



THE IMPORTANCE OF SAFE ZONES IN PROTECTING CIVILIANS DURING INTERNATIONAL AND NON-INTERNATIONAL ARMED CONFLICTS

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Abstract:

The essay highlights the critical importance of establishing safe zones to protect civilians during both international and non-international armed conflicts. It begins by emphasizing the role of safe zones in ensuring civilian safety amidst the chaos of war. The discussion further explores the significance of these zones in allowing humanitarian organizations, such as the International Committee of the Red Cross (ICRC), to operate effectively. The ICRC's adherence to neutrality and the necessity of negotiated consent among conflicting parties are pivotal in maintaining the security of civilians and humanitarian personnel within these zones.

Key words: Safe Zones, Civilians Protection, Armed Conflicts, Humanitarian Organizations, ICRC Neutrality.

1. INTRODUCTION

The introduction section of this essay provides a comprehensive overview of the importance of safe zones in protecting civilians during international and non-international armed conflicts. It sets the stage for a detailed discussion on the critical role of safe zones in ensuring the safety and well-being of civilians amidst the chaos of armed conflicts. The section outlines the key themes and areas of analysis that will be covered in subsequent parts of the essay, offering readers an entry point into the broader discussion on the topic .

The significance of safe zones in safeguarding civilians during armed conflicts is underscored by the need for humanitarian organizations to alleviate suffering and ensure the protection of their personnel, premises, and materiel. The International Committee of the Red Cross (ICRC) remains committed to a classical approach to protecting its humanitarian personnel, primarily based on the negotiated consent of parties to the armed conflict. This principle of neutrality, which prohibits the presence of weapons in the vicinity of humanitarian operations, highlights the critical nature of safe zones in maintaining the safety and security of civilians and humanitarian actors.

2. DEFINITIONS AND CONCEPTUAL FRAMEWORK

In the context of armed conflicts, safe zones are designated areas that serve to protect civilians, wounded individuals, medical personnel, and humanitarian actors from the direct impact of hostilities. The concept of safe zones is rooted in international humanitarian law, particularly the Fourth Geneva Convention, which emphasizes the establishment of hospital and safety zones to safeguard vulnerable populations during both peace and hostilities (M. Jaffal & F. Mahameed, 2018). These zones are intended to provide shelter from long-range weapons and aerial bombardment, ensuring the safety of those within the designated areas. Additionally, safe zones encompass non-defended localities, where armed forces are prohibited from conducting attacks, offering a protective environment for civilians. Understanding the definitions and conceptual framework of safe zones is crucial for comprehending their role in safeguarding civilians and upholding humanitarian principles during armed conflicts.

The International Committee of the Red Cross (ICRC) plays a pivotal role in advocating for the protection of humanitarian personnel and promoting safe passage agreements to ensure the safety of humanitarian actors in the field (Perrin, 2008). The ICRC's classical approach to protecting its humanitarian personnel is based on the negotiated consent of parties to the armed conflict, emphasizing the principles of neutrality and impartiality. This approach underscores the



significance of clear identification, safe passage agreements, and the consent of parties involved in armed conflicts to uphold the safety and security of humanitarian actors and their operations. Such foundational concepts and principles are essential for understanding the operational framework and significance of safe zones in protecting civilians and humanitarian personnel during international and non-international armed conflicts.

2.1. Safe Zones

Safe zones, also known as safe havens or humanitarian corridors, are demarcated areas within conflict zones that are intended to provide protection to civilians. These zones are established with the purpose of shielding civilians from the dangers of armed conflict, including violence, persecution, and displacement. The principles governing the creation of safe zones emphasize the imperative of ensuring the safety, security, and freedom of movement of humanitarian personnel and associated individuals, as well as the unimpeded access of humanitarian aid to civilians in need (Perrin, 2008).

The significance of safe zones lies in their role as a protective mechanism for civilians during armed conflicts, as underscored by the United Nations Security Council. The establishment and maintenance of safe zones are essential for safeguarding the well-being and rights of civilians, as deliberate attacks on personnel involved in humanitarian assistance missions are considered war crimes under international criminal law, both in international and non-international armed conflicts.

2.2. International Humanitarian Law

International humanitarian law (IHL) serves as the legal framework that regulates conduct during armed conflicts, with the aim of protecting civilians and minimizing their suffering. According to (N. Schmitt, 2014), IHL applies to all conflict-related activities, including targeting, detention, and the protection of civilians and civilian objects. The classification of conflicts as international or non-international dictates the application of IHL, with the intensity of hostilities and the organization of the involved group being key determinants. Additionally, the territorial scope of IHL is crucial, as it applies throughout the territory of parties to a non-international armed conflict (NIAC), regardless of where the hostilities occur. This underscores the significance of legal norms in safeguarding the rights and lives of civilians in conflict settings.

Moreover, the establishment of hospital and safety zones, as outlined in the Fourth Geneva Convention, further contributes to the protection of civilians during armed conflicts (M. Jaffal & F. Mahameed, 2018). These zones aim to shield wounded, sick, aged persons, children, expectant mothers, and mothers of young children from the effects of war. The Geneva Conventions emphasize the importance of respecting these zones and provide provisions for mutual recognition agreements between the parties involved. Such measures are essential in upholding the principles of IHL and ensuring the safety and well-being of civilians in conflict-affected areas.

2.3. Protection of Civilians

The protection of civilians (POC) in international law is primarily governed by international humanitarian law, human rights law, and international criminal law. The Geneva Conventions and their Additional Protocols establish key principles like distinction, proportionality, and precaution, which require parties in armed conflicts to protect civilians from harm. Human rights instruments like the ICCPR and the Universal Declaration of Human Rights also provide ongoing protections, even during conflicts. Additionally, international criminal law, notably through the Rome Statute of the International Criminal Court (ICC), holds individuals accountable for serious violations like war crimes and crimes against humanity. Despite these legal frameworks, challenges such as non-state actors, urban warfare, and enforcement issues complicate effective civilian protection (Clapham & Gaeta, 2014).

3. HISTORICAL DEVELOPMENT OF SAFE ZONES

In regard to the need for "safe zones," a good case can be made that the United Nations efforts in Somalia during 1993-1994, or the no-fly zone policy in Kurdistan would suffice to appreciate their merits and maximize their potential. The Somalia case would show how much better the prospects



for safeguarding the populace might be against targeted violence if there are "safe zones," and a security force is implemented to protect them. The no-fly zone in Kurdistan could serve later on as a case of "safe zone" even without large security forces on the ground and could illustrate that there is still a lot to do in order to improve such policies to maximize their potential. Further on in this section, the 1993 United Nations Protection Force (UNPROFOR) efforts in Bosnia would come to illustrate the disastrous paradigm of "safe zones" policy where "safe zones" were simply declared and sponsored civilian refuge for targeted violence without adequate security guarantees. Broadly designed "safe zones" might be stated to be a measure to safeguard certain areas against targeting violence. "Safe zones" would imply shelter even for military targets who are not entitled to it under international humanitarian law (IHL). In that respect, their legitimacy might be contested. However, the lack of adequate provision to mainstream protection of civilians under IHL and emerging international criminal law (ICL) could be claimed to necessitate wider design safe zones. In order to appreciate largely designed "safe zones" and the merits of "safe zones" to mitigate through systematic violence suffered by civilians, a more narrow design of "safe zones" is required. "Safe zones," designed in a narrow way, would refer to areas where civilian populace (with specific exclusions) are promised safety from being targeted by violence. Vulnerable civilian populace to violence would refer to people not entitled to protection by rules concerned with the conduct of hostilities as mainstream *ius in bello*. Vulnerable civilian populace to violence might be a case of urban, unarmed staffed populace in past colonial wars. In the contemporary setting, however, vulnerable civilian populace would largely refer to women, children, the elderly, infirm, crippled, persons charged with care of the above or living with them, and other similar categories. Regulations, deeds, courts, and protocols covering vulnerable civilian populace to violence of a more narrow design "safe zones" would comprise of assurances to these categories concerning the rebellion/civil uprising or war undertaken only in good faith, and obligation to take all precaution and care to spare and avoid them in and from military operations. Finally, adherence to promises and eligible conduct under these regulations, dealing with violation of which by third parties and/or nations, would have a duty to comply with *ius ad bellum* binding states and rest of parties as belligerent nationals.

4. LEGAL BASIS FOR SAFE ZONES

The legal basis for the establishment of safe zones during armed conflicts is rooted in key international legal instruments. The Geneva Conventions, particularly Articles 14 and 15 of the Fourth Geneva Convention, provide the legal framework for the creation of hospital and safety zones to protect vulnerable populations such as the wounded, sick, aged persons, children, expectant mothers, and mothers of young children. Additionally, the International Committee of the Red Cross Commentary emphasizes that the duration and intensity of the conflict do not diminish the applicability of these legal protections. Furthermore, the law of neutrality allows for the establishment of safe zones even outside the context of a classic international armed conflict, albeit under limited circumstances (N. Schmitt, 2014) ; (M. Jaffal & F. Mahameed, 2018).

These legal foundations serve as the basis for the establishment and operation of safe zones, ensuring the protection of civilians and other vulnerable groups during both international and non-international armed conflicts.

4.1. Geneva Conventions

The Geneva Conventions, consisting of four treaties and three additional protocols, form the cornerstone of international humanitarian law, providing crucial protections for individuals not taking part in hostilities during armed conflicts. These conventions are applicable to all parties involved in armed conflicts, whether international or non-international in nature, and they establish the legal framework for the establishment and operation of safe zones. The provisions within the Geneva Conventions outline the obligations of the parties to the conflict to ensure the protection and safety of civilians, as well as the sick and wounded, by designating and respecting safe zones. Specifically, Article 3 of the Conventions extends protections to individuals not actively



participating in the hostilities, emphasizing the importance of safeguarding the civilian population, even in the context of guerrilla warfare (N. Schmitt, 2014).

The Geneva Conventions' provisions on safe zones are crucial in shaping the legal parameters that govern the protection of civilians during armed conflicts. These provisions underscore the imperative for all parties involved in armed conflicts to adhere to the principles of distinction, proportionality, and precaution, thereby ensuring the safety and well-being of non-combatants in the midst of hostilities.

4.2. Additional Protocols

The additional protocols to the Geneva Conventions, particularly the Geneva Protocols of 1977, play a crucial role in shaping the legal framework for the protection of civilians during armed conflicts. These protocols represent a significant milestone in the evolution of international humanitarian law, with over one hundred nations participating in the negotiations to reaffirm and update the laws of armed conflict. The emphasis placed on the protection of the civilian population in the Protocols of 1977 underscores the growing recognition of the need to safeguard non-combatants amidst the changing nature of warfare, including advancements in weapons systems and communication technologies (DeSaussure, 2015).

Furthermore, the provisions within the additional protocols address the establishment, operation, and protection of safe zones, hospitals, and neutral zones, reflecting a concerted effort to extend humanitarian protections to a broader range of internal conflicts, including guerrilla wars (E. Bond, 1971). This expansion of protections aims to address the challenges posed by the blurred distinction between combatants and civilians in such conflicts, underscoring the ongoing efforts to revise and enhance the laws of war to ensure the comprehensive protection of all non-combatants.

4.3. Customary International Law

Customary international law plays a pivotal role in shaping the legal landscape surrounding the establishment and operation of safe zones during armed conflicts. In both international and non-international armed conflicts, customary legal principles contribute to the protection of civilians from the perils of military operations. The indeterminacy and ambiguity in the law of armed conflict, particularly in non-international armed conflicts, give rise to challenges in defining the scope of rules safeguarding civilians. This ambiguity extends to the classification of individuals as civilians and non-civilians, thereby impacting the extent of their protection during conflicts (Ahmad Haque, 2019).

Furthermore, the legal geography of non-international armed conflicts influences the application of international humanitarian law (IHL) and international human rights law (IHRL) in conflict scenarios. The debate over whether IHL or IHRL takes precedence in non-international armed conflicts has significant implications for the protection of civilians and civilian objects within the territories affected by such conflicts. The application of IHL throughout the territories of parties involved in non-international armed conflicts underscores the importance of legal frameworks in ensuring the safety and well-being of civilians in conflict zones (N. Schmitt, 2014).

5. TYPES OF SAFE ZONES

There are various types of safe zones that can be established in conflict environments to protect civilians. One such type is the humanitarian corridor, which is a designated route that allows the safe passage of civilians and humanitarian aid. Humanitarian corridors are crucial for ensuring the delivery of essential supplies and the evacuation of civilians from conflict-affected areas (J Cannon et al., 2019).

Another type of safe zone is the neutralized zone, which is an area where military activities are prohibited, and civilian safety is prioritized. Neutralized zones are established to provide a secure environment for civilians by preventing armed confrontations and minimizing the impact of conflict on civilian populations. Understanding the different types of safe zones is essential for effectively implementing measures to protect civilians during armed conflicts.



5.1. Humanitarian Corridors

Humanitarian corridors, a critical type of safe zone, play a pivotal role in ensuring the safe and unimpeded passage of humanitarian aid and protecting civilian populations during armed conflicts. As outlined by Perrin (Perrin, 2008), humanitarian organizations are tasked with alleviating suffering in dangerous conflict zones, where their personnel and resources are at significant risk. Historically, these organizations relied on consent-based approaches and safe passage agreements with national militaries to ensure the safety of their personnel and aid delivery. The International Committee of the Red Cross (ICRC) has been a proponent of the consent-based approach, viewing the consent of the parties involved as fundamental in ensuring the security of its personnel. This approach, based on negotiated consent, has been essential in safeguarding humanitarian actors and aid delivery in conflict zones. Additionally, the ICRC's principle of neutrality prohibits any weapons in the vicinity of its operations, further emphasizing the focus on unarmed relief efforts and negotiated access terms.

5.2. Neutralized Zones

Neutralized zones, as explored in the context of protecting civilians during armed conflicts, serve as designated areas with the primary purpose of providing a protective space for non-combatants. These zones are characterized by their neutrality, offering a safe environment that is impartial and independent from the conflict. The concept of neutralized zones aligns with the principles of international humanitarian law, which recognizes the specific vulnerabilities of certain groups during armed conflicts, such as the wounded, sick, women, children, and persons with disabilities (Sivakumaran, 2018). In some instances, the law of international armed conflict allows for the possibility of release, repatriation, or internment in a neutral State, presenting additional protective measures for vulnerable detainees.

Furthermore, the protection of civilians in neutralized zones is essential, especially in the context of robust peacekeeping operations, where the impartiality of peacekeeping forces is crucial in safeguarding civilians at risk without taking sides in the armed conflict (Tania Gicela, 2021). The involvement of UN peace forces in combat zones underscores the need for preparedness to defend civilians and carry out necessary military actions while upholding the principles of neutrality and protection for non-combatants. Overall, the operational dynamics of neutralized zones play a critical role in providing a secure space for vulnerable populations and upholding the principles of international humanitarian law during armed conflicts.

6. CHALLENGES AND CRITICISMS OF SAFE ZONES

In the domain of humanitarian assistance, 'protection' and 'safety' can mean many things. While 'protection' often refers to active measures to help vulnerable populations, 'safety' denotes a sphere free of harm and danger. Some humanitarian agencies view security in terms of political and physical safety. Others regard security as a precondition for humanitarian action. In most efforts, it means the security of civilians. The current humanitarian debate needs to clarify its parameters, drawing links between 'protection', 'safety', 'security', and 'assistance'.

The obstacles and criticisms of safe zones are discussed in this section. Safe zones (also called no-fire zones, humanitarian zones, ICRC zones, *hoje-sempre* zones) refer to territories protected from violence by warring parties. Safe zones are intricate mechanisms liberating vulnerable groups from conflict, with gain and loss allocation. They involve political compromises, military arrangements, and administrative elements (territory, populations, installations, means, services, etc.).

Safe zones facilitate the safe transfer of humanitarian aid, thus bringing food and aid to deprived populations living in conflict zones. There are three different types of analysis concerning safe zones: military and operational analysis, economic analysis, and international political analysis.

Safe zones can protect civilians and non-combatants. Safe zones free vulnerable, excluded groups from oppression, discrimination, massacres, or violence. They 'liberate' populations from a conflict to enable humanitarian actions. Safe zones avoid direct involvement in the conflict, thus distancing themselves from the war situation.



In expanding safe zones, interventions become militarized. A bifurcation occurs between safe zones as humanitarian zones and safe zones as buffer zones. Safe zones become means of political control and oppression.

The legitimacy of international interventions, particularly of safe zones, is questioned, and the conflict of interest that these zones produce is criticized. Safe zones are often founded on political compromises bringing huge costs for populations. States establishing these zones maintain policies of historical oppression, violence, and discrimination and with contradictory means of economic development. The economic implications of these zones are also questioned, as they become enclaves of aid agencies, military installations, and privileged lifestyles.

7. EFFECTIVENESS OF SAFE ZONES IN PROTECTING CIVILIANS

Safe zones have been established in various conflict zones to protect civilians from harm during armed conflicts. The effectiveness of these safe zones in fulfilling their core mandate of safeguarding civilians has been a subject of scrutiny. Research by (Perrin, 2008) emphasizes the importance of protection for humanitarian personnel, premises, and materiel in dangerous conflict situations. It highlights the reliance of humanitarian organizations on consent, goodwill, and assurances of national militaries to ensure safety. Additionally, safe passage agreements and clear identification are noted as crucial factors in ensuring the safety of relief workers within these zones. The International Committee of the Red Cross (ICRC) operates based on the principle of neutrality and negotiates the terms of its access for unarmed relief efforts, with armed protection being an exception in rare cases. This underscores the significance of negotiated consent and security measures in the effectiveness of safe zones in protecting civilians during conflicts.

8. CASE STUDIES OF SAFE ZONES IN ARMED CONFLICTS

8.1. Srebrenica Safe Zone

The Srebrenica Safe Zone, established in 1993 during the Bosnian War, was intended to provide protection to civilians in the midst of the conflict. However, the safe zone ultimately failed to fulfill its purpose, leading to one of the most tragic events of the war. Despite being designated as a safe area by the United Nations, it was overrun by Bosnian Serb forces in July 1995, resulting in the massacre of thousands of Bosniak men and boys. This tragic event highlighted the complexities and challenges associated with the establishment and maintenance of safe zones during armed conflicts (Hundseid Bruheim, 2018).

The Srebrenica Safe Zone's failure also underscores the importance of robust international commitment and enforcement mechanisms to ensure the effectiveness of safe zones. The incident prompted critical reflections on the limitations of safe zones and the need for more comprehensive strategies to protect civilians during conflicts. Understanding the historical context and outcomes of the Srebrenica Safe Zone provides valuable insights into the complexities of implementing safe zones and the imperative of addressing their shortcomings (J Cannon et al., 2019).

8.2. R2P in Libya

The application of the Responsibility to Protect (R2P) in Libya during the conflict presented a complex scenario that intertwined the dynamics of international intervention and the establishment of safe zones. The 2011 military intervention in Libya, backed by the United Nations Security Council (UNSC) Resolution 1970 and 1973, marked the first instance of employing R2P with a legal basis. The intervention, primarily focused on the responsibility to prevent and react, was considered a success by NATO, the mandate holder. However, the responsibility to rebuild, the third component of R2P, was left unchecked, leading to challenges in post-intervention strategies for Libya. The rebuilding process, particularly in security, justice, and the economy, has yet to be fully restored, indicating a gap in fulfilling the demands set by the responsibility to rebuild (A. (Beltazar) Krisetya et al., 2016).

The case of Libya posed a significant test for R2P, as it required addressing a humanitarian crisis within a sovereign territory in the midst of a civil war. The pillars of R2P emphasize the primary responsibility of states to protect their populations from mass atrocities, the commitment of the



international community to assist states in building capacity for protection, and the responsibility of the international community to take coercive measures when necessary (Bdiwi, 2014). The establishment of safe zones and the subsequent challenges in post-conflict rebuilding processes in Libya underscore the intricate interplay between R2P and the practical implementation of measures to protect civilians during armed conflicts.

9. ROLE OF INTERNATIONAL ORGANIZATIONS IN ESTABLISHING AND MONITORING SAFE ZONES

9.1. United Nations

The United Nations (UN) plays a crucial role in the establishment and oversight of safe zones, particularly through its peacekeeping operations. These operations, mandated under Chapter VI or VII of the UN Charter, are designed to ensure international peace and security, with a specific focus on protecting civilians during armed conflicts (Tania Gicela, 2021). Peacekeeping operations are characterized by principles such as consent of the parties involved, impartiality, and non-use of force except in self-defense. They involve the deployment of UN military and/or police personnel, as well as civilians, with the aim of maintaining peace and security in conflict-affected areas.

Furthermore, the UN's involvement in safe zones aligns with the efforts of humanitarian organizations to protect their personnel, premises, and materiel during armed conflicts (Perrin, 2008). These organizations, including the International Committee of the Red Cross (ICRC), rely on the consent and goodwill of national militaries to ensure the safety of relief workers. The ICRC, in particular, operates on the principles of neutrality and negotiated consent of parties to the armed conflict, emphasizing the importance of ensuring the security of its personnel through peaceful negotiations.

9.2. Red Cross and Red Crescent Movement

The Red Cross and Red Crescent Movement play a crucial role in safeguarding civilians during armed conflicts. The International Committee of the Red Cross (ICRC) upholds a classical approach to protecting its humanitarian personnel, based on the negotiated consent of parties to the armed conflict, which is viewed as a fundamental basis for ensuring security and respecting its neutral and impartial mandate (Perrin, 2008). The ICRC's principle of neutrality prohibits the presence of weapons in the vicinity of its operations, and it primarily engages in unarmed relief efforts through negotiated access terms. However, there are exceptional circumstances, constituting approximately 1% of the time, where the ICRC has departed from its general policy against armed protection.

Furthermore, during the Second World War, the ICRC and the League of the Red Cross Societies collaborated to address the unprecedented and large-scale humanitarian problem posed by the militarization of civilian populations, particularly focusing on the protection and international relief for civilian populations, especially children and women (Iordache Cârstea, 2019). These collaborations and specialized roles illustrate the distinct contributions and mechanisms employed by the Red Cross and Red Crescent Movement in protecting civilians during armed conflicts.

10. BEST PRACTICES AND LESSONS LEARNED

Emphasize the need to develop integrated initiatives further and strengthen their focus on comprehensive, people-centered approaches. This involves building bridges between protection actors and enhancing mission protection efforts by establishing clear operating principles and communication channels. The changing nature of conflict and resulting threats to human security continuously force peace operations to rethink their mandates and approaches in mission areas. As such, the adoption of an integrated training approach for all protection actors, focusing on contextual analysis, inclusivity, and the centrality of people to effective human security, is advocated to improve the implementation of protection agendas in mission areas (Vermeij & Vorland Holen, 2017).



11. FUTURE DIRECTIONS AND RECOMMENDATIONS

As armed conflicts have evolved, the protection of civilians in conflict zones has become increasingly challenging. In light of this, future directions and recommendations for the enhancement of safe zones as protective mechanisms are crucial. The 2017 report of the UN Secretary-General on the protection of civilians highlighted the increasing urbanization of armed conflict and the heightened targeting of civilians, emphasizing the need for safe zones to adapt to these changing dynamics (Vermeij & Vorland Holen, 2017). Moving forward, it is imperative to consider the shift towards people-centered, inclusive processes, better context awareness, and stronger UN system coherence to ensure the relevance and effectiveness of safe zones in civilian protection efforts.

Furthermore, in the context of humanitarian aid delivery, the changing nature of armed conflict has implications for the security of humanitarian personnel. The classical approach to protecting humanitarian personnel based on negotiated consent of parties to the armed conflict remains fundamental, but the evolving landscape necessitates a reevaluation of security measures (Perrin, 2008). It is essential to explore innovative strategies for protecting relief workers, premises, and materiel in order to adapt to the risks posed by contemporary armed conflicts. As such, future recommendations should focus on managing these risks, potentially through the development of new frameworks for humanitarian access and protection in conflict zones.

12. CONCLUSION

In conclusion, the discussions presented in this essay underscore the indispensable role of safe zones in safeguarding civilians during international and non-international armed conflicts. The synthesis of the key findings reaffirms that safe zones constitute a crucial component of humanitarian efforts in conflict settings, providing a semblance of security and protection for vulnerable populations. The significance of safe zones as mechanisms for upholding international humanitarian law and ensuring humanitarian access is paramount, especially in the face of the evolving nature of armed conflicts and the associated risks to humanitarian personnel and operations. As highlighted in the analysis, safe zones not only contribute to the physical protection of civilians but also serve as vital spaces for the delivery of humanitarian aid, thereby playing a pivotal role in alleviating the suffering caused by armed conflicts.

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