every inch of territory, the use of explosives has caused the destruction of nearly all the houses in the old city. In the ancient city of Aleppo, entire neighborhoods have been destroyed and, for weeks, its inhabitants have not had access to water. The lives of the residents of these neighborhoods have also been destroyed.

The devastating impact of the use of explosives on the population is incalculable. According to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), only in 2015, 1.2 million Syrians have been forced to flee their homes, some for the second or third time, in addition to the 7.6 million people who had already been displaced. In early July 2015, the number of Syrian refugees in other countries amounted to four million, the biggest refugee population from a single conflict in the world in the last twenty-five years.¹ In the four years of war in Syria, more than 250,000 people have been killed and over a million have been injured.

There are 12.2 million Syrians, of which over 5.6 million are children, who still need humanitarian assistance – a figure twelve times greater than the number of people needing assistance in 2011. About 4.8 million of them are estimated to live in areas of difficult access or areas under siege by armed factions. The data also indicate that between 80 and 90 percent of those killed or injured by the use of explosive weapons are civilians.

The worst humanitarian consequences of the bombings can be seen in their frequent use in areas in which combatants are mixed in with civilian populations. By way of example, consider the damage inflicted on the population of Gaza in which, in the summer of 2014, the main Israeli military strategy was shelling. According to OCHA, over 85 percent of Palestinian deaths (1,845) were civilians, and over 400 of these casualties were children. By contrast, Israeli forces suffered 67 fatalities, of which 64 were soldiers, two civilians and one a foreign citizen. As for injuries, there were 9,536 among the Palestinian population, of which 2,877 were children. Almost 30 percent of the population of Gaza has been displaced (520,000), including almost 65,000 people whose homes were destroyed or damaged without the possibility of repairing them and, therefore, without the possibility of return. If the Israeli military strategy had not consisted of bombing cities, the damage to the civilian population would have been much less.²

The civilian population bears the brunt of the violence, not only because many people die or are injured, but because of all the suffering that living in the midst of war entails, including the affliction of poverty, insecurity, malnutrition, limited medical care or looting. Aid agencies estimate that 80 percent of the population of Yemen needs some sort of protection or humanitarian aid, representing an increase of 33 percent with respect to pre-conflict figures.

Long-term consequences

Beyond the immediate physical and mental suffering of the victims, bombings destroy and damage civilian infrastructure, such as schools and hospitals, or services, such as the waste disposal system, all of which are vital to the population. This type of damage affects the ability of state and local governments to provide basic services such as health or education. This results in inadequate medical care, the closure of many schools and universities, and a lack of fuel or damage to vehicles like ambulances, which hinders the transport of patients to medical facilities. When families flee and leave their homes, there is an exodus of workers, including doctors, nurses and teachers; professionals on whom the functioning of the country depends.

“ Behind every statistic on the consequences of the use of explosive weapons in populated areas, there are thousands of individual stories that should be collected and remembered” ”

In terms of development, Syria has gone back, over these years of war, to levels of four decades ago. Since the conflict began, in 2011, it is estimated that life expectancy has been reduced by nearly thirteen years and that school attendance has fallen by more than 50 percent. The twelve indicators of the Millennium Development Goals have also dropped in Syria. The Syrian economy is estimated to have contracted by 40 percent since 2011, causing the majority of Syrians to lose their livelihoods. In late 2013, an estimated three out of four Syrians were living in poverty, and 54 percent were living in extreme poverty.³

The widespread use of explosive weapons also leaves explosive remnants scattered throughout the territory; highly contaminated sites that will continue to be a serious threat to the population if these remnants are not removed. The process of removing them can last decades, with the resulting risk of causing more deaths, injuries and limited access to certain areas such as farmland or schools. These explosive remnants may interfere with peace efforts in the post-conflict period, activities regarding humanitarian or development aid, and hinder the return of displaced persons and refugees, and their resettlement. They can also delay reconstruction and the resumption of everyday life.

Explosive weapons are being used wherever there is conflict, including densely populated areas. The humanitarian disaster that this entails is a major challenge involving the duty to protect civilians, emanating from international humanitarian law, under which certain types of attacks are banned when they are “indiscriminate” or deliberately directed against civilians. But there is no clear distinction that specifically

precludes the use of explosive weapons in populated areas and, therefore, an international agreement to this effect – the protection of civilians – must be developed and ratified.

It is often difficult to relate statistics with people's stories; it is difficult in such a short space to reveal the lives of the people behind the numbers, and even more so when they are far away. But behind every statistic, behind every headline, article, feature or report on the consequences of the use of explosive weapons in populated areas, there are hundreds of thousands of individual stories that need to be collected and remembered. These personal stories can humanize statistics, humanize us, and help us put pressure on international organizations to adopt political commitments that strengthen the protection of civilians against the use of explosive weapons in populated areas.

1. See the OCHA article 'Syria: "Behind the broken windows... lives have also been shattered"

2. See the OCHA report 'Occupied Palestinian Territory: Gaza Emergency'

3. See the OCHA report 'Syria Crisis: Regional Overview'

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IHL and the Use of Explosive Weapons in Populated Areas

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The use of explosive weapons, such as bombs and artillery shells, is a feature of modern urban warfare that produces a consistent pattern of humanitarian harm. This pattern, which the Syrian conflict has thrown into sharp relief, is characterized by the direct injuries and deaths an attack with explosive weapons causes as well as the indirect effects that flow from civilian casualties and damage to civilian infrastructure, including displacement. In order to protect civilians, International Humanitarian Law (IHL) already provides a framework that constrains the circumstances in which explosive weapons can be used in cities and towns¹. Continued use of explosive weapons in populated areas, often in violation of IHL, illustrates the urgent need for coordinated international action to curb use. As a result, civil society groups are calling on states to make a political commitment to protect civilians from the use of explosive weapons in populated areas and this call is increasingly resonating among international policymakers².

IHL is a field of international law that applies in situations of armed conflict, either within one state or between states, and is made up of rules, contained in treaties and custom, that govern conduct in war. IHL's overriding concerns are to limit the "methods and means of warfare" warring parties may employ during an armed conflict (for example, by limiting parties' choice of weapons) and prioritize the protection of civilians. IHL rules that are particularly relevant to the use of explosive weapons in populated areas include the principle of distinction, the principle of proportionality in attack, and the requirement to take all feasible precautions to avoid civilian casualties.

The principle of distinction requires that warring parties distinguish between combatants and civilians, and between civilian objects, such as schools and hospitals, and “military objectives.”³ Imagine the scenario of a military commander who is considering whether she can attack an enemy ammunition storage facility (located inside a town) with explosive weapons. First, she has to assess whether the facility is a military objective. If it is not, it is a civilian object and cannot be attacked. To determine whether the facility is a military objective, she must: consider the facility’s nature, location, purpose, and use; assess whether the facility is making a contribution to the enemy’s military action; and gauge whether the facility’s destruction would offer her side a military advantage⁴.

Bearing these factors in mind, if she determines that the facility is a military objective, she must then evaluate how the principle of distinction applies. When an attack violates the principle of distinction, it is characterized as an “indiscriminate attack.” IHL prohibits indiscriminate attacks⁵. These include attacks that are not directed at specific military objectives: in the scenario above, if the commander knew that ammunition was being stored somewhere in a town, but did not know where, an attack on the town with explosive weapons that lacked a specific military objective would be indiscriminate. Area bombardment – the bombing of an entire city, city block, or town – is a particularly egregious example of an indiscriminate attack involving explosive weapons.

“ “Continued use of explosive weapons in populated areas, often in violation of IHL, illustrates the urgent need for coordinated international action” ”

Indiscriminate attacks also include those involving weapons that are not capable of being directed at the military objective. If the ammunition storage facility is a small building surrounded by apartment buildings occupied by civilians, a variety of explosive weapons would not be appropriate to use. For example, dropping large unguided aircraft

bombs on the facility would likely violate the principle of distinction: characteristics of the weapon – that it is unguided and causes a large zone of blast and fragmentation that extends beyond the small ammunition facility – mean the attack would damage civilian objects and military objectives (and potentially cause casualties) without distinction.

The principle of proportionality in attack means that before launching an attack, the warring party must weigh the harm that the attack is expected to cause to civilians or civilian objects against the military advantage the party expects to gain⁶. The attack cannot be launched if the expected harm to civilians would be excessive in relation to the anticipated military advantage. With explosive weapons, both the direct and indirect effects of the attack must be assessed. Imagine a new scenario, in which a military commander is weighing up whether he can attack a power station with a range of explosive weapons, including mortar bombs and artillery projectiles. The power station supplies power to a nearby enemy military base, but it is also the exclusive supplier of power to a city of 100,000 people. In this case, disabling the power station could be expected to offer a military advantage, but the harm to civilians and civilian objects would be significant. Not only would essential services be disrupted – possibly indefinitely – by the lack of power, but explosive remnants of war, such as unexploded shells, would also pose an ongoing risk of harm to the civilian population into the future. Reverberating effects, including displacement, could result.

IHL requires that warring parties take “all feasible precautions [...] to avoid, and in any event to minimize, incidental loss of civilian life, injury to civilians and damage to civilian objects.”⁷ In the first scenario, if the ammunition storage facility were located instead in an industrial area and surrounded by factories that operated only during the day, a military commander could take the precaution of launching the attack at night when the risk of civilian casualties would be lower. In the second scenario, instead of using explosive weapons, the military commander could strive to minimize the effects on civilians by using carbon fiber bombs aimed at temporarily disrupting the power supply rather than fully disabling the facility. Different military commanders may interpret the requirement to take “feasible precautions” in distinct ways: some commanders may decide never to use certain types of explosive weapons in urban settings because of the risk of significant civilian harm; other military commanders

may consider that no type of explosive weapon is per se unacceptable to use in an urban setting (unless there is a specific treaty provision that bans its use).

“ “A political commitment would help to better protect civilians from the use of explosive in populated areas” ”

Nonetheless, under the IHL rules described, it is difficult to imagine circumstances in which an attack on a populated area with certain types of explosive weapons that have particularly problematic characteristics could be considered legal. For example, the use in a densely populated town of unguided rockets that contained multiple explosive weapons that spread across a large area would likely breach the principle of distinction and constitute an indiscriminate attack, because the rockets' effects could not be sufficiently confined to the military objective. The attack could also conceivably cause excessive harm to civilians and civilian objects, breaching the principle of proportionality in attack, by damaging or destroying vital infrastructure and producing significant civilian casualties. The decision to use unguided rockets instead of more targeted weapons could likewise be in conflict with the requirement to take feasible precautions. As this example illustrates, instances of the use in populated areas of explosive weapons with characteristics that are sometimes called “wide area effects” – weapons that generate a large zone of blast and fragmentation, have inaccurate delivery systems, and/or deliver multiple explosive weapons – are more likely to fall on the unlawful end of the spectrum.

A political commitment would help to better protect civilians from the use of explosive weapons – particularly those with wide area effects – in populated areas. Because there is no treaty that specifically regulates the use of explosive weapons in populated areas, the general rules of IHL provide the main frame for assessing legality. As there is scope for different interpretations of these rules and how they apply in particular circumstances, a political commitment could increase clarity around the standards warring parties should strive to meet in relation to the use of explosive weapons in

populated areas. A political commitment could also reinforce the importance of observing existing IHL rules and further stigmatize using explosive weapons in cities and towns. In addition, a political commitment could help to raise awareness about the problem and generate momentum for further measures to reduce humanitarian harm. The use of explosive weapons in populated areas is a phenomenon that demands urgent international attention.

1. It should be noted that International Human Rights Law also applies during armed conflict, to the degree that its rules complement and do not conflict with IHL rules. This article does not address the relationship between the use of explosive weapons in populated areas and International Human Rights Law and nor does it discuss disarmament treaties that have a bearing on the issue.

2. See, International Network on Explosive Weapons, [A Commitment to Act](#)

Jean-Marie Henckaerts and Louise Doswald-Beck, *Customary International Humanitarian Law, Volume I: Rules* (ICRC, 2005), Rules 1, 7, 14. These rules have also been codified in Additional Protocol I to the Geneva Conventions, which has 174 states parties. Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), adopted June 8, 1977, 1125 U.N.T.S. 3, entered into force December 7, 1978, Articles 48-58.

4. Henckaerts and Doswald-Beck, Rule 8.

5. Ibid, Rule 11.

6. Ibid, Rule 14.

7. Ibid, Rule 15.

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From massive bombing to surgical strikes

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The emergence of aviation as a weapon during World War I marked a decisive transformation in military confrontations. At that time, aviation was practically limited to air combats although, in 1917, German planes conducted aerial bombardments of several cities in British territory. The doctrine of strategic bombing was initially developed in the interwar period and it immediately led to the design and construction of aircraft that could operate over long distances. The Spanish Civil War was a testing ground for massive bombardments of civilian populations; the bombing of Guernica is a perfect example.

Italian Giulio Douhet was the driving force behind the massive use of aircraft in the bombardment of cities. Douhet believed that bombing cities would totally paralyze industry and the power centers of society, and would decisively undermine the morale of civilians, who would stop supporting their leaders and force them to accept their enemy's conditions. However, during World War II, this theory was proven wrong. Despite the intensity and destructiveness of the Allied bombing of Germany and Japan, neither the governments nor the civilian populations were vanquished. Something similar happened years later during the American bombing campaigns against North Vietnam. Here again, strategic bombardments failed to achieve their goal.

Smart weapons

Guided weapons began to be employed during World War II although the technology available at the time did not allow for the precise destruction of targets. It was during the Vietnam War when so-called smart weapons were introduced with the employment

of bombs guided by laser, television, infrared sensors and electromagnetic waves.

The intent of these weapons is to protect flight crews since bombs and missiles can be launched from heights and distances great enough to avoid enemy air defense systems. In addition, in terms of public opinion, the use of precision weapons offers the great advantage of avoiding civilian victims due to these weapons' great accuracy in reaching their intended targets. At the same time, bombers capable of avoiding enemy radar began to be developed. They were the so-called stealth aircraft, which were first used in bombing raids during the first Gulf War. The latest generation, in this constant improvement in the perfection of bombardments, consists of unmanned aerial vehicles known as drones. Operated by remote control, they can be used in all kind of missions, including bombing raids, without any risk to the flight crew and with the savings resulting from employing unmanned aircraft.

Revolution in Military Affairs

The Revolution in Military Affairs (RMA)¹ is based on the critical importance of technology in the planning and development of war. RMA is mainly concerned with the use of air power, and its strongest proponents defend the theory that aerial weapons are decisive in achieving military victory in any situation.

RMA is based on the use of military means in very precise operations against enemy centers of gravity: infrastructure, and command, control and logistics centers. The idea is to concentrate firepower on targets that can permanently damage the enemy's ability to survive. Airpower plays a major role in these operations. RMA replaces the strategy of mass destruction with that of surgical precision. It focuses on preventive strikes, whether a threat is real or suspected.

“ “It is essential to have intelligence that is able to define precise objectives to carry out bombing in accordance with respect on human rights” ”

In theory, RMA reduces the risk of casualties on both sides and tries to avoid collateral damage among the civilian population. During “Operation Desert Storm” in Iraq (1991), 147 soldiers of the US-led coalition lost their lives, and about 30,000 Iraqi soldiers and at least 2,000 civilians were killed. In NATO operations during the Bosnian War (1995) and the Kosovo War (1999), while there were no casualties among the troops of the Atlantic Alliance, a number of Serb soldiers were killed, as well as roughly 500 civilians. The wars in Afghanistan and Iraq continued along these same lines, with a disparity between the casualties among US-led forces and their Afghan and Iraqi enemies.

The debate on the effectiveness of aerial bombardment to win a war is still prevalent among war theorists. Aviation purists argue that it is possible to win from the air. However, while the critical importance of air power cannot be denied, the history of war and recent events indicate that the destruction caused by bombing in infrastructure and in the military and civilian ranks of the enemy is not enough to break their will. In fact, in many cases it produces the opposite effect and encourages those who are being bombed to fight. Besides, current public opinion considers the bombing of civilians to be unacceptable, including the bombing of military targets that causes innocent victims (euphemistically referred to as “collateral damage”). Absolute precision is required in line with propaganda that insinuates that smart weapons never fail and that they are clean and therapeutic.

Indiscriminate bombing

However, not all sides in a war have access to those modern and precise military resources and they still engage in bombing. In Syria, for example, the army that supports the Assad regime is using crude barrel bombs to destroy enemy targets. These bombs are barrels full of explosive fuel and shrapnel that wreak havoc on buildings and cause numerous civilian casualties. This type of bombing does not take into consideration, either in its planning or its execution, the most elementary rules of war and constitutes a total disregard for human rights.

These indiscriminate bombings aim to produce terror among the civilian population to dissuade them from supporting the insurgents. It is also a way to retaliate for and avenge the damage caused by the enemy on one’s own side. These actions are typical of

dictatorial regimes, in which public opinion and human rights have been suppressed.

One must also pay close attention to the bombings of armed forces that do have sufficient technological means to plan operations without causing collateral damage even though, under the guise of targeted bombing, they do not take civilian casualties into consideration. This is the case of the Israeli bombing of the Gaza Strip, which has caused innocent victims and massive destruction of civilian buildings. Again, the idea is to terrorize civilians with indiscriminate retaliation or revenge.

Conclusion

The bombing operations during World War II were planned with huge quantities of aircraft that launched their bombs with very limited precision. The result was that large cities were destroyed and thousands of civilians were killed or injured. Today public opinion in democratic countries would not accept this type of bombing. For this reason, and in respect of human rights, preventing civilian casualties should be taken into account when planning such operations.

“ “The failure or lack of preventive diplomacy has given way yet again to the surgical facility of aerial bombing, which only intensifies the conflict and causes innocent victims” ”

It is essential and indispensable to have intelligence that is able to define precise objectives, have adequate aerial resources and appropriate smart weapons to carry out bombing in accordance with current requirements, because of public opinion's rejection of mass bombing and also in respect of human rights and international law.

The latest generation of smart weapons relies less and less on human control. To operate them requires anything from satellites to sophisticated computers. Their evolution is as fast as is required by new military operations. Public opinion has been led to believe that smart weapons are clean and that they only execute evildoers, which

is far from the truth as evidenced by recent bombings in Afghanistan, Iraq or Libya.

To claim humanitarian reasons to carry out bombings under a UN resolution, which includes a no-fly zone and the use of any means to protect the civilian population, is to ignore the effectiveness and morality of this kind of warfare. In “Operation Allied Force,” in the spring of 1999, 78 consecutive days of bombing raids on Serbia were needed, under the pretext of humanitarian protection of the Kosovar population, to break the will of the Serbian leader Milosevic. NATO caused more than four hundred civilian casualties in the bombing raids on Serbian territory. Smart weapons were not so smart. In “Operation Enduring Freedom,” which was carried out to invade Afghanistan in October 2001, over a thousand civilians were killed by the bombing raids of the invading coalition. The bombing of Iraq by American and British aviation in March 2003 resulted in thousands of civilians being killed in the bombing raids prior to the ground invasion. The pretext was also humanitarian and the intelligence of the weapons was also called into question.²

The failure or lack of preventive diplomacy has given way yet again to the surgical facility of aerial bombing, which only intensifies the conflict and causes innocent victims. The humanitarian excuse cannot contemplate military action involving the risk of killing innocent civilians. Legality for humanitarian action is a necessary condition, but is not sufficient. In every war there are always collateral victims and victims of friendly fire. Those who start them should always take that into account. Smart weapons are not that smart, and neither are those who authorize, plan and execute some “humanitarian operations.”

1. COLOM, G., *Entre Ares y Atenea*, Madrid, IUGM, 2008

2. CHARLES-PHILIPPE, D., *La guerra y la paz*, Barcelona, Icaria, 2008

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IN DEPTH

Dressed (not) to kill

Lejla Somun

Researcher and consultant in the field of gender

The first image that comes to mind when I think of women living under constant shelling in Sarajevo during its siege in 1992-95, is how well-dressed and dignified they looked. It was the first time I discussed with friends how being a feminist could also allow us into the use of stereotypes that mould women into cover-page models. In this case, being dressed-to-kill meant exactly the opposite of being violent: as civilians, under siege, without water, electricity and food, the only “weapon” of those women was to look their best. The only weapon was not being militant. The photo of Meliha Varešanović taken by Tom Stoddart in 1993, at the height of the siege and intensity of bombardment, is the best example of that image. She looks as if she has stepped down from a catwalk, gorgeous, fashionable and proud. She became an international media icon of the spirit and style of Sarajevo women defying war. Meliha recalls “In addition to the defiance reflected in that photograph, if you look a bit deeper, you can see sadness, because that year my mother died. It was a harrowing loss, an enormous pain and heaviness. I was on the verge of losing hope, but I remembered my mother saying that in life we always must walk with our heads held high, keep on going and be dignified.”¹ Looking respectable was important for many women. The directress of the Association for Culture and Art “CRVENA”, Danijela Dugandzic, remembers how when she and her late mother and sister left besieged Sarajevo they hardly had any money. Their mother used the money on latest fashion haircuts, which they showed off eating pizza in a European capital famous restaurant paying for it with the last remaining money.

Women always changed their underwear and clothes before going out to the streets of Sarajevo, because the constant bombing and shelling meant that there was such a high probability of getting bombed, injured or killed. “Being neat and tidy in case we ended

up in the hospital emergency room”; taking care of that aspect of being presentable is almost unthinkable in all other life situations when women are about to step out of their homes.

“ “Women living in bombarded cities end up being heroes of peace, while men are esteemed for the battles they win” ”

Despite the majority of women who are not fighting on the frontlines, many women are killed by shelling and bombing of violent conflicts, which have had an increase of civilian deaths since the Second World War. The siege and shelling of Sarajevo also started with the death of two women, Suada Dilberovic and Olga Sucic, who were participating in the peace demonstrations against war in April 1992. They were killed on a bridge that is named after them today. Women living in bombarded cities end up being heroes of peace, while men are esteemed for the battles they win.

So many women living in shelled and bombarded cities are heard of only in the traditional role they have: as mothers, as pretty women, good looking and well dressed. U2 made a live video connection with besieged Sarajevo during one of their concerts and showed a Miss Sarajevo contest with the contestants carrying the sign “Don’t Let Them Kill Us.” These were all important images and messages, but then there were all those women working as doctors, nurses, as interpreters and politicians, trying to work in impossible conditions under bombardment and shelling who never made the news, and whose images never became the icon of a woman defying shelling in a besieged city.

Everyday life and taking care of a family under constant bombardment and shelling has probably earned women of besieged Sarajevo a degree in business and management and another one in being a magician. Cooking without electricity and scarce other heating resources was yet another burden. Finding food, and once found being able to pay for it, usually meant making meals out of nothing. Then having to prepare food

meant using water, which was cut off and had to be hauled into the house in canisters, dragged in makeshift trollies, usually from far away. Water had to be brought for bathing, cooking, washing clothes. I have a friend who even to this day cannot bear to hear the sound of tap water flowing without being used. Another dear friend, Kika, now working on gender mainstreaming, gave birth to her son, during the war and she recalls how raising a baby without all “usual” baby items was challenging. Cotton nappies had to be hand-washed. She would go down to the Miljacka river near Dariva, and hand-wash the nappies in the water “Checking all time if shelling would start again, or if a sniper could see me.”

Today Sahida looks like Meliha- from the beginning of the story-, tall and proud, with a string of pearls and a pink coat. You could not imagine her walking the muddy Sarajevo by-roads and ducking under bombardment twenty years ago.

As in conflicts around the world, women step in to replace the men who have left their jobs in order to become soldiers. Some of them have to take up entirely new professions; some have to become versed in skills they are not qualified for. Sahida Kotur, a manual worker in the military factory PRETIS before the war, as the sole breadwinner in her family, started a new business during war. She learned how to knit, collected old sweaters from the neighbourhood, undid them and made new ones. She carried those in big bags on her back from one end of Sarajevo to the other, under shelling and bombardment, and traded those sweaters with the army for cigarettes. The cigarettes she traded for food and old sweaters. She insists on wearing slippers and shoes that hide her toes today. The shelling made her a refugee within her city; she fled her home and had nothing to wear. She was given shoes that were a size smaller, they deformed her feet and toes and she now insists on hiding them.

“ “Bombing and shelling stops, peace treaties are signed, but war means that we are for ever bombarded from inside” ”

Many women doctors worked without electricity and water, without adequate medical supplies and medication. Jasmina Gutic, an expert gynecologist and professor, remembers how they had to carry babies out of the hospital basement after delivery in order to be able to see if they were ok. The deliveries took place with the use of lamp oil and she said how all new-born babies had a little black nose from the camp oil. Professor and doctor Vanesa Beslagic, a radiologist, had to deliver diagnosis with equipment that could not be repaired, or even powered. The late doctor Nada Zjuzin, a university professor of physical therapy, said how she often, like many of her colleagues, stayed in the hospital for a number of days, because it was too dangerous to go home when bombardment or shelling started. Doctor Amela Kuskunovic, today a radiologist and politician, only rolls her eyes when I ask her about being a young doctor during the war. She worked at the emergency ward, and all of the injured were brought there first. I was there once and there was so much blood I thought they would never be able to clean it.

As a feminist I am ashamed to say I did not stand side-by-side with these intelligent, brave and beautiful Sarajevo women. I had been bombarded twice before and I did not know how to cope with it when it happened to my hometown but to flee after half a year. I was a young girl waking up to the sound of bombardment and to the sight of low-flying planes as my father tried to persuade me those were birds in the Baghdad skies in 1980. A few days later I would watch the anti-aircraft fire from the roof of our house and make my father promise a similar spectacle of fireworks for my wedding. In 1989, I had my first job when Iraqi earth-to-earth missiles hit Tehran and I had to flee to the surrounding mountains. In Sarajevo I ended having panic attacks during shelling, I would suffocate in my own fear.

I never had fireworks for my wedding, and still find it difficult to be near them. An anecdote was recorded by my fellow classmates in England, after I had fled from the bombardments of Sarajevo, during the Guy Fawkes' fireworks. It was my first month in England, I was in my student room, and I heard outgoing shelling. Then I heard incoming and anti-aircraft fire. I was so upset that war had started in England, too, that I started packing my bags in order to return to Sarajevo. I thought, "If I have to be in a war, then I will be at home." I was on the staircase with my suitcase when other students found me and explained that it was not a war but fireworks.

1. Klix.ba Interview with Meliha Varesanovic, consultada el 27-12-2015.

Photography: © Milomir Kovacëvic´Strasñi

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RECOMANEM

Materials and resources recommended by the ICIP

Document

A commitment to act: Protecting civilians from the use of explosive weapons in populated areas

The International Network on Explosive Weapons (INEW) has recently published a new document: *A commitment to act. Protecting civilians from the use of explosive weapons in populated areas*, with the aim of summarizing the issues related to the suffering of the civilian population in bombed cities and thus contribute to the work being done to prevent it. To that end, in the 26 pages comprising the booklet, the humanitarian problems caused by the use of explosive weapons are outlined, as well as the actions governments can undertake in order to address the problem. Specifically, it argues that states must develop a joint commitment to end the use of explosive weapons in populated areas.

Thus the document explains both the humanitarian problems arising from the bombings and the steps needed to reach a solution. It is divided into two parts: the first part provides an overview of the use of these weapons, referring to the concept of explosive weapon and the risk of harm, and defending that states have failed their responsibility.

The second part is more detailed, and includes statistics having a direct impact on the humanitarian problem posed by explosive weapons. At the same time, various legal and political considerations are discussed. In this respect, INEW intends to focus efforts on achieving a political commitment to reduce the harm inflicted on the civilian population by the use of explosive weapons. For this reason, emphasis is placed on the

urgency of stopping bombings in populated areas, as well as the need to review national policies and practices in order to carry out changes that would bolster the protection of civilians. It also advocates the importance of a comprehensive compilation of data on the impact of explosive weapons, as well as short- and long-term recognition of the rights and needs of survivors, relatives of those killed or wounded, and the affected community in general.

Previously, INEW had published *The impact of explosive weapons in populated areas*, a short video that summarizes, in the words of various experts from non-governmental organizations, the humanitarian impact of bombings and the work carried out by INEW to address this problem.

Book

***Protecting Civilians from the Effects of Explosive Weapons*, de Maya Brehm**

Maya Brehm, a researcher in international humanitarian law at the Geneva Academy, directed a research project in 2012 with the United Nations Institute for Disarmament Research (UNIDIR), which has been published in the book *Protecting civilians from the effects of explosive weapons*. The study analyzes how explosive weapons are regulated in international law and policy, what constraints are placed on the use of explosive weapons, and how civilians are protected against their effects.

The book consists of four chapters: In the first one, there is a contextual analysis surrounding the concept of *explosive weapon*. The second chapter discusses normative regulation through current normative texts in terms of arms control, the implementation of law and human rights, the protection of civilians, and security and terrorism. The third chapter discusses the scope of the problem, stating that the use of explosive weapons is generally inconsistent with a context of law enforcement. Therefore the systematic crossing of boundaries, which is a violation of human rights, is denounced.

In the fourth and final chapter, the author recommends, by way of conclusion, the systematic description of humanitarian harm, as well as a detailed evaluation of both the risk of harm and the measures taken to reduce this risk.

The book states that the dominant legal and policy discourse fails to articulate the serious risk of harm inherent in the use of explosive weapons in populated areas in a way that adequately protects civilians. Thus the author stresses that harm could be reduced and the protection of civilians truly enhanced through specific regulations.

Document

Expert meeting. Explosive weapons in populated areas: Humanitarian, legal, technical and military aspects.

The International Committee of the Red Cross (ICRC) has advocated abandoning the use of explosive weapons with effects on densely populated areas because of the significant likelihood of indiscriminate consequences. In February of last year, for example, the ICRC held a two-day meeting of experts on the subject. The meeting took place in Switzerland with the participation of government experts from seventeen countries, representatives of UN agencies and of NGOs.

The most important ideas expressed by speakers and participants at the meeting, as well as the main findings, have been included in the report *Explosive weapons in populated areas: Explosive weapons in populated areas. Humanitarian, legal, technical and military aspects*. This document is divided into three sections. The first section presents, by way of introduction, the key points of the meeting. The second section contextualizes the problem and explains the background to the issue of explosive weapons in populated areas from the perspective of the ICRC. The text is based on the statement of Helen Durham, Director of International Law and Policy at the ICRC, at the opening session of the meeting. The third and last section summarizes the presentations and discussions that took place at the meeting. They are structured around four sessions that addressed the humanitarian, legal, technical and military aspects arising from the use of explosive weapons in populated areas.

Film

I know I'm not alone, Michael Franti

Michael Franti is a musician and poet known for his participation in various projects with an emphasis on political and social justice issues. The documentary film *I Know I'm Not Alone*, the title of one of the artist and director's songs, grew out of Franti's

frustration at watching the news and listening to various politicians and experts discuss the political and economic cost of the war in the Middle East without mentioning the human cost. This is why he decides to travel to Iraq, Palestine and Israel to explore the human cost of the war with a group of friends, some video cameras and his guitar. The aim is to learn about the war through the eyes of doctors, nurses, poets, artists, soldiers and musicians. The experiences he lived through and the stories he heard are described in this film.

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TRIBUNA

Tripoli: the conflict

Rachid Jamali

Former mayor of Tripoli

Tripoli is the second city in importance in Lebanon after the capital Beirut, and is the administrative centre of the Mouhafaza (region) of the North. Located in the middle of the eastern shores of the Mediterranean about 80 kilometres North of Beirut, it is impregnated with the accumulated imprints of the various civilizations that marked the area since the Bronze Age.

A major link between the Mediterranean basin and the Middle-Eastern hinterland, Tripoli evolved all along history as a Metropolis and a regional and county centre. It flourished acquiring prominence with its openness eastwards and westwards, while declined and shrivelled with its retraction in either direction. In the first half of the past century and until the beginnings of the Lebanese civil war, Tripoli assumed fully its role as the centre of North Lebanon, and its administrative, economic, cultural, health, services and activities pole as well as its hub of communications; its services radiated even far beyond the border to the peripheral Syrian regions as well as many middle eastern countries.

The civil war and its aftermath affected the Tripoli region with drastic mutations, disrupting its role as a regional attraction pole and breaking down its organic interaction with the surrounding regions, which do not converge any more towards Tripoli for business, education, production even communications, but have developed direct links towards the centre, Beirut. The marginalization of the city was further exacerbated through exclusion from the national reconstruction efforts after the end of the civil war concentrated mainly towards the centre.

“ “The civil war affected Tripoli with drastic mutations, disrupting its role as a regional attraction pole and breaking down its interaction with the surrounding regions” ”

Tripoli's population is about 500,000 and the large majority of these are Sunni Muslims. Lebanon's small Alawite community also mainly inhabits Tripoli, and their numbers are estimated to be about 30,000 people, living mainly in the Jabal Mohsen neighbourhood bordering the Sunni stronghold of Bab al-Tabbaneh. The two neighbourhoods are divided by Syria Street, Jabal Mohsen stands on a hilltop, Bab al-Tabbaneh stands below it. Indicators of poverty and extreme deprivation prevailed during the last 3 decades in both regions: very low-income levels, unemployment, illiteracy, infant labour, overcrowded houses, and deficiency of services, etc. They constitute fertile grounds for all sorts of delinquencies.

North Lebanon in general and Tripoli in particular is one of the most impoverished parts of Lebanon and is neglected by the central government, leaving room for extremism and anger to grow. Sunni Muslims and Alawites in Tripoli have been in conflict since the Lebanese civil war (1975 - 1990), During which Lebanese Alawites in the Jabal-Mohsen-based Arab Democratic Party (ADP) aligned with Syria, fought alongside Syrian Army against the Sunni groups which were based mainly in Bab-Tabbaneh. Before the war, the populations of the two neighbourhoods were interwoven.

Due to Lebanese political divisions hostilities continued intermittently after the civil war till March - 2014 when the Lebanese army received firm orders from the central government to put an end to this long lasting violence. However, between 2008 and 2014 more than twenty cycles of violence erupted, each continued for several days to several weeks. In addition to the massive humanitarian losses Tripoli suffered severely from this violence especially in the following fields:

Citizens Displacements: with each violence cycle a flood of displaced citizens poured from the hot zone (Bab Al – Tabbaneh especially) into the quiet neighbourhoods of the city, and they were hosted in public schools and attended for by the Municipality of Tripoli in collaboration with the Civil Society who provided some of their basic needs during the successive periods of the clashes. Due to the extreme poverty of the displaced citizens they were practically in need of everything including food and medical attention. Another issue erupted when using public schools to host the displaced people was that schools buildings have to be rearranged and reequipped for this purpose including creating an ample number of bathrooms to face the requirements of these thousands of citizens in distress.

“ “Since the end of the clashes Tripoli institutes and organizations are trying hard to revive its economic, social and cultural activities” ”

- Destruction in the area: Each violence cycle left – in addition to the damage in buildings and residential apartments – widespread destruction of the main infrastructures in the area especially: electricity and public illumination, water and sewage systems, telephone networks, etc., and repair works has to restart immediately at the end of each cycle in order to restore normal living conditions. Weeks of hard work –day and night – were needed to return to acceptable services level in all fields, and government financial support was to be provided to those whose houses or shops were damaged partially or totally.
- An additional collateral damage was that affecting badly the image of the city, which has been classified by the national and international media as a dangerous spot of violence, and a stronghold of extremist groups, an image that resulted in further marginalization and isolation of the city.

Since the end of the clashes (March 2014) Tripoli institutes and organizations are trying hard to revive its economic, social and cultural activities as well as services, supported

by the World Bank, the French Agency for development (AFD) and the United Nations Development Programme (UNDP). Recently a Tripoli development plan called “Tripoli Vision 2020” has been formulated and supported by a number of advisory councils including influential key government officials and prominent businessmen in the city. The goal of the project is to provide a comprehensive framework consisting of promoting investment, investing, training, re-skilling, talent placement and output promotion to reinvigorate the city’s economy and livelihood.

Tripoli’s future is definitely promising.

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TRIBUNA

Peace and Ethnocracy: Twenty Years after Dayton

Alfredo Sasso

Research fellow, Research Group in Actual History (GReHA-UAB)

“It was a superb agreement to end a war, but a very bad agreement to make a state.”

This quote by British diplomat Paddy Ashdown is undoubtedly one of the most famous and accurate definitions of the Dayton Agreement, signed in December 1995, which put an end to the war in Bosnia and Herzegovina. The aim was to establish conditions for immediate peace, stability and security following a conflict that had caused at least 100,000 deaths and over two million displaced persons. Even Richard Holbrooke, chief US negotiator at Dayton, admitted that the accords were designed to end the war at any price, but were not expected to hold up. Nevertheless, the constitutional framework of the country still adheres to Annex 4 of the agreement.

The Basis of Ethnocracy

To reach a compromise that would satisfy all the warring parties, the new constitution established a de facto federal and consociational framework. The country was divided into two entities, the Federation of Bosnia and Herzegovina, and the Republika Srpska, which were granted exclusive sovereignty in key areas (social services, education, infrastructure and police). The Federation, in turn, was divided into ten cantons along ethnic lines (five with a Bosniak majority, three with a Croat majority and two with mixed population) and enjoyed extensive autonomy in key areas such as education, health and justice. The central state was left with little power and few resources, and an institutional structure based on rigid ethnic quotas: a tripartite rotating presidency and a parliament divided according to the national clubs of the three “constituent peoples” (Bosniaks, Serbs and Croats), each with veto rights in so-called vital issues. The central

state was even deprived of a clear institutional name, and was simply referred to as “Bosnia and Herzegovina”: Serb representatives demanded the elimination of the term “Republic,” which was to be reserved for their own entity in order to ensure a symbolic status of alleged statehood.

Many argued that the consociational system would gradually lead to stabilization and a readjustment of powers, but that has not been the case. Twenty years later, the few institutional changes have been the reunification of the Central Bank (1997), of the police special forces (SIPA, 2002) and of the Armed Forces (2005). Bosnia still has fourteen governments and parliaments for just over three and a half million people: an extremely dysfunctional and expensive structure which fuels inefficiency, division and frustration. The objective of guaranteeing the return of displaced persons was not achieved, either: the territories are for the most part ethno-nationally homogeneous except in limited areas where international agencies strongly intervened.

From “Dayton 2” to Sejdić-Finci: Dead Ends

There were two attempts to reach a “Dayton 2”, i.e. a constitutional reform supported by the United States and the European Union. It was in 2006 (the so-called “April Package”) and in 2009 (the Butmir negotiations), but both failed. They consisted of a slight -but not negligible- reorganization through several steps: one president, shared state-entity powers, and the strengthening of the state government. However, these initiatives were late for two reasons. First, the international military forces were already in the process of leaving the country and could no longer be a deterrent to any local tensions. Second, the elites of the ethno-nationalist parties have been adapting to the Dayton structure and the economic and power benefits that it guarantees. The failure of 2006 is symptomatic. When almost all the political forces had agreed to the reform, two nationalist parties, one Bosniak (SBiH) and one Croat (HDZ 1990) suddenly hardened their position and withdrew their support, possibly to capitalize on the elections to be held a few months later. Promoting a reform that needed broad consensus in an election year was another key error of that process. That is when the main Serb party, Milorad Dodik’s SNSD, quickly began radicalizing, leading to revisionism of the war crimes of the 1990s and repeatedly threatening (right up to the present day) to hold a referendum on the secession of the Republika Srpska. At the same time, Dodik’s

hegemony in the entity was being strengthened, and he has been in firm control of the administration, economy and media up to the present day although his position has been slightly weakened after the 2014 elections.

“ “The fracture in Bosnian society is not only between three constituent peoples, but rather between two classes: the “ethno-political business people,” and the mass of powerless citizens” ”

Another key point is the 2009 Sejdić-Finci judgment of the European Court of Human Rights, which condemned Bosnia and Herzegovina for not respecting human rights in its own constitution, created as part of the Dayton Agreement: the Presidency and the Senate, being reserved for the three “constituent peoples,” exclude those who do not recognize themselves as such, as well as national minorities. As a result, the process of integration into the European Union came to a standstill until changes were implemented in the electoral system. But, in these seven years, instead of stimulating an innovative and civically respectful reform, the Sejdić-Finci case has reinforced the stalemate between the nationalist parties in power. These parties have only been capable of mutually vetoing each other and coming up with proposals that are even more sophisticated and absurd than the current status quo. In order to address this situation, the European Union adopted a more flexible position on the issue in 2014-15 and in fact removed the “conditionality” of the Sejdić-Finci case to advance integration, and prioritized the stimulation of neoliberal economic reforms (the so-called “Compact for Growth”). Many stress that geopolitical concerns, such as the potential threat of Islamic radicalism and possible Russian interference in the Balkan region, have influenced this shift in the EU.

Towards a Post-post-Dayton?

But today, the fracture in Bosnian society is not only (or not as much) between three constituent peoples, but rather, as Sarajevo political scientist Asim Mujkić¹ noted,

between two ethnically cross-cutting classes: the “ethno-political business people,” and the mass of powerless citizens. The ethno-political business people are those who managed to take control of the processes of privatization and distribution of positions of power in the 1990s. In the early postwar years, they ensured the consensus of citizens through the dissemination and capitalization of existential fears (as if “voting for my nationalists means protecting my biological survival that would otherwise be in danger,” explains Mujkić), and today thanks to the material benefits provided by the same Dayton ethnocracy. In data collected by Jessie Hronesova ², Bosnia and Herzegovina is the country with the most political parties per capita in the world; almost one out of every two families has a direct relationship with a political group. This makes voting for ethnic parties a rational option that guarantees access to the necessary contacts to obtain employment or social benefits in a context of extreme economic hardship. It should be recalled that real unemployment is estimated to be just under 30% and is over 60% among young people.

“ “The social mobilizations have marked the first open challenge to ethnocracy in post-Dayton Bosnia. It remains to be seen whether we are facing a change of perspective” ”

There have also been signs of mobilization in civil society in distinctly non-ethnic terms, with three key moments: the Picin Park protest in Banja Luka in 2012, to defend a public park where ethno-political business people wanted to build a residential center; the “baby revolution” in Sarajevo in 2013, led by parents of babies who could not obtain their identity documents because of disagreements in Parliament; and, especially, in February 2014, the protests that started in Tuzla by workers in factories that had gone bankrupt due to failed privatization initiatives, and which surprisingly spread spontaneously to several cities (including the capital, Sarajevo) where protesters were involved in violent clashes and attacks on institutional buildings. These demonstrations have not had much continuity, but they have marked the first open

challenge to ethnocracy in post-Dayton Bosnia. It is worth mentioning that the movements that emerged from the 2014 protests, the so-called “plenumi” (self-organized assemblies), have focused their attention on socioeconomic issues (reviewing privatizations, eliminating privileges, fighting corruption, redistributive policies) and have deliberately avoided touching upon the subject of the Dayton reform, apparently to try to “de-ethnicize” public discourse and seek broad consensus in the various regional and national contexts. As has been mentioned, the European Union’s recent shift in focus (which, incidentally, came after the protests) in its policy regarding Bosnia follows the principle of “first, the economy,” but with a radically different proposal from the one defended by the plenumi; the EU proposal focuses on cuts in the public sector and labor market deregulation. Even some nationalist parties, in the 2014 campaign, seem to have perceived these signals, mitigating the usual narratives and focusing more on socioeconomic issues. It remains to be seen whether we are facing a change of perspective, a “post-post-Dayton” where political discourse becomes “de-ethnicized” and competition moves to the economic field, and then, perhaps at a later stage, leads to agreements on constitutional reform. But until some new factor emerges in the heart of ethnocracy, such as an alternation between parties, or a generational change within their elites, or perhaps the definitive emergence of social movements, this change is very difficult to imagine.

Com s’ha dit anteriorment, el recent canvi d’enfocament de la Unió Europea en la seva política cap a Bòsnia -que, per cert, es va produir després de les protestes- segueix el principi de “primer, l’economia”, encara que amb una proposta radicalment oposada a la dels *plenumi*, ja que se centra en retallades al sector públic i la desregulació del mercat laboral. Durant la campanya de 2014 va semblar que fins i tot alguns partits nacionalistes havien percebut aquests senyals i van rebaixar les habituals narratives per centrar-se més en temes socioeconòmics. Queda encara per veure si estem davant d’un canvi de perspectiva, un “post-postDayton” on el discurs polític es va “des-etnicitzant” i la competició es trasllada al camp econòmic per després, potser en una fase més avançada, arribar a pactes sobre la reforma constitucional. Però fins que no hi hagi algun factor nou en el cor de l’etnocràcia, com una alternança entre partits o un canvi generacional dins de les seves elits, o potser la irrupció definitiva dels moviments socials, resulta molt difícil imaginar-se aquest canvi.

1. See the article ['In search of a democratic counter-power in Bosnia-Herzegovina'](#)
2. See the article ['Bosnia -voting for the evil you know'](#)

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INTERVIEW

Interview with Medhat Abbas, director of Al-Shifa hospital (Gaza)

Eugènia Riera

International Catalan Institute for Peace

Medhat Abbas, *director of Al-Shifa hospital (Gaza)*

When we refer to bombed cities, Gaza inevitably comes to mind. The Israeli military operations have brought destruction to the Strip and attacks have not avoided hospitals or schools. Not even health centres are safe places, as we are reminded in this interview by Doctor Medhat Abbas, current director of Gaza's main hospital, Al-Shifa. Abbas explains the enormous difficulties faced by hospitals to care for the sick, as a result of the lack of medicines and the precarious infrastructures. The violence and blockade imposed by Israel has left them on the brink of collapse.

- What is day-to-day life like in the Al-Shifa hospital? Are you able to provide the necessary care to all the patients you receive?

We receive thousands of patients each year, population is increasing and the hospital is extremely old. The Internal Medicine Department had to close because of the risk of collapse, the maternity hospital is also about to collapse, and the other buildings are not big enough to host the disproportionate number of patients we are receiving. We need to demolish the oldest buildings and build new ones, something which is not feasible given our current economic situation.

- To what extent is the blockade imposed by Israel responsible for this situation?

It is obvious that the blockade affects the economic situation. The borders are closed, people cannot enter or leave, and we have no airport. All of this, of course, affects the

supply of medical equipment and drugs. The arrival of everything is delayed. We have problems referring patients externally to receive treatment. The effects of the blockade are numerous. The economy has collapsed. We are looking for donations from abroad to assist us because there is no income coming in from the country itself. We are living in a prison here.

- Israeli bombs have even targeted hospitals in Gaza. Is there anywhere safe in Gaza?

No. The civilian population has no security. Not even a high school, nor a hospital, nor a primary school, nor a mosque, not even a place of worship is safe...nowhere is safe. Everywhere is under threat during the war. The Israelis do not make any distinction between the parties and the majority of casualties of war are civilians. During the last war, around 33% of the victims were women and children. Nobody feels safe in Gaza because there is no safe place.

“ “The day-to-day situation at the hospital is critical. There is a shortage of medical equipment and drugs and we cannot attend the present patient overload we are already experiencing” ”

- But there are people who seek refuge in the hospitals...

I have to reiterate that the hospital is not a safe place. Yes, it's true to say that when people are forced to abandon their homes they often believe that hospitals are safe places in which to seek refuge and they come to protect themselves here, because they have no other solution. But there is no security here. We are constantly talking about the institutions which should be protected under International Humanitarian Law, but here, this is merely an illusion. War crimes are being committed right in front of the eyes of the international community here in Gaza and nobody seems willing to respond. It is undeniable that hospitals have been targeted. Al-Shifa hospital itself has been bombed

and the Al-Aksa hospital has been attacked. Three people died and sixty were injured inside the grounds. The Al-Awda hospital was completely destroyed by the Israelis. Thirty children were injured in another attack, one of whom died from suffocation due to the smoke from the bombs. And in another city, Beit Hanoun, the hospital was attacked and partly destroyed as a result. There are not even any safe routes for medical staff. Israel does not respect either International Humanitarian Law or the Geneva Convention.

- Faced with this situation, if you could address the Israeli government, what would you say to them?

I'd tell them to allow us to live in Peace and to leave our country.

- Do you see any solution to the cycle of violence in the Gaza Strip?

You should ask this question to the politicians. I am just the director of the hospital. What I can say, however, is that the situation is getting worse by the day, the attacks on the Gaza Strip are continuous. The day-to-day situation in the hospital is critical, it is terrible. We are suffering from shortages of medical equipment, drugs, and a lack of space to attend the patients. To resolve the problem, we must have a political solution. We need more funding; we need to build new buildings and also to pay the salaries of medical staff. 60% of our staff have not received a salary in three years. Some of the problems come from the Israeli blockade, others are the result of poverty and others are caused by the government's attitude. The situation here is very hard.

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SOBRE L'ICIP

News, activities and publications about the ICIP

ICIP

International Catalan Institute for Peace

New Peace Capsules to commemorate DENIP

Every year, on January 30, ICIP commemorates the School Day of Nonviolence and Peace (known by its Catalan acronym, DENIP), and this year it is releasing twelve new Peace Capsules to mark the occasion. These are twelve reflections on what peace is, recorded on video and published on the website www.capsulesdepau.com, which was created by ICIP and the journalist group Contrast in collaboration with Digital Dosis. The twelve new capsules feature activists and researchers from South Korea, Bahrain, South Africa, Kenya and Mexico, as well as the reflections of the composer and actor Carles Santos and actor Pau Miró.

The Peace Capsules project originated in September 2014 with the aim of presenting the diversity of visions and expectations projected onto the word Peace. People from around the world respond to the question *What is peace to you?* in relation to their experience in countries in conflict or to their commitment against war and with peacebuilding.

With the publication of the new capsules, the project now has a total of 76 videos subtitled in Catalan, Spanish and English. Those who have participated in the project and explain their vision of peace include peace researchers, activists and people who have experienced conflict firsthand.

Teaching materials

As a complement to the capsules, the website also contains various educational proposals which aim to promote personal skills that facilitate the analysis of violence and opportunities for peace, as well as the practice of creative conflict transformation, as part of a commitment to the promotion of a positive peace. These learning materials are designed for both formal and non-formal settings to facilitate a more comprehensive approach in the efforts to include peace culture in education plans.

ICIP and Museo Casa de la Memoria of Medellín strengthen cooperation

ICIP and Museo Casa de la Memoria in Medellín, Colombia, are developing a project, with the support of the City of Barcelona, to share relevant experiences of peacebuilding between actors in conflicts, victims and civil society. This project will take place in Barcelona and Medellín in 2016. The project includes various collaborative activities between the two institutions, most notably, dissemination in Medellín of the initiative “Rutas de paz” of coexistence and reconciliation between young people in the Basque Country or the experiences of the restorative encounters between ex-members and victims of ETA. Also worth mentioning, in this case in Barcelona, is the dissemination of the initiative “Memorias para la reconciliación” about the reintegration of ex-combatants of the Colombian conflict into civilian life.

As part of the project, an ICIP team headed by director Tica Font traveled to Medellín in January to learn first-hand about the pedagogical and museum plan implemented by Museo Casa de la Memoria.

The project is part of the collaboration agreement between ICIP and the Mayor’s Office of Medellín, in force since 2013, which allows both institutions to work together in the field of peacebuilding.

Latest publications

Conflicte i desenvolupament., by Eleanor O’Gorman. Published by ICIP and Líniazero (in Catalan; pdf and ePub) .

La implementació del tractat sobre el comerç d’armes: com aprofitar les activitats d’assistència i les directrius disponibles , ICIP Working Paper by Sibylle Bauer and Mark Bromley (in

Spanish). Translation of the document “Implementing the Arms Trade Treaty: Building on available guidelines and assistance activities” published as a SIPRI Background Paper.

Film series on peace and human rights in Colombia

ICIP's Area of Training and Dissemination and the Taula Catalana per la Pau i els Drets Humans a Colòmbia are launching a film series on peace and human rights in Colombia.

The documentaries and feature films will be followed by a discussion with the film directors or with people who have first-hand knowledge of the issues addressed. The screenings will take place at the Méliès Cinema of Barcelona at 8:00 pm on the following days:

Thursday, March 10: “El río que se robaron”. Followed by a discussion with **Rafael Colmenares**, environmentalist and spokesman for the Referendum on the Human Right to Water in Colombia, and **Lina María González**, member of the Center for the Autonomy and Rights of Indigenous Peoples of Colombia.

Thursday, April 14: “Buenaventura, lugar de Mas-Acres”. Followed by a discussion with **Harrison Cuero**, an Afro-Colombian activist.

Thursday, May 12: “Mujeres al frente, la ley de las más nobles”. Followed by a discussion with the film's director, **Lula Gómez**.

Admission is free. For more information: activitats.icip@gencat.cat

Reading club on Thought for Peace

The ICIP organizes a new reading club which comment on classics from the culture of peace published by ICIP and Angle Editorial in the collection ‘Classics of Peace and Nonviolence’. The reading club is coordinated by Vicent Martínez Guzmán, PhD in Philosophy and Honorary Doctorate of the UNESCO Cathedra on Philosophy for Peace at the Jaume I University of Castelló (Spain).

On March 15th the group will talk about Romain Rolland's Mahatma Gandhi and on April 19th the group will tackle on Virginia Woolf's Three Guineas

The sessions will take place at the Carles Rahola Library in Girona. People interested in joining the group must register through bpgirona.cultura@gencat.cat

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