

Changing Nature of Conflict

Urbanisation of Conflict

- Increasing armed conflicts taking place in urban settings as opposed to rural settings.
- Large civilian populations and concentration of civilian objects.

Principles of IHL in Urban Conflicts

- Distinction - combatants may place themselves within civilian populations, and blend in with civilian populations.
- Proportionality - planning and conducting military attacks to avoid disproportionate attacks more difficult, requires rethinking military strategy.
- Precaution - evacuating civilians and establishing safe zones more difficult.

Increasing NIACs

- More non-international armed conflicts (NIACs) occurring as opposed to international armed conflicts (IACs).
- Majority of IHL developed taking into account IACs - Geneva Conventions, Additional Protocol I
- Common Article 3 of the Geneva Conventions and Additional Protocol II - two distinct levels of protection, different thresholds of what constitutes a NIAC.

Parallel classifications

- NIACs may spill over into the territory of another State.
- Example: A conflict is taking place between State A and a non-State armed group in the territory of State A. If that conflict spills over into the territory of State B, but State B does not become involved in the conflict - i.e., by refusing support to either party, or by not consenting to their territory being used for the conflict - the conflict may remain a NIAC. If State B does become directly involved in the conflict, the conflict may become an IAC.
- Implications
 - Prisoner of war protection
 - Combatant immunity
 - Lawful targeting.

Cyberspace

- Increased use of the cyberspace in conflict.
- Issues
 - Attribution of attacks - whether done by a State or non-State actor
 - Distinction - effects of attacks on computer systems may be unable to discriminate between civilians and combatants.
 - Proportionality - cyberattacks may disrupt large-scale networks causing disproportionate effects.

Lethal Autonomous Weapons

- Once deployed, autonomous weapons can identify targets on their own and proceed to attack them.
- Potential benefits - more manoeuvrable, expendable, reducing collateral harm to civilians.
- Problems - erroneous targeting decisions, prone to hacking, accountability and attribution, reducing the level of humanity in armed conflict.