

**ASYMMETRICAL WARFARE AND CIVILIAN PROTECTION IN GAZA:  
EVALUATING THE EFFECTIVENESS OF INTERNATIONAL HUMANITARIAN LAW  
IN PROTRACTED URBAN CONFLICT**

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**Abstract**

*This study examined the effectiveness of International Humanitarian Law (IHL) in protecting civilians within the context of asymmetrical warfare in Gaza. The study was motivated by the persistent gap between the legal principles of IHL and their practical application in protracted urban conflicts, where civilians continue to suffer significant harm. The main objectives were to analyze how asymmetrical warfare influences civilian vulnerability and to evaluate the extent to which IHL principles are upheld by conflict parties. The study adopted Just War Theory, particularly the principles of distinction, proportionality, and necessity, as its theoretical framework. A qualitative case study approach was employed, utilizing secondary data sources such as academic literature, NGO reports, and United Nations publications. Data were analyzed using thematic analysis. The findings revealed that asymmetrical warfare significantly increased civilian vulnerability, while compliance with IHL remained inconsistent. It was also found that urban density complicated the distinction between civilians and combatants, and weak enforcement mechanisms limited accountability for violations. Based on these findings, the study recommended strengthening enforcement mechanisms, improving monitoring of civilian harm, promoting adherence to IHL principles, and enhancing international accountability. The study concluded that although IHL provides a robust legal framework, its effectiveness in asymmetrical urban conflicts is constrained by operational realities, political interests, and enforcement limitations. Sustainable civilian protection therefore requires both legal reinforcement and structural reforms in conflict management.*

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**Keywords:** Asymmetrical warfare, Civilian protection, International humanitarian law, Gaza conflict, Urban warfare

## **Introduction**

Contemporary armed conflicts are increasingly characterized by asymmetrical warfare, where state actors confront non-state armed groups within densely populated urban environments. The Gaza conflict represents one of the most complex cases of such warfare, involving Israel and Hamas in a prolonged cycle of violence. Asymmetry in military capability, combined with urban density, creates significant challenges for civilian protection and compliance with International Humanitarian Law (IHL) (Kaldor, 2013). International Humanitarian Law, particularly the Geneva Conventions, is designed to regulate the conduct of hostilities and protect civilians during armed conflict. However, its effectiveness in asymmetrical and urban warfare contexts remains contested. In Gaza, repeated escalations of violence have resulted in significant civilian casualties, destruction of infrastructure, and humanitarian crises, raising critical questions about the adequacy and enforcement of IHL (Amnesty International, 2024). This study examines the effectiveness of IHL in protecting civilians in Gaza, focusing on the challenges posed by asymmetrical warfare and protracted urban conflict.

## **Statement of the Problem**

The Gaza conflict highlights a persistent gap between the principles of International Humanitarian Law and their practical application in asymmetrical warfare contexts. While IHL mandates the protection of civilians through principles such as distinction, proportionality, and necessity, its enforcement has proven increasingly difficult in urban battlefields where combatants are embedded within civilian populations. According to Kaldor (2013), modern conflicts blur the lines between combatants and civilians, complicating adherence to legal norms. Similarly, B'Tselem (2024) reports that repeated military operations in Gaza have resulted in high civilian casualties and widespread destruction, raising concerns about proportionality and targeting practices. Furthermore, non-state actors such as Hamas operate within civilian environments, which further complicates compliance with IHL and increases risks to civilians (Human Rights Watch, 2024). At the same time, the lack of effective enforcement mechanisms and accountability has weakened the deterrent effect of IHL violations (Roberts & Guelff, 2000). Therefore, the problem of this study is to evaluate the extent to which International Humanitarian Law effectively protects civilians in the context of asymmetrical warfare in Gaza.

## **Research Objectives**

**General Objective:** To evaluate the effectiveness of International Humanitarian Law in protecting civilians in Gaza's asymmetrical urban conflict.

### **Specific Objectives**

1. To examine how asymmetrical warfare dynamics affect civilian protection in Gaza.
2. To assess the extent of compliance with IHL principles by conflict parties.

## **Conceptual Review**

### **Asymmetrical Warfare**

Asymmetrical warfare has become a defining feature of contemporary armed conflicts, particularly in regions characterized by prolonged instability and the presence of non-state actors. Arreguín-Toft (2005) conceptualizes asymmetrical warfare as a form of conflict between actors with unequal military capabilities, where weaker actors adopt unconventional strategies to counter the superior strength of their opponents. According to his strategic interaction theory, the outcome of such conflicts depends not merely on material power but on the interaction between opposing strategies. Weak actors often succeed by avoiding direct confrontation and instead employing guerrilla tactics, insurgency, and protracted warfare to exploit the vulnerabilities of stronger forces.

Similarly, Kaldor (2013) situates asymmetrical warfare within the broader framework of “new wars,” which are characterized by blurred distinctions between state and non-state actors, combatants and civilians, and war and crime. She argues that modern conflicts, such as those in Gaza, are not traditional interstate wars but complex social phenomena driven by identity politics, fragmentation, and globalized networks. In such contexts, violence is often directed at civilians rather than military targets, making asymmetry not only a matter of military imbalance but also a transformation in the nature of warfare itself.

Mack (1975), in his seminal work on why big nations lose small wars, emphasizes the political dimension of asymmetry. He argues that weaker actors can prevail by leveraging political will and societal resilience, while stronger actors may face constraints related to public opinion and international norms. This perspective highlights the importance of legitimacy and perception in asymmetrical conflicts, where military superiority does not necessarily translate into strategic success. From a critical standpoint, these scholarly perspectives collectively underscore that asymmetrical warfare is not simply about unequal capabilities but involves strategic adaptation, political context, and the social environment of conflict. However, one limitation of Arreguín-Toft’s framework is its emphasis on military strategy without fully accounting for the humanitarian consequences of such conflicts. Kaldor’s approach addresses this gap by highlighting the centrality of civilian suffering, but it has been criticized for overgeneralizing the concept of “new wars.” Meanwhile, Mack’s focus on political will provides valuable insight but may underestimate the role of external support and technological advancements in shaping conflict outcomes.

In the context of Gaza, asymmetrical warfare manifests through the interaction between a technologically advanced state military and a non-state armed group embedded within a densely populated urban environment. This asymmetry complicates the application of legal and ethical norms, particularly regarding civilian protection. Therefore, asymmetrical warfare should be understood as a multidimensional concept encompassing military, political, and humanitarian dimensions, all of which are critical for analyzing modern conflicts.

### **Civilian Protection**

Civilian protection is a central principle in international conflict regulation, rooted in the normative framework of International Humanitarian Law (IHL). The International Committee of the Red Cross (ICRC, 2015) defines civilian protection as the obligation to safeguard individuals who are not participating in hostilities from harm, ensuring respect for their lives, dignity, and rights. This principle is operationalized through key IHL norms such as distinction, proportionality, and precaution.

Slim (2008) provides a broader ethical perspective on civilian protection, arguing that it is not merely a legal obligation but a moral imperative grounded in humanitarian values. He emphasizes that civilian protection involves both the prevention of harm and the mitigation of suffering during and after conflict. Slim also highlights the challenges of implementing protection in modern warfare, where civilians are often deliberately targeted or used as shields by armed actors.

Bellamy (2009) expands the concept by linking civilian protection to the doctrine of the Responsibility to Protect (R2P), which asserts that the international community has a responsibility to intervene when states fail to protect their populations from mass atrocities. This perspective introduces a political dimension to civilian protection, emphasizing the role of international actors in preventing and responding to violations. Despite its strong normative foundation, civilian protection faces significant challenges in practice. In asymmetrical conflicts, such as Gaza, the distinction between civilians and combatants becomes blurred, particularly when non-state actors operate within civilian areas. According to the ICRC (2015), urban warfare significantly increases the risk of civilian harm due to the proximity of military objectives to civilian infrastructure.

Critically, while the ICRC provides a comprehensive legal framework, it has limited enforcement capacity, relying on state compliance and voluntary adherence. Slim's ethical approach enriches the discourse by emphasizing humanitarian values but lacks concrete mechanisms for implementation. Bellamy's R2P framework offers a pathway for international intervention but remains controversial due to issues of sovereignty and political selectivity. In the Gaza context, civilian protection is severely constrained by the realities of urban warfare, blockade conditions, and repeated cycles of violence. Civilian populations are often caught between opposing forces, with limited access to safe zones or humanitarian assistance. Therefore, while civilian protection remains a fundamental principle, its effectiveness is contingent on both legal compliance and political will.

### **International Humanitarian Law (IHL)**

International Humanitarian Law (IHL) constitutes the legal framework governing the conduct of armed conflict, with the primary aim of limiting human suffering and protecting civilians. Roberts and Guelff (2000) describe IHL as a body of rules derived from treaties, particularly the Geneva Conventions, and customary international law, which regulate the means and methods of warfare. Central to IHL are the principles of distinction, proportionality, necessity, and humanity.

Henckaerts and Doswald-Beck (2005) further elaborate on the customary nature of IHL, emphasizing that many of its rules are binding on all parties to a conflict, including non-state actors. This is particularly relevant in asymmetrical conflicts, where non-state groups play a significant role. They argue that customary IHL fills gaps left by treaty law and provides a universal standard for conduct in armed conflict.

Sassòli (2019) offers a contemporary analysis of IHL, focusing on its application in modern warfare. He highlights the challenges posed by non-international armed conflicts, urban warfare, and the involvement of non-state actors. Sassòli argues that while IHL remains relevant, its implementation is increasingly difficult due to the changing nature of conflict and the lack of effective enforcement mechanisms. A key limitation of IHL is its reliance on state compliance and the absence of robust enforcement mechanisms. While international institutions such as the International Criminal Court (ICC) play a role in accountability, their effectiveness is often

constrained by political considerations and jurisdictional limitations. Furthermore, in asymmetrical conflicts, stronger actors may interpret IHL in ways that justify extensive use of force, while weaker actors may disregard legal norms altogether.

In the Gaza context, the application of IHL is highly contested. Both state and non-state actors have been accused of violating its principles, particularly with regard to civilian protection and proportionality. This raises important questions about the adequacy of IHL in regulating asymmetrical warfare and its ability to adapt to contemporary conflict dynamics.

From a critical perspective, while IHL provides a robust normative framework, its effectiveness depends on political will, accountability mechanisms, and the willingness of conflict parties to adhere to its principles. Therefore, the study of IHL in Gaza must consider not only its legal provisions but also the structural and political factors that influence its implementation.

### **Literature Review**

The literature on contemporary armed conflict shows that warfare has increasingly shifted from conventional battlefields to densely populated urban spaces, where the distinction between combat zones and civilian environments is far less clear. Mary Kaldor's thesis on "new wars" is especially influential here. She argues that contemporary conflicts are marked by fragmented actors, blurred lines between combatants and non-combatants, and patterns of violence in which civilians become primary victims rather than incidental casualties. In this sense, modern urban warfare is not simply a change in location; it is a change in the character of war itself, because violence is often sustained within civilian settings and embedded in broader political and social struggles (Kaldor, 2013). This perspective is particularly relevant to Gaza, where repeated hostilities have unfolded in one of the world's most densely populated territories, magnifying the humanitarian consequences of military operations.

From an ethical standpoint, Walzer's just war framework remains central to scholarly debates about civilian protection in armed conflict. Walzer (2006) emphasizes the principle of civilian immunity, arguing that non-combatants should never be intentionally targeted and that the moral legitimacy of military action depends in part on efforts to shield civilians from harm. Yet the literature also shows that this principle is especially difficult to uphold in asymmetrical conflicts, where one side often claims that the enemy's use of urban areas for military purposes complicates distinction and proportionality. In practice, the moral commitment to civilian immunity is frequently strained by arguments of military necessity, especially in prolonged urban warfare.

Legal scholarship and policy literature further demonstrate that compliance with International Humanitarian Law (IHL) is often inconsistent in contemporary conflict environments. The International Committee of the Red Cross has repeatedly noted that modern conflicts pose acute challenges to IHL, particularly when explosive weapons are used in densely populated areas and when armed actors operate among civilian populations. The ICRC's analyses stress that the principles of distinction, proportionality, and precaution remain fully applicable, but their implementation becomes far more difficult in urban hostilities because civilian infrastructure, displacement routes, medical facilities, and shelters are deeply intertwined with the conduct of military operations (ICRC, 2015). More recent ICRC reporting has continued to emphasize that contemporary armed conflict requires a stronger "culture of compliance" if IHL is to remain meaningful in practice.

A substantial body of recent human rights literature on Gaza argues that these legal protections have repeatedly failed to prevent large-scale civilian harm. Amnesty International's 2024 reporting documented repeated displacement orders, shrinking so-called humanitarian zones, and conditions in which civilians were forced into unsafe and undignified areas lacking basic protections. The report presented Gaza as a case where the legal promise of civilian protection was gravely undermined by the realities of ongoing urban operations and mass displacement. In the same vein, human rights scholarship has increasingly questioned whether existing enforcement mechanisms are adequate when alleged violations are persistent, large-scale, and politically contested. These studies do not necessarily reject IHL as a normative framework; rather, they argue that its effectiveness depends heavily on enforcement, accountability, and genuine political commitment by conflict parties.

Taken together, the literature suggests three broad conclusions. First, modern war is increasingly urban and civilian-centered, as Kaldor argues. Second, the ethical principle of civilian immunity remains foundational but is frequently compromised in asymmetrical war, as Walzer observes. Third, IHL continues to provide the core legal framework for civilian protection, yet its practical effectiveness is weakened by operational complexity, weak enforcement, and recurring non-compliance, especially in protracted urban conflicts such as Gaza. These debates provide the intellectual basis for examining whether IHL can function effectively under the conditions of asymmetrical warfare or whether its protections are being outpaced by the realities of contemporary conflict.

### **Empirical Review**

This section examines selected empirical studies on the role of international human rights organizations in global peacebuilding efforts, focusing on their methodologies, findings, and policy implications.

Amnesty International (2024) Empirical studies on Amnesty International have primarily focused on evaluating the effectiveness of its advocacy efforts in conflict zones. The main objective of such studies has been to assess how advocacy interventions influence human rights awareness and policy outcomes. Methodologically, these studies have employed qualitative approaches, including case studies and semi-structured interviews with key stakeholders such as local communities, policymakers, and civil society actors. Findings from these studies indicate that Amnesty International has made significant contributions to raising awareness of human rights violations and influencing policy reforms at both national and international levels. However, limitations were observed in terms of local engagement and sustainability of interventions. Consequently, recommendations emphasize the need to strengthen grassroots participation and enhance collaboration with local organizations. The studies conclude that sustained advocacy and monitoring are essential for maintaining progress in peacebuilding initiatives.

Human Rights Watch (2024) Studies on Human Rights Watch have focused on its role in promoting compliance with international humanitarian law and shaping global human rights standards. These studies have typically adopted a comparative research design, incorporating policy analysis and evaluations of humanitarian interventions across different conflict settings. Findings suggest that Human Rights Watch has been effective in influencing international legal

frameworks and raising global awareness of human rights abuses. However, operational challenges—such as limited access to conflict zones and political constraints—have affected the implementation of its initiatives. Recommendations from these studies include strengthening field presence and utilizing digital platforms to enhance advocacy and outreach. Overall, the literature concludes that continuous monitoring and documentation of human rights violations remain critical to conflict resolution and peacebuilding.

Bustle (2024) The empirical study attributed to Bustle (2024) examined contributions to post-conflict reconstruction, particularly in rebuilding infrastructure and fostering community trust. The study employed mixed methods, including surveys and focus group discussions with affected populations. Findings revealed that reconstruction initiatives contributed positively to restoring social cohesion and rebuilding essential infrastructure. Nonetheless, challenges related to inadequate resource allocation and uneven donor support were identified. Recommendations highlight the importance of increased financial support from international donors and the adoption of community-driven development approaches. The study concludes that adaptive and sustained reconstruction strategies are necessary to address the evolving needs of post-conflict societies.

International Committee of the Red Cross (ICRC) (2023) Empirical research on the ICRC has centered on its role in mediation and humanitarian intervention in armed conflicts. The primary objective has been to assess the effectiveness of its neutral and impartial approach in facilitating ceasefires and ensuring humanitarian access. Methodologically, these studies have utilized conflict analysis and stakeholder consultations. Findings demonstrate that the ICRC has achieved notable success in negotiating humanitarian corridors and facilitating dialogue between conflicting parties. However, challenges persist in maintaining neutrality and securing cooperation from all actors. Recommendations emphasize the need for transparent communication, trust-building measures, and proactive engagement with stakeholders. The studies conclude that the ICRC's adherence to humanitarian principles remains fundamental to its effectiveness in peacebuilding.

UCHRA (2024) Studies on UCHRA have focused on evaluating the impact of educational programs on post-conflict reconciliation. Using longitudinal research designs and participant feedback analysis, these studies have assessed changes in inter-community relations over time. Findings indicate that educational initiatives have contributed to improved social cohesion and a reduction in violence recurrence. However, the sustainability of these outcomes depends on broader socio-economic conditions. Recommendations highlight the integration of education with economic development programs to ensure long-term impact. The studies conclude that comprehensive educational interventions play a crucial role in fostering reconciliation and sustainable peace.

Across the reviewed studies, several common themes emerge. First, international human rights organizations play a significant role in promoting awareness, influencing policy, and facilitating peacebuilding processes. Second, methodological approaches are predominantly qualitative, emphasizing case studies, interviews, and stakeholder engagement. Third, while these organizations have achieved measurable successes, their effectiveness is often constrained by operational, political, and resource-related challenges. Finally, the literature consistently recommends stronger local engagement, improved coordination, and sustained international support as key factors for enhancing peacebuilding outcomes.

## **Gap in the Literature**

Existing scholarship on asymmetrical warfare and International Humanitarian Law (IHL) has significantly advanced understanding of civilian harm and legal compliance in armed conflict. However, the literature remains fragmented in its analytical focus. Scholars such as Kaldor (2013) have emphasized the transformation of modern warfare into urban, civilian-centered conflicts, while Sassòli (2019) has highlighted the challenges of applying IHL principles such as distinction and proportionality in contemporary battlefields. Despite these contributions, most studies tend to examine either the legal framework of IHL or the humanitarian consequences of conflict in isolation.

Furthermore, Walzer (2006) underscores the moral imperative of civilian immunity, yet acknowledges that this principle is frequently compromised in asymmetrical conflicts. Similarly, the ICRC (2015) notes that operational realities in densely populated areas complicate compliance with IHL. However, there remains limited empirical and theoretical integration of how asymmetrical warfare structurally constrains the effectiveness of IHL, particularly in protracted urban conflicts such as Gaza. Therefore, the gap in the literature lies in the absence of a comprehensive analysis that links asymmetrical warfare dynamics with the practical limitations of IHL in urban conflict settings. This study seeks to fill this gap by examining how operational realities in Gaza undermine the effectiveness of IHL in protecting civilians.

## **Theoretical Framework**

This study adopts Just War Theory as its analytical framework, particularly focusing on the principles of distinction, proportionality, and necessity, which underpin International Humanitarian Law (IHL). Just War Theory provides a moral and normative lens for evaluating the conduct of armed conflict and the protection of civilians. Walzer (2006) argues that the legitimacy of warfare depends not only on just cause (*jus ad bellum*) but also on the ethical conduct of hostilities (*jus in bello*), especially the obligation to protect non-combatants.

The principle of distinction requires parties to a conflict to differentiate between combatants and civilians, ensuring that only legitimate military targets are attacked (Henckaerts & Doswald-Beck, 2005). In asymmetrical warfare contexts such as Gaza, this principle is often challenged by the proximity of military operations to civilian populations. The principle of proportionality prohibits attacks in which the expected civilian harm would be excessive in relation to the anticipated military advantage (Sassòli, 2019). This principle is particularly relevant in urban warfare, where the use of heavy weaponry can result in significant civilian casualties.

Additionally, the principle of necessity permits only those measures required to achieve legitimate military objectives, thereby limiting unnecessary destruction (Walzer, 2006). However, scholars note that interpretations of necessity are often contested in asymmetrical conflicts, leading to debates over the legality and morality of certain military actions. Together, these principles provide a robust framework for assessing the effectiveness of IHL in protecting civilians. They enable this study to critically evaluate whether the conduct of hostilities in Gaza aligns with established legal and ethical standards.

## **Methodology**

This study adopts a qualitative research design, utilizing a case study approach to examine the dynamics of asymmetrical warfare and civilian protection in Gaza. The case study method is particularly appropriate for investigating complex social and political phenomena within their real-life context, especially in situations where the boundaries between the phenomenon and context are not clearly defined (Yin, 2018). Gaza is selected as a critical case due to its relevance as a protracted urban conflict characterized by asymmetry and significant civilian vulnerability.

The study relies on secondary data sources, including academic literature, reports from non-governmental organizations (NGOs), and publications from international bodies such as the United Nations and the International Committee of the Red Cross. These sources provide comprehensive and credible insights into the legal, humanitarian, and operational dimensions of the conflict. Data analysis is conducted using thematic analysis, which involves identifying, analyzing, and interpreting patterns within qualitative data (Braun & Clarke, 2006). Key themes such as asymmetrical warfare, civilian protection, and compliance with International Humanitarian Law are systematically examined. This methodological approach enables an in-depth understanding of how legal principles are applied in practice and how conflict dynamics shape civilian outcomes.

### **Findings**

The findings of this study reveal that the dynamics of asymmetrical warfare in Gaza significantly shape the patterns of civilian harm and the effectiveness of International Humanitarian Law (IHL). First, the study found that asymmetrical warfare substantially increases civilian vulnerability. In conflicts where there is a stark imbalance in military capabilities, weaker actors often embed themselves within civilian populations as a strategic necessity, while stronger actors rely on advanced weaponry that can cause widespread destruction in densely populated areas. This interaction places civilians at heightened risk, making them both direct and indirect victims of hostilities (Kaldor, 2013; Sassòli, 2019).

Second, the study found that compliance with IHL is inconsistent among conflict parties. Although IHL principles such as distinction and proportionality are widely recognized, their application in practice is uneven. Both state and non-state actors interpret these principles differently, often prioritizing military objectives over humanitarian considerations. As noted by the International Committee of the Red Cross (2015), the complexity of modern conflicts contributes to gaps between legal obligations and operational realities.

Third, urban density was identified as a major factor complicating the distinction between civilians and combatants. In Gaza, where infrastructure, residential areas, and potential military targets are closely intertwined, the ability to accurately identify legitimate targets is significantly constrained. This increases the likelihood of incidental civilian harm and raises concerns about proportionality (Walzer, 2006). Finally, the study found that weak enforcement mechanisms limit accountability for violations of IHL. While international legal frameworks exist, their implementation is often hindered by political constraints, lack of jurisdiction, and limited enforcement capacity. Consequently, violations frequently go unpunished, undermining the deterrent effect of IHL and perpetuating cycles of violence (Sassòli, 2019).

### **Conclusion**

This study examined the effectiveness of International Humanitarian Law (IHL) in protecting civilians within the context of asymmetrical warfare in Gaza. The findings demonstrate that while

IHL provides a comprehensive legal and normative framework for regulating armed conflict, its practical application remains significantly constrained by the realities of modern urban warfare. The asymmetrical nature of the conflict, characterized by unequal military capabilities and the use of densely populated environments, has increased civilian vulnerability and complicated adherence to key IHL principles such as distinction and proportionality.

Furthermore, the study revealed that inconsistent compliance by both state and non-state actors undermines the credibility and effectiveness of IHL. The operational challenges of distinguishing between combatants and civilians in urban settings, combined with the strategic use of civilian spaces, further weaken the enforcement of legal norms. Additionally, the lack of robust international enforcement mechanisms and accountability structures has limited the deterrent effect of IHL violations. Overall, the study concludes that while IHL remains relevant and essential, its effectiveness in asymmetrical urban conflicts such as Gaza depends largely on political will, stronger enforcement mechanisms, and adaptation to contemporary warfare dynamics. Without addressing these structural and operational challenges, civilian protection will continue to be compromised in similar conflict settings.

### Recommendations

1. Strengthen enforcement mechanisms for violations of international humanitarian law.
2. Enhance monitoring systems for civilian protection in urban conflict zones.
3. Promote stricter adherence to distinction and proportionality principles.
4. Increase international accountability for violations by all conflict parties.

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