

# The civilianization of armed conflict: trends and implications

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## **Abstract**

*Civilians play an increasingly important and complex role in armed conflicts, both as victims and as perpetrators. While this overall trend towards ‘civilianization’ encompasses all types of present-day conflicts, it is twofold: it takes on a very different nature in high-technology warfare than in the context of low-technology combats that are typical of many civil wars. This article explores these two trends, shows how they merge in asymmetric warfare and outlines key implications for international stabilization and state-building efforts. The present-day conflict landscape is presented from a security policy point of view, placing the ongoing debates on the civilian participation in hostilities in a broader strategic context.*



The principle of the state monopoly on the legitimate use of force, widely accepted in the West, goes back to state-building processes that took place in Europe over a period of centuries. The state had a monopoly over war, resulting in a specific, official ‘state of war’ during which certain rules of war applied and there was a clear delineation between civilians and uniformed soldiers. Under this societal contract, civilians were protected against armed violence through norms and practices that

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were later formalized in international humanitarian law. Partly as a result, during the first half of the twentieth century deaths of soldiers accounted for a large number of those resulting directly from hostilities. At the beginning of the twenty-first century, however, the number of battle deaths due to actual military engagement decreased, yet the total number of war deaths – which includes both battle and non-battle deaths – remained high.<sup>1</sup> In the Democratic Republic of Congo, for example, there were 2.5 million war deaths between 1998 and 2001, yet only 350,000 of those people were killed in actual battle.<sup>2</sup>

Other regions did not go through this process in the same way, nor did they necessarily agree on a societal pact as did Europe in the case of the Westphalian order. In such countries the state monopoly on the use of force was not, and still is not, necessarily accepted or legitimized by the wider population. On the contrary, the state is often equated with oppression and violence towards its own people, and resistance by non-state entities is therefore viewed as legitimate and just.<sup>3</sup> The changing nature of conflict on a global scale is thus also a reflection of the relative stability of the West and of a dominance of intra-state conflicts in regions where the state monopoly on the use of force neither exists nor is widely accepted.

The nature of war has now clearly changed, and the role of civilians is central to this change. The terms ‘civilians’ and ‘soldiers’ are consequently no longer adequate and a plethora of new and more differentiated terms have been proposed, such as ‘part-time terrorists’, ‘refugee warriors’, or ‘civilian augmentees’. The ambiguity of human intent and conduct and the ad hoc character of many organized groups using violence are illustrated, for example, by the owner of a tea shop in Sarajevo: ‘Oh yes, I’ll sit and sip tea with “them” in the daytime and take their money, but I may go out tonight to shoot them.’<sup>4</sup>

Efforts to clarify the notion of ‘direct participation in hostilities’ (DPH) are part of the necessary legal process of adapting to the changing nature of armed

1 For an overview of figures, see *The Global Burden of Armed Violence*, Geneva Declaration Secretariat, Geneva, 2008, available at [www.genevadeclaration.org/pdfs/Global-Burden-of-Armed-Violence.pdf](http://www.genevadeclaration.org/pdfs/Global-Burden-of-Armed-Violence.pdf) (last visited 6 March 2009).

2 The term ‘combatant deaths’ refers to soldiers killed in battle. ‘Battle deaths’ or ‘combat deaths’ refers to combatants and civilians killed during hostilities. The term ‘war deaths’ covers both battle and non-battle deaths, i.e. also people killed indirectly through war-related famine, disease, etc. See Bethany Ann Lacina and Nils Petter Gleditsch, ‘Monitoring trends in global combat: a new dataset of battle deaths’, *European Journal of Population*, Vol. 21 (2/3) (2005), pp. 145–66, available at [www.springerlink.com/content/l826g1412943w55w/](http://www.springerlink.com/content/l826g1412943w55w/) (last visited 6 March 2009). See also Edmund Cairns, *A Safer Future: Reducing the Human Cost of War*, Oxfam Publications, Oxford, 1997; Kalevi J. Holsti, *Peace and War: Armed Conflicts and International Order, 1648–1989*, Cambridge University Press, Cambridge, 1991; Herfried Münkler, *Die neuen Kriege*, Rowohlt, Reinbek, 2003.

3 Alastair Crooke, *From Rebel Movement to Political Party: The Case of the Islamic Resistance Movement*, Conflicts Forum Briefing Paper No. 3, 2007, p. 12, available at <http://conflictsforum.org/briefings/Hamas-From-rebel-movement-to-political-party.pdf> (last visited 6 March 2009). See also Patrick Chabal and Jean-Pascal Daloz, *Africa Works: Disorder as Political Instrument*, African Issues series, James Currey, Oxford, 1999.

4 Mary B. Anderson, *Do No Harm: How Aid Can Support Peace or War*, Lynne Rienner Publishers, Boulder/London, 1999, p. 25.

conflict.<sup>5</sup> Nevertheless, its meaning remains ambiguous, and no comprehensive definition has been achieved to date. Understanding the civilianization of conflict from a security policy point of view can help to put that notion into context – which is the aim of this article.

From a strategic point of view, the growing involvement of civilians in the conduct of international and non-international armed conflicts is linked to at least two trends:

1. the decline of inter-state wars, the revolution in military affairs, and the growing role of civilians in high-technology warfare; and
2. the growing relevance of intra-state armed conflict, the pervasiveness of civilian agency in such conflicts, and the blurring of lines between civilians and combatants.

After outlining these trends, we discuss how they merge in today's asymmetric conflicts. We then examine some of the implications for the ongoing discussion on 'direct participation in hostilities'. It seems useful to focus on 'conduct', rather than on 'membership' of an organized group, as the key criterion for differentiating between civilians and combatants. However, fine-tuning the legal concept alone will not solve the problem of insufficient differentiation between civilians and combatants. Various policy recommendations aimed at minimizing the blurring of lines between the civilian and the military domain on a more causal level are therefore also outlined.

One recommendation in particular is that governments must avoid outsourcing key security tasks to private security companies, especially in a state-building environment. They should use the double-edged sword of information warfare with the utmost care, as it threatens to blur the distinction between military and political responsibilities. Governments have to deal more comprehensively with complex and dynamic regional conflicts, instead of placing the highest priority on the seemingly more urgent task of fighting terrorism. The soft dimensions of security are pivotal, in contrast to relying too much on technological superiority. They require a better understanding of local-conflict dynamics and a greater focus on the human conscience as the key battle zone: winning hearts and minds is more important than the physical impact of force.

## **First trend: decline in inter-state wars, revolution in military affairs**

Traditional armed conflicts between states have lost significance at the global level, and there is now a low probability of war between great powers. This can be

5 *Direct Participation in Hostilities*, Summary Report, International Committee of the Red Cross, Geneva, 31 December 2005, available at [www.icrc.org/web/eng/siteeng0.nsf/html/participation-hostilities-ihl-311205](http://www.icrc.org/web/eng/siteeng0.nsf/html/participation-hostilities-ihl-311205) (last visited 6 March 2009).

explained first of all by instrumental and structural factors. The end of the Cold War changed the global bipolar and state-centric security system into a more complex one. Stability through superpower domination decreased. In a sense, the lid was lifted off the boiling pot, allowing internal dissent to erupt, with a corresponding peak in intra-state conflicts in the early 1990s.<sup>6</sup> At the same time the cost–benefit calculation of war between states also changed in line with the development of military technology and increasing economic interdependence on a global scale – the liberal peace thesis.<sup>7</sup>

Second, the decrease in inter-state wars can be explained by ideational factors: democracies do not go to war with each other – the democratic peace thesis.<sup>8</sup> For besides economic interdependence there is also information interdependence in a globalized world, and in democracies the general population's view of the costs of war differs from that of the elite. Thus while wars between states are still conceivable, they occur primarily in the form of territorial conflicts among regional opponents, or as interventions by great powers or loose coalitions that seek to change the status quo in badly governed states.

Alongside these two broad explanations of why inter-state wars have decreased, trends at a more operational level have also played a key role, namely the revolution in military affairs (RMA) and the privatization of security tasks. Both of these trends are closely intertwined with the growing importance of civilians in armed conflicts.

### High-technology warfare has led to a blurring of the military and civilian domain

Today, the United States dominates the military playing field and alone has the option to project its military power almost instantaneously to every corner of the world. The current US dominance in terms of high-tech military forces originated in the 1970s, when Washington began to emphasize technology as a force multiplier in an effort to offset the quantitative superiority of the Soviet forces. As the RMA concept gained ground, the United States placed emphasis on the integration of advanced intelligence, surveillance and reconnaissance systems with stealthy long-range precision weapons systems in order to establish dominance in future battlefield engagements. The implications of the RMA for civilian participation in armed conflict are only tangentially addressed in the burgeoning literature on

6 Human Security Report Project, *Human Security Brief 2007*, Simon Fraser University, Vancouver, 2008, p. 33, available at [www.humansecuritybrief.info/](http://www.humansecuritybrief.info/) (last visited 6 March 2009).

7 Edward D. Mansfield and Brian M. Pollins, 'The study of interdependence and conflict: recent advances, open questions and directions for future research', *Journal of Conflict Resolution*, Vol. 6 (45) (2001), pp. 834–59; Mark W. Zacher, 'The territorial integrity norm: international boundaries and the use of force', *International Organization*, Vol. 55 (2) (2001), pp. 215–50.

8 See e.g. Bruce Russett, *Grasping the Democratic Peace: Principles for a Post-Cold War World*, Princeton University Press, Princeton, 1993.

the military technological revolution – which is why some aspects are highlighted here.<sup>9</sup>

The development of a high-tech military force had major repercussions for the relationship between the military and the civilian spheres in at least two ways. First, as the technical complexity of modern weapons systems grew, civilian employees became progressively more important for maintaining and operating those systems. Under the paradigm of network-centric warfare the individual sensors, weapons platforms and control systems engaged in an attack could be geographically far apart and spread across continents.<sup>10</sup> Consequently civilian employees far from the actual battlefield also began to perform an increasingly direct and mission-critical support function in many military high-tech engagements. Civilian personnel who administer army battle command systems, communications systems and high-tech weaponry have become a highly specialized component of modern armed forces. They supplement military capabilities in areas of active military operations and are meanwhile an indispensable part of modern warfare.<sup>11</sup>

Second, the revolution in military affairs expanded the physical battlefield to include the virtual domain and ultimately the human mind. The object of warfare shifted from physical destruction of the adversary's military force to virtual control of the information space. The argument of RMA proponents was that speed, knowledge and precision would enable casualties to be minimized and wars to be rapidly ended. Information superiority, the argument continues, would maximize the political utility of force, reducing the friction inherent in warfare far enough to maintain public support for military operations. Control over the adversary no longer necessarily meant the physical control of objects, territory and personnel; virtual control over the opponent's capability to decide and act independently might be the far cheaper and politically more acceptable solution.<sup>12</sup>

In the context of their emphasis on information processes and content, RMA thinkers thus began to stress the importance of developing information warfare (IW) capabilities to downgrade an adversary's command, control, communications and intelligence systems. As the IW concepts broadened beyond the 'enabler paradigm', their highly problematic consequences for the relationship between the military and the civilian space became more visible. If IW targets the entire political, economic and military information infrastructure of an adversary

9 See e.g. John Arquilla and David F. Ronfeldt (eds.), *In Athena's Camp: Preparing for Conflict in the Information Age*, RAND, Santa Monica, 1996; Eliot Cohen, 'A revolution in military affairs', *Foreign Affairs*, Vol. 75 (2) (1996), pp. 37–54.

10 See e.g. Arthur K. Cebrowski and John J. Garstka, 'Network-centric warfare: its origin and future', *US Naval Institute Proceedings*, Vol. 124 (1) (1998), available at <http://all.net/books/iw/iwarstuff/www.usni.org/Proceedings/Articles98/PROcebrovski.htm> (last visited 6 March 2009).

11 Geoffrey S. Corn, 'Unarmed but how dangerous? Civilian augmentees, the law of armed conflict, and the search for a more effective test for defining permissible civilian battlefield functions', *Journal of National Security Law & Policy*, Vol. 2 (2) (2008), p. 275, available at [www.mcgeorge.edu/Documents/publications/jnslp/02\\_cornJCS111008%20PR.pdf](http://www.mcgeorge.edu/Documents/publications/jnslp/02_cornJCS111008%20PR.pdf) (last visited 6 March 2009).

12 See e.g. Steven Metz and Douglas V. Johnson, *Asymmetry and US Military Strategy: Definition, Background, and Strategic Concepts*, Strategic Studies Institute, Carlisle, 2001.

across a continuum of operations between war and peace, then IW activities cannot but blur the boundaries between offence and defence and between war and peace.<sup>13</sup>

In fact, RMA thinkers began to realize over time that IW concepts were a double-edged sword. Modern societies depend heavily on reliable information and communication infrastructures, a problem that affects the military as well because it is heavily reliant on the civilian infrastructure. The risk of computer network attacks against civilian infrastructures highlights the fact that technology may end up being a source of vulnerability rather than the great force multiplier. The blurring of boundaries between civil and military responsibilities is also a critical issue in terms of the protection of a society's critical information infrastructures against cyber-attacks.<sup>14</sup>

### The rise of private military and security contractors

The maintenance of a high-tech military force is very costly. This explains why the US military began to search for ways to increase its strategic, operational and tactical flexibility once the Cold War ended. After the Soviet Union and the Warsaw Pact had disappeared, the US military saw itself confronted with a very fluid and highly diffuse risk environment in which the tasks and functions of the military rapidly broadened. One way to increase flexibility is to rely on the flexibility of the market. So the US military began to outsource support functions more and more to private contractors, a development that was mirrored by the armed forces of many other countries.<sup>15</sup>

However, while outsourcing can increase flexibility, it tends to coincide with a loss of control, because private contractors are driven by a desire for money rather than for public goods such as peace, order and security. While states may be tempted to use private contractors as part of a foreign policy by proxy, farming out mission-critical functions to private military companies (PMCs) and private security companies (PSCs) may in reality weaken the unity of their command structures, result in a loss of control over the level of violence under their authority and/or undermine their control on legitimacy.<sup>16</sup>

13 For an excellent overview see Myriam Dunn Cavelty, *Cyber-Security and Threat Politics: US Efforts to Secure the Information Age*, Routledge, London, 2008, ch. 4, pp. 66–91; Edward Waltz, *Information Warfare: Principles and Operations*, Artech House, Boston, 1998.

14 See Dunn Cavelty, above note 13, ch. 5, pp. 91–121.

15 On the rise of private contractors see e.g. Peter W. Singer, *Corporate Warriors: The Rise of the Privatized Military Industry*, Cornell University Press, Ithaca, 2003; Fred Schreier and Marina Caparini, *Privatising Security: Law, Practice and Governance of Private Military and Security Companies*, Occasional Paper No. 6, Centre for the Democratic Control of Armed Forces, Geneva, 2005; Elke Krahmann, 'Security governance and the private military industry in Europe and North America', *Conflict, Security & Development*, Vol. 5 (2) (2005), pp. 247–68; Caroline Holmqvist, *Private Security Companies: The Case for Regulation*, SIPRI Policy Paper No. 9, Stockholm International Peace Research Institute, Stockholm, 2005.

16 We are indebted to Emmanuel Clivaz, who introduced the 'flexibility-control balance' concept in a recent research note as a tool for analysing the impact of private contractors on the battlefield: Emmanuel Clivaz, 'Private contractors on the battlefield', ISN Case Studies, International Relations and

The rise of PMCs and PSCs during the 1990s is therefore another factor that makes it more and more difficult to distinguish the civilian domain from the military domain. Security companies enjoy an unclear legal status in international and domestic law: should they be considered as business players, or as quasi-state entities acting on behalf of elected governments?<sup>17</sup> Furthermore, this is not only a problem for governments, because in today's complex conflict environments other players, including international organizations, NGOs and private industry, make growing use of the services of contractors.

Today, PMCs and PSCs offer an ever wider range of services. Most private contractors perform functions unrelated to the conduct of combat operations, but some are mandated to participate in major combat activities. Their assignments can range from support services (i.e. logistics) and consultancy (i.e. specialized expertise on technology and training) to the provision of personnel and specialized combat skills for defensive and offensive missions. The closer their functions are linked to the state monopoly on the use of force, the more problematic the engagement of private contractors is in terms of legitimacy. Furthermore, firms frequently offer a mix of services, making a distinction between tasks and their regulation more difficult. On the ground, functions are often very fluid in a rapidly changing conflict environment. Governments must ask themselves which functions can be outsourced and which are inherently governmental.<sup>18</sup>

In summary, inter-state wars have decreased since the end of the Cold War owing to structural and ideational factors, as reflected by the liberal and democratic peace theses. At a more operational level, the decrease in inter-state wars has gone hand in hand with the revolution in military affairs and the privatization of security tasks. Both of these trends have led to a blurring of the lines between civilians and combatants.

## Second trend: intra-state wars, pervasiveness of civilian agency

The majority of armed conflicts since the end of the Cold War have been non-international. Intra-state armed conflicts started multiplying in the 1960s; their number peaked in the early 1990s, with some fifty armed conflicts worldwide, and then declined again, levelling off at thirty-two armed conflicts during the last three years. This process was largely given momentum by the demise of colonialism and the end of the Cold War. The terms 'intra-state conflicts', 'internationalized

Security Network (ISN), Zurich, September 2008, available at [www.isn.ethz.ch/isn/Digital-Library/Publications/Detail/?id=93879&lng=en](http://www.isn.ethz.ch/isn/Digital-Library/Publications/Detail/?id=93879&lng=en) (last visited 6 March 2009).

17 Juan Carlos Zarate, 'The emergence of a new dog of war: private international security companies, international law, and the new world disorder', *Stanford Journal of International Law*, Vol. 34 (1998), pp. 75–162; Matt Gaul, 'Regulating the new privateers: private military service contracting and the modern marquee and reprisal clause', *Loyola of Los Angeles Law Review*, Vol. 31 (1998), pp. 1489–522; Christopher Kinsey, 'Challenging international law: a dilemma of private security companies', *Conflict, Security and Development*, Vol. 5 (3) (2005), pp. 269–93.

18 Singer, above note 15.

intra-state conflict', 'non-state-based armed conflict' and 'one-sided violence' sum up various categories of organized political violence.<sup>19</sup> Most of these conflicts are related to disagreements over wealth- and power-sharing, declining economies, high dependence on natural resources, bad governance, human rights violations and poor human security conditions. Group cleavages often take place around ethnicity, religion or some other characteristic that can create identity and unite a group.

In Sudan (1983–2002), 2 million people were killed in the war between the north and south of the country, while only about 55,500 of these died directly in battle – although this estimate is subject to debate. In Angola (1975–2002), there were an estimated 1.5 million war deaths, of which about 160,500 were battle deaths.<sup>20</sup> In Rwanda, an estimated 800,000 were killed in 'one-sided violence' in the 1994 genocide within a period of 100 days.<sup>21</sup> These cases illustrate that battle deaths directly resulting from hostilities (i.e. deaths of both combatants and civilians) account for only about 10 per cent of estimated total war deaths in many contemporary conflicts. Most war deaths are caused indirectly by starvation and the spread of diseases typical for combat zones. Civilians – women, children and the elderly – and not uniformed personnel make up the overwhelming number of victims in such conflicts.

Armed conflict in politically fragile and economically weak societies will remain a focal point of international security for decades to come. While intra-state conflicts began to diminish during the 1990s and onsets of war in the new century have been outnumbered by war terminations, the flashpoints of armed conflict remain geographically concentrated in regional conflict zones. These zones largely overlap with areas that are badly governed and/or poorly integrated in regional trade. This indicates that the origins of civil wars are connected to both corrupt leaders and weak political institutions, as political scientists emphasize, and to the build-up of war economies with alternative systems of profit and power, as argued by many economists.<sup>22</sup>

However, analysis of the macro-causal conditions of rebellion (i.e. poverty, dependency on natural resources) does not tell us much about group or individual motivations for rebellion. The literature on civil war therefore turned to analysing the micro-level correlates of greed and grievance.<sup>23</sup> The standard political science explanation for the outbreak of civil war has long emphasized the role

19 For standard definitions and data sets, see the home page of the Uppsala Conflict Data Program, available at [www.pcr.uu.se/research/UCDP/index.htm](http://www.pcr.uu.se/research/UCDP/index.htm) (last visited 6 March 2009). For an introduction see Stathis N. Kalyvas, 'The ontology of "political violence": action and identity in civil wars', *Perspectives on Politics*, Vol. 1 (3) (2003), pp. 475–94.

20 Lacina and Gleditsch, above note 2.

21 BBC World News, 'Rwanda: how the genocide happened', available at <http://news.bbc.co.uk/2/hi/africa/1288230.stm> (last visited 6 March 2009); Gérard Prunier, *The Rwanda Crisis: History of a Genocide*, Columbia University Press, New York, 1997.

22 See e.g. Kristian Skrede Gleditsch, *All International Politics is Local: The Diffusion of Conflict, Integration, and Democratization*, University of Michigan Press, Ann Arbor, 2002.

23 See e.g. Macartan Humphreys and Jeremy M. Weinstein, 'Who fights? The determinants of participation in civil war', *American Journal of Political Science*, Vol. 52 (2) (2008), pp. 436–55.



of collective grievances – linked to factors such as ethnic and religious diversity, political repression, inequality and political exclusion – in motivating civilians to rebel.

Only recently have political economy approaches begun to challenge the dominance of these grievance-based explanations of civil war. Transferring the focus from motivation to opportunity, these studies emphasize that, in weak states, small groups with access to loot and financial and natural resources have been sufficiently influential to trigger a process of political mobilization that could lead to armed conflict.<sup>24</sup> However, civil wars are not simply caused by the ‘feasibility of predation’;<sup>25</sup> different types of conflict causes must be considered, including structural conditions, dynamic (historical) causes, catalytic events and contenders’ decisions. Motives and opportunities interact, pointing to the inadequacy of the ‘greed/grievance’ dichotomy.<sup>26</sup>

### A complex and highly dynamic relationship between civilians and combatants

Much of the recent academic literature depicts the relationship in civil wars between civilians and combatants (be they government or rebel troops) as highly complex and dynamic. Civilians are victims, but they are also perpetrators. Armed elites (government or rebel) manipulate civilians to further their respective interests, but the population’s response also influences the patterns of violence. Given the ambiguity of the relationship, it will remain difficult to distinguish ordinary crime from direct participation in hostilities and to draw a line between civilians and combatants in most of these conflicts.

Key factors relevant to the participation of civilians in intra-state armed conflicts are the focus on rebel recruitment and the determinants for civilians to participate in civil and guerrilla war. In explaining the conversion of civilians to combatants, group-focused approaches emphasize the role of collective grievances, selective incentives and social sanctions.<sup>27</sup> Other approaches, however, shift the analytical focus from groups to individuals and the locus of agency from top-down

24 See e.g. Paul Collier and Anke Hoeffler, ‘Greed and grievance in civil wars’, *Oxford Economic Papers*, Vol. 56 (4) (2004), pp. 563–95; James D. Fearon and David D. Laitin, ‘Ethnicity, insurgency, and civil war’, *American Political Science Review*, Vol. 97 (1) (2003), pp. 75–90.

25 Paul Collier, *Economic Causes of Civil Conflict and Their Implications for Policy*, Department of Economics, Oxford University, 2006, available at <http://users.ox.ac.uk/~econpco/research/pdfs/EconomicCausesofCivilConflict-ImplicationsforPolicy.pdf> (last visited 6 March 2009).

26 For a succinct criticism of Collier and Hoeffler’s approach see Laurie Nathan, *The Frightful Inadequacy of Most of the Statistics: A Critique of Collier and Hoeffler on Causes of Civil War*, Crisis States Discussion Paper, LSE, 2005, available at [www.research4development.info/PDF/Outputs/CrisisStates/dp11.pdf](http://www.research4development.info/PDF/Outputs/CrisisStates/dp11.pdf) (last visited 6 March 2009).

27 Paul Richards, *Fighting for the Rain Forest: War, Youth and Resources in Sierra Leone*, Heinemann, Oxford, 1996; Jean-Paul Azam, ‘On thugs and heroes: why warlords victimize their own civilians’, *Economics of Governance*, Vol. 7 (1) (2006), pp. 53–73; Roger D. Petersen, *Resistance and Rebellion: Lessons from Eastern Europe*, Cambridge University Press, Cambridge, 2001.

to bottom-up.<sup>28</sup> No longer are civilians perceived as mere objects of violence. Instead, violence, although superficially appearing to be politically motivated, may be a pretext for private vendettas and organized crime. While the convergence of the public and the private in this perspective makes the assessment of individual intent a hopelessly complex business, it also greatly complicates an evaluation of civilian conduct in many situations connected to armed conflict.

The approach focusing on bottom-up civilian agency is also relevant to the nature of civilian–warlord relations. A large body of scholarly work centres on the determinants of rebel group behaviour towards the civilian population and tries to explain why some rebel groups deliberately abuse civilians, whereas other rebel groups foster reciprocal and mutually beneficial relations with non-combatants. Three different theoretical explanations dominate the current debate. A first set of approaches explains the variation in rebel group behaviour as being a result of the political and economic *opportunity structures* for rebellion; according to this view, insurgents in resource-rich environments are more likely to engage in violent behaviour towards civilians than those acting in resource-poor environments.<sup>29</sup> However, such findings should be viewed with caution, as they are typically based on macro-level data, but conclusions are drawn with regard to micro-level theories.

A second set of approaches explains the variation in rebel group behaviour as being a result of the *external relations* between groups in the context of state-building processes. Different rebel groups have different and shifting alliances with the various holders of power within the government. According to this view, violent behaviour is more likely if the level of competition between warring groups in areas of contested territory is high. The isolation of a rebel movement from the rest of society may also lead to a situation in which the rebel group becomes lost in its own ‘logic’. The rest of society moves on, and the rebel group’s original political agenda is then out of place or has vanished altogether, leaving it with a purely military and economic agenda – the Revolutionary Armed Forces of Colombia (FARC) is an example of this tendency.<sup>30</sup> A third set of approaches focuses on *intra-group dynamics* connected to group organization and structure to explain when and why rebels inflict violence upon civilians. According to this view, it is the initial social and economic endowment of these groups that defines the patterns of interaction between rebels and society.<sup>31</sup>

28 See e.g. Stathis N. Kalyvas, *The Logic of Violence in Civil War*, Cambridge University Press, Cambridge, 2006.

29 See e.g. Collier and Hoeffler, above note 24. We are indebted to Johannes Hamacher for help with the review of literature on the relationship between civilians and warlords.

30 See e.g. Charles Tilly, *Coercion, Capital and European States: AD 990–1992*, Blackwell, Cambridge, 1990; Virginia M. Bouvier, ‘Colombia’s crossroads: the FARC and the future of the hostages’, *USI Peace Briefing*, June 2008; ‘War and drugs in Colombia’, Latin American Report 11, International Crisis Group (ICG), 27 January 2005, available at [www.crisisgroup.org/home/index.cfm?id=3238&l=1](http://www.crisisgroup.org/home/index.cfm?id=3238&l=1) (last visited 6 March 2009).

31 See e.g. Jeremy M. Weinstein, *Inside Rebellion: The Politics of Insurgent Violence*, Cambridge University Press, Cambridge, 2007.

Civil victimization can be a result of the deliberate targeting of civilians by incumbent authorities and/or one or more insurgent factions. However, the variation in rebel behaviour towards civilians may also be influenced by the behaviour of the civilian population itself. While many studies overlook the impact of civilian agency, warlords and insurgents often depend heavily on a host civilian population (cf. Mao's dictum, 'The people are like water and the army is like fish'). Warlord factions often exist without well-developed war-fighting capacities.<sup>32</sup> This gives civilians a degree of leverage regarding the terms of their relations with the militia, at least insofar as the civilian population is the object of the rebel group's political struggle. Arguably, the provision of mission-critical intelligence and logistical support by civilians for insurgents comes close to what some may consider direct participation in hostilities.

The relations between 'civilians' and armed groups may go even further and be characterized by a certain degree of reciprocity. In a situation where state institutions are weak, where there is no functioning judiciary and the separation of powers is lacking, social groups (formed on the basis of, for example, ethnicity, religion or origin) may organize themselves around a patriarch, a 'big man'. The question is not whether he is a statesman or a rebel leader, but whether he can deliver security and material benefits to his constituency. Violence, exhortations and corruption are part of this 'system'. Even if such methods are illegal, they may be legitimate in the eyes of the constituency, as long as they are necessary for its survival. Where democratic accountability is missing, 'civilians' may use the bond of blood or even the threat of traditional witchcraft to keep their 'big man' in check. Thus the form of accountability and degree of reciprocity of these neo-patrimonial links determine the degree of violence used by the 'big man' towards his constituency.<sup>33</sup>

Similar ambiguity surrounds the labelling of refugee-warriors as either civilians or combatants. Recent research investigates the conditions of refugee militarization, the role of civilians in the spread of conflict across borders, and the function of refugee flows as a means of trafficking small arms and light weapons. These mechanisms are important, because most intra-state armed conflicts in weak states are fought with such firearms and traditional weapons (machetes, axes, hoes, scythes). Refugee participation in hostilities may be direct, indirect or coerced, once again underscoring the difficulty of drawing a line between civilians and combatants.<sup>34</sup>

It should be noted, however, that seemingly spontaneous inter-civilian hostility may on closer inspection prove to have strong underlying state support.

32 See e.g. Marie-Joëlle Zahar, 'Protégés, clients, cannon fodder: civilians in the calculus of militias', *International Peacekeeping*, Vol. 7 (4) (2000), pp. 107–28; John MacKinlay, 'Defining warlords', *International Peacekeeping*, Vol. 7 (1) (2000), pp. 48–62.

33 Chabal and Daloz, above note 3.

34 See e.g. Idean Salehyan and Kristian Skrede Gleditsch, 'Refugees and the spread of civil war', *International Organization*, Vol. 60 (2) (2006), pp. 335–66; Sarah Lischer, *Dangerous Sanctuaries: Refugee Camps, Civil War, and the Dilemmas of Humanitarian Aid*, Cornell University Press, Ithaca, N.Y., 2005.

One example is the organized nature of the genocide in Rwanda: a recent analysis demonstrates the central role played by the Rwandan state in training the militants and distributing traditional weapons and firearms. Elite action was instrumental in organizing an ethnically cohesive ‘civilian self-defence force’.<sup>35</sup> This case shows how the literature has moved beyond notions of civilians as passive receptors of elite propaganda and toward a more nuanced view of civilian mobilization. Elite manipulation and the sustained construction of inter-group fears emerge as key factors accounting for direct civilian participation in acts of ethnic cleansing.

Incentives must therefore be created for part-time militants to disengage from the armed wings of their factions and join the political process. If one believes that people can change, which is a key assumption of mediation and negotiation, then it is not helpful to think in terms of a Manichean world view in which ‘good guys’ and ‘bad guys’ compete. Instead, it will be necessary to create the geopolitical context and appropriate peace processes that foster change in attitude and behaviour. Experience shows that most rebels and governments begin peace negotiations for tactical and face-saving reasons, but realize during the process that they stand to gain more from negotiations than from fighting.<sup>36</sup>

In summary, civilians are not only playing an ever greater role in high-technology warfare, as described with regard to the first trend above, but also an increasingly important and complex role in low-technology conflicts seen in various types of organized political violence within states. In situations where state institutions are weak or non-existent, the lines between the public and private domains are blurred; there is no clear ‘state’, no clear ‘civil society’, and therefore also no clear distinction between civilian and non-civilian players. Both governments and armed non-state players use and target civilians, and are in turn affected by how civilians react to this. Macro-causal structural explanations of intra-state armed conflicts focus on declining economies, the marginalization of groups from political power and the ethno-politicization of group cleavages. Micro-causal explanations focus on dynamic, historical causes, catalytic events, players’ decisions and the mixed motivations of greed and grievance in terms of rebel recruitment and civilian participation in political violence. The violence of rebel groups towards civilians is related to opportunity structures, the external relations of the group and aspects of intra-group organization.

35 See e.g. Philip Verwimp, ‘Machetes and firearms: the organization of massacres in Rwanda’, *Journal of Peace Research*, Vol. 43 (5) (2006), pp. 5–22.

36 Annika Åberg, Sabina Laederach, David Lanz, Jonathan Litscher, Simon J. A. Mason and Damiano Sguaitamatti, ‘Unpacking the mystery of mediation in African peace processes’, report, Mediation Support Project, Center for Security Studies (CSS) and swisspeace, Zurich/Berne, October 2008, available at [www.css.ethz.ch/Mediation\\_in\\_Africa\\_full.pdf](http://www.css.ethz.ch/Mediation_in_Africa_full.pdf) (last visited 6 March 2009); Simon Mason, ‘Learning from the Swiss mediation and facilitation experiences in Sudan’, working paper, Mediation Support Project, Center for Security Studies (CSS) and swisspeace, Zurich/Berne, May 2007, available at [www.swisspeace.ch/typo3/fileadmin/user\\_upload/pdf/Mason-Learning\\_from\\_Swiss\\_mediation\\_experiences\\_in\\_Sudan\\_May\\_2007.pdf](http://www.swisspeace.ch/typo3/fileadmin/user_upload/pdf/Mason-Learning_from_Swiss_mediation_experiences_in_Sudan_May_2007.pdf) (last visited 6 March 2009). See also Chester A. Crocker, Fen O. Hampson and Pamela Aall, *Taming Intractable Conflicts: Mediation in the Hardest Cases*, USIP Press Books, Washington, 2004.

## Merging trends: the new complexity of asymmetric conflicts

The growing potential of stateless groups to wield power and wreak destruction that has emerged in the course of globalization has accentuated the civilianization of armed conflict both in Western high-tech warfare and in local intra-state armed conflict. In the present era of growing interconnectedness the two trends outlined above are merging, as globalization establishes ever closer ties between local life and worldwide structures. Although local factors are likely to remain the primary source of conflict even in this global age, local and global factors interact in determining whether and how it will escalate into armed violence. Furthermore, the global consequences of local conflict will become greater. At the same time, global reactions to local conflict are likely to increase as international players seek to promote stability and engage in state-building efforts.<sup>37</sup>

Serious threats to international stability and security will arise mainly from the convergence of two factors: weak states in regional conflict zones and the spread of global risks. The proliferation of weapons of mass destruction (WMD) and long-range weapons systems, organized crime and global terrorism, global warming and the global spread of diseases all play a multifaceted and interactive part in the dynamics of local armed conflicts in destabilized regions. As civil wars overflow borders, however, their indirect non-military international consequences begin to put pressure on the instruments of homeland security in faraway parts of the world.

Terrorist networks such as al-Qaeda benefit from the existence of weak states and lawless regions. By exploiting the vulnerability of global markets and modern infrastructures, they wage their battle in geographically remote areas and in the dusty recesses of our minds.<sup>38</sup> A similar loss in the protective function of geography is also apparent in the realm of organized crime and the illegal trafficking of both people and goods.<sup>39</sup> In many countries, active migration and integration policies are gaining strategic significance in terms of domestic security, whilst the inflow of qualified individuals and unimpeded mobility across borders remain a key demand of globalized businesses.

Violent political conflict in the twenty-first century will likely be characterized by asymmetric structures, and thus will be marked by a growing

37 See e.g. Christoph Coker, *Globalization and Insecurity in the Twenty-First Century: NATO and the Management of Risk*, Adelphi Paper 345, International Institute of Security Studies, London, 2002; Richard L. Kugler and Ellen L. Frost, *The Global Century: Globalization and National Security*, National Defense University Press, Fort Lesley J. McNair, Washington, 2001, available at [www.ndu.edu/inss/books/Books\\_2001/Global%20Century%20-%20June%202001/globcencont.html](http://www.ndu.edu/inss/books/Books_2001/Global%20Century%20-%20June%202001/globcencont.html) (last visited 6 March 2009); Victor D. Cha, 'Globalization and the study of international security', *Journal of Peace Research*, Vol. 37 (3) (2000), pp. 391–403.

38 See e.g. Fawaz A. Gerges, *The Far Enemy: Why Jihad Went Global*, Cambridge University Press, Cambridge, 2005; Robert Keohane, 'The globalization of informal violence, theories of world politics, and the "liberalism of fear"', *Dialogue-IO*, Vol. 1 (2002), pp. 29–43.

39 See e.g. Cornelius Friesendorf, 'Squeezing the balloon? United States air interdiction and the restructuring of the South American drug industry in the 1990s', *Crime, Law and Social Change*, Vol. 44 (1) (2005), pp. 35–78.

involvement of civilians. A perilous civilianization of armed conflict, resulting from a vicious cycle of interaction between the trends described in this article, can be seen in developments since the end of the Cold War. On the military playing field the gap between the US capability for high-tech warfare and that of all other national militaries widened considerably. The 1991 Gulf War, in particular, seemed to demonstrate the invincibility of the United States in conventional warfare, contributing to a widespread feeling of humiliation in many Arab societies. The lesson was clear: the United States could only be outmanoeuvred by asymmetric warfare. In this context, terrorism as a military tactic was legitimized as a weapon of the weak in their struggle against the overly strong.<sup>40</sup>

Conversely, the terrorist attacks of 11 September 2001 highlighted the vulnerability of the civilian infrastructure of Western societies to such attacks. The clear linkage between the al-Qaeda paramilitary centre of gravity in Afghanistan and the Taliban regime in Kabul enabled Washington to shape a politically robust coalition for the first phase of its 'war on terrorism'. Combining its high-tech capabilities with support for the local opponents of the Taliban, the US-led coalition invaded Afghanistan, overthrowing the Taliban regime and dispersing much of the al-Qaeda leadership.<sup>41</sup>

However, Washington – preoccupied by the doomsday scenario of WMD terrorism and prompted by the naive neoconservative project of a swift democratic transformation of the Arab world – went one step further and implemented a policy of military-induced regime change in Iraq. The fact that the United States chose to present the Iraq invasion as a second phase in the 'war on terrorism' did not carry credibility in the eyes of most of its NATO partners, because the link between Saddam Hussein's regime and al-Qaeda's global terrorist network was spurious and the threat emanating from his alleged WMD programmes less than imminent. At the regional level, the Iraq invasion played into the hands of those forces and ideologies that strove to incite intra-Arab tensions to escalate into a 'clash of civilizations'.<sup>42</sup>

The recent events in Palestine, Lebanon, Iraq, Iran, Afghanistan and Pakistan reveal just how geographical borders seem to disintegrate amid asymmetric conflict. In such conflicts, the human conscience itself increasingly becomes a battle zone. Global terrorism is a communication strategy: the use of violence is thought to instil fear beyond its immediate target; the intended psychological effect of the threat or use of violence is to gain supporters and coerce opponents. Terrorists use hospitals, mosques, video communiqués and the Internet to their advantage as effective instruments of an orchestrated

40 See e.g. Ivan Arreguin-Toft, *How the Weak Win Wars: A Theory of Asymmetric Conflict*, Cambridge University Press, Cambridge, 2005; Martin van Creveld, *The Transformation of War*, Free Press, New York, 1991.

41 See e.g. Doron Zimmermann and Andreas Wenger (eds.), *How States Fight Terrorism: Policy Dynamics in the West*, Lynne Rienner, Boulder, 2007.

42 See e.g. Samuel P. Huntington, *The Clash of Civilizations and the Remaking of World Order*, Simon & Schuster, New York, 1996.

communications strategy.<sup>43</sup> In response, government agencies have accelerated the development of their information warfare concepts and capabilities.<sup>44</sup> However, many of these concepts and capabilities also obscure the distinction between war and peace, between offence and defence, and between military and political responsibilities.

A similar asymmetry, albeit on a different scale, can be found between the military capability of authoritarian states and their 'weak' internal opposition groups. Here, too, the frequent lesson learned by armed non-state groups has been that authoritarian states can only be outmanoeuvred by asymmetric warfare. Insurgent groups such as the Liberation Tigers of Tamil Eelam (LTTE) in Sri Lanka, FARC in Colombia or the Sudan Liberation Movement (SLA) and the Justice and Equality Movement (JEM) in Sudan have little hope of a classic military victory against the central government, yet they can control parts of the territory and it is very hard for the central government to defeat them. The result is that large areas of these countries become unstable and a humanitarian crisis ensues, often spilling over into neighbouring countries.

When the global and the local type of asymmetric warfare merge, the 'civilian/combatant' divide becomes highly contested. First, in some cases the link between local and global conflict is of a direct physical nature. For example, countries in the throes of internal armed conflict may 'host' protagonists from a global terrorist network. Osama bin Laden lived in Sudan and had close ties to the National Islamic Front there (which dominated the Sudanese government) in the mid-1990s. Following pressure from the United States, the Sudanese government opted to support the US Central Intelligence Agency (CIA) with information on terrorists, even while continuing their own internal oppression of opposition groups, for example in Darfur. The links between al-Qaeda and the Taliban in Afghanistan is another example of a local contender hosting a global network, although in this case the local government – the Taliban ruling faction – chose not to co-operate with the United States and was consequently ousted by external intervention.

Second, in other cases the link between local and global conflict is indirect and ideological rather than of a direct physical nature. Local opposition movements may be co-opted by the transnational ideology of al-Qaedaism, internationalize their political ambitions and adopt some of al-Qaeda's tactics of asymmetric warfare. In response, it is quite likely that international players will adapt their policies towards these groups, which in turn may result in new categorizations of them. The implication of the overlap between global and local forms of asymmetric warfare for the concept of direct participation in hostilities is that

43 See e.g. Bruce Hoffmann, *Inside Terrorism*, Columbia University Press, New York, 1998, pp. 197–228.

44 See e.g. Myriam Dunn Cavelty, 'Information operations: Trends and controversies', *CSS Analyses in Security Policy*, Vol. 34 (3) (2008), Center for Security Studies, ETH Zurich, available at [www.crn.ethz.ch/publications/crn\\_team/detail.cfm?id=57145](http://www.crn.ethz.ch/publications/crn_team/detail.cfm?id=57145) (last visited 6 March 2009).

‘combatants’ and ‘civilians’ are likely to be approached differently, depending on political considerations.

In summary, the origins of local, regional and global conflicts are hardly distinguishable from one another. While the physical links between the various players are difficult to trace, the more intangible links via information warfare and ideological influences are far harder to discern. Western institutions and coalitions find themselves deeply involved in complex internationalized intra-state armed conflicts. How they deal with the blurring of boundaries between the civilian and military domains in these conflicts will be a critical factor for the long-term success of their stabilization and state-building efforts.

## Policy implications

The difficulty of distinguishing between combatants and civilians in complex asymmetric conflicts poses political and legal problems, but also very practical ones. These problems limit the applicability of the ‘membership approach’, whereby individuals are legitimate targets of attack if they maintain membership of an organized armed group. However tempting the clear-cut logic of this approach may be from a policy point of view, it does not match the reality of armed conflicts that more often than not involve ruthless factions on all sides, be they government or rebel forces. The actual dynamic interaction that takes place between civilians and combatants reflects the ad hoc character of most armed groups, especially in situations of civil war. Individual membership is often impermanent, and constantly changing coalitions shape the interactions between different groups.

One way of trying to break this deadlock and surmount the danger of political bias when deciding on who is a ‘civilian’ or a ‘combatant’ is to focus on individual conduct rather than on collective labelling. At first this approach seems more or less politically neutral, as the criterion for assessing who should be targeted or protected is the conduct of the individual person, and not the label of the group of which that individual is a member. But even if it makes sense to use conduct, and not the group’s label, as the criterion, new challenges arise. One is the question of how to measure conduct and determine the space between hostile conduct and non-hostile conduct. The same person may kill at night and lead a normal civilian life during the day. How great, then, is the margin between hostile conduct and civilian conduct? How durably must a person lay down his weapon to be considered a non-combatant?

The grey zone between hostile and non-hostile and the way in which it is measured and defined has great implications and will remain a highly political issue. At the policy level, states whose forces are engaged in intra-state armed conflict will tend to argue for an extensive grey zone within which people are still considered to be actively engaged in hostile conduct, so that the operational question of when these people can be targeted is easier to resolve. Humanitarian organizations, on the other hand, will generally argue for a sharp, narrow



delineation between the phase of hostile conduct and the phase of non-hostile conduct, in order to protect innocent civilians.<sup>45</sup>

The fact that this grey zone is a reality unlikely to change soon does not mean that states and international institutions should consider it as the one-sided result of the behaviour of stateless groups, and therefore as a condition of modern armed conflict they simply have to accept. To clarify the legal meaning of the concept of ‘direct participation in hostilities’ is a necessary part of the process of adapting to the changing nature of armed conflict. Just as important, however, is a recognition by states and international institutions that the long-term legitimacy of their policies for dealing with asymmetric conflicts will depend on the way in which they address this challenge.

At the policy level, the following observations warrant special consideration.

Governments should resist the temptation to subordinate their policies and strategies for dealing with regional conflicts to the seemingly more urgent task of combating global terrorism. A policy that presents terrorism as a political force with territorial ambitions and links to authoritarian states not only concedes undue political status to a underspecified and highly fluid opponent, but it also tends to antagonize the region’s moderate elements and enlarge the recruitment pool of the more extremist local forces. While some groups such as al-Qaeda and their paramilitary capabilities call for special attention, terrorism as such should be defined by the nature of the act – representing a deliberate violation of the rules of warfare – rather than by the identity of the perpetrator.<sup>46</sup>

A successful battle against international terrorist groups is predicated upon renewed attention to the local origins of the regional conflicts in the wider Middle East and upon improved living standards for the Arab population. The key challenge lies in the construction of political institutions and state structures that are perceived as legitimate by the local populations, and the creation of economic opportunities aimed at stabilizing countries and regions that have spun out of control. This is a feat that requires the combined endeavours of public, civilian and private players. The reality of complex emergencies must be accepted, since there is always a possibility of groups with transnational networks latching on to local armed conflicts. Nevertheless, the use of force must be tightly controlled and closely linked to political goals, for the targets of counter-insurgency operations are as often individuals as organized military groups.

45 We are indebted to Maurice Voyame for his helpful input on which this paragraph is based. See also Maurice Voyame, ‘The notion of “direct participation in hostilities” and its implications on the use of private contractors under international humanitarian law’, in Thomas Jäger and Gerhard Kümmel (eds.), *Private Military and Security Companies: Changes, Problems, Pitfalls and Prospects*, VS Verlag für Sozialwissenschaften, Wiesbaden, 2007, pp. 361–76.

46 Hoffmann, above note 43, pp. 1–42.

It is not enough, however, to neutralize individuals through police and military action. Collecting local intelligence and winning the support of the local population are vital aims of counter-insurgency operations. In such an environment, collateral damage resulting from high-tech warfare has a disproportionate tendency to backfire at the political level. The key capabilities are instead those intelligence and security capabilities that are geared towards the overlapping areas of military and police operations. There is moreover a huge gap in essential civilian capabilities needed to reform the security sector and build up education, health and justice systems, and much work remains to be done in the integration of efforts to reduce violence and promote economic development and government reform.<sup>47</sup>

In the same vein, governments should reconsider the balance between uniformed personnel and private contractors, in particular in the phase leading from actual hostilities to nation-building. In the fighting phase, private contractors may serve as a multiplier, enabling the commander to use the capabilities at his disposal with greater flexibility. In a nation-building environment, however, outsourcing mission-critical intelligence or security functions to private contractors may negatively affect a commander's direct control over the level of violence, thus undermining the legitimacy of the whole operation.<sup>48</sup>

In 2007, the number of private contractors in Iraq exceeded the number of soldiers there. The highly visible involvement of such contractors in the Abu Ghraib abuses, in unprepared missions (such as that of the Blackwater agents ambushed in Fallujah) and in several shoot-outs that caused civilian deaths has arguably done considerable damage to the credibility of the United States. Washington, as well as other governments, must ask themselves at what point, in the process of outsourcing military and security functions to private contractors, the benefit in terms of increased flexibility is outweighed by a loss of control over the use of force.

Governments must also clarify the nature and scope of modern information operations aimed at influencing an adversary's information or the attitudes of the civilian population in theatres of armed conflict. In asymmetric conflicts the human conscience is increasingly becoming a battle zone on the broad canvas of the globalized media environment. It is a tremendous challenge to distinguish between information operations in combat and general public information activities, for the transition from public diplomacy activities, including foreign propaganda, political marketing and cultural diplomacy, to military psychological operations, including subversive propaganda and disinformation policies, is a fluid one. Democratic states should, as a matter of urgency, clarify what type of operations and under whose authority are legitimate means of warfare under the rule of law.

47 See e.g. David C. Gompert, John Gordon, IV, Adam Grissom, David R. Frelinger, Seth G. Jones, Martin C. Libicki, Edward O'Connell, Brooke K. Stearns and Robert E. Hunter, *War by Other Means: Building Complete and Balanced Capabilities for Counterinsurgency*, RAND, Santa Monica, 2008, available at [www.rand.org/pubs/monographs/MG595.2/](http://www.rand.org/pubs/monographs/MG595.2/) (last visited 6 March 2009).

48 See e.g. Clivaz, above note 16; Dina Rasor and Robert Baumann, *Betraying Our Troops: The Destructive Results of Privatizing War*, Palgrave, New York, 2007.