

# THE GROWING IMPORTANCE OF CIVILIANS IN ARMED CONFLICT

Civilians play an increasingly important and complex role in armed conflicts. At the same time, the lines between “civilians” and “combatants” are becoming blurred. How states and multilateral institutions respond to these challenges is of great importance for the legitimacy and efficiency of their stabilization efforts in crisis areas.



*Militia members in Somalia demonstrating their military capabilities, 4 November 2008 Reuters/STR New*

The nature of armed conflict has been determined since the dawn of the modern age by the nation-state's monopoly on violence. The modern state had a monopoly on warfare that manifested itself in a specific “state of war” and a clear delineation between uniformed soldiers and civilians. As part of this societal contract, civilians were protected against armed violence through norms and practices that were codified by degrees in international humanitarian law. While wars between nation-states have always also resulted in large numbers of civilian victims, as a rule these wars were characterized by military confrontations between regular armed forces, with soldiers making up the bulk of casualty figures.

At the beginning of the 21st century, the situation has changed. In the overwhelm-

ing majority of deaths caused by violent conflict, the victims are civilians, and the indirect effects of conflicts such as disease and famine are even more widespread causes of death than armed violence itself. Even though the number of wars has declined and the world has become a safer place from a long-term perspective, the relative increase of civilian casualties is worrying. It can be best explained with the changing nature of warfare and the relative increase of intra-state conflicts since the end of the Second World War.

On the other hand, in contemporary conflicts, civilians are not only targeted more frequently as victims, but are also increasingly involved – in manifold ways – as actors in armed conflicts. Accordingly, upholding the distinction between “civilians” and “combatants” has become

very difficult in practice. This, in turn, poses a major challenge for international law. A clearer specification of the concept of “Direct Participation in Hostilities” is urgently required, but the task is a highly complex one.

From a strategic point of view, the growing inclusion of civilians in armed conflict can be attributed to three core trends. First of all, the transformation process of Western armed forces that has been underway for years is linked to a growing military role for civilians; secondly, the growing importance of intra-state conflicts has led to an increasing presence and multiplicity of roles for civilian actors in armed conflicts; and finally, third, the phenomenon of globalization has strengthened non-state actors and allowed them to act globally. For the international community of states, the increasing importance of civilian actors in violent conflict and the blurring of the distinction between civilians and combatants are key challenges in dealing with the asymmetric conflicts of the 21st century. The way in which states and international organizations will respond to these challenges is of great importance for the legitimacy and efficiency of their stabilization efforts.

## High-technology forces and privatization

The armed forces of the Western nations have been undergoing a comprehensive transformation process for quite some time now. This can be attributed to several factors such as the changing threat picture and the changes in the demographic,

financial, and normative framework. Two elements that have enhanced the importance of civilians and helped blur the distinction between civilians and combatants in this context are the increasing sophistication of technology used in the armed forces and the privatization of military tasks.

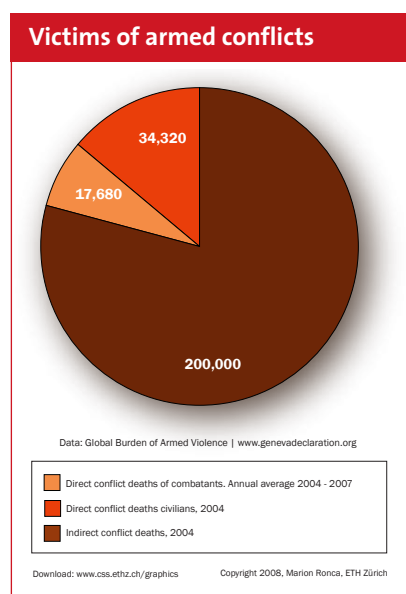
The concept of the Revolution in Military Affairs relates primarily to the US armed forces, which since the 1970s have been relying on high technology as a force multiplier and today are aiming to achieve superiority on the battlefield of the future by networking cutting-edge reconnaissance, command and control, and combat systems. The aim of raising the technological level is also an important part of transformation processes in other armed forces of the world. This development has had several effects on the relationship between the civilian and military spheres.

For example, civilian employees have become increasingly important for maintaining and operating complex weapon systems as well as advanced Command, Control and Communications (C<sub>3</sub>) systems. Civilian employees far from the actual battlefield may now have a direct and mission-critical support function in military engagements. For example, they are frequently responsible for controlling Unmanned Aerial Vehicles, though they themselves are physically removed from the theater of operations. Such civilian experts have become an indispensable component of high-tech armies.

A further point relates to the growing importance of information dominance, which has caused wars to be waged increasingly on virtual battlefields and on the mental plane. While information warfare was originally aimed at degrading the enemy's C<sub>3</sub> and reconnaissance systems, it is today mainly directed towards controlling the political, economic, and military information infrastructure of both the own side and the opponent. Based on the understanding that technology can not only multiply force, but also raise one's own level of vulnerability, there has been a blurring not only of the distinction between offensive and defensive operations, but also of the separation between the civilian and military information arenas. This latter development is not only problematic from a good governance point of view, but has also brought forth

new challenges such as the necessity of civilian-military cooperation for the protection of critical information infrastructure.

The second element, the increasing privatization of military tasks, has also contributed to the growing importance of civilians in armed conflicts. Here, too, the US armed forces have a pioneering role. In its quest for greater strategic, operative, and tactical flexibility, the US military has in the past years outsourced more and more of its tasks to private companies. Some other armies have followed this example.



However, it has become apparent that there can be a conflict of goals between the security actors of the state and those of the corporate sector, since the latter are mainly aiming to achieve financial gain and are less interested in the common welfare in terms of peace, order, and security. In particular, when the state outsources mission-critical functions and core military tasks, it risks jeopardizing the unity of command structures as well as control over the use of force. This can cause legitimacy deficits, as seen in the case of US operations in Iraq. Potential gains in efficiency through private-sector activities must be weighed against possible loss of legitimacy.

### Civilian actors in intra-state conflicts

Civilians have not only gained importance in the context of high-technology warfare and the privatization of military tasks. In intra-state conflicts, which often take place in weak states and at a low techno-

logical level, civilian actors also play an increasingly important and complex role.

Causes of conflicts in civil wars are multi-layered and difficult to determine. Important factors include economic distribution struggles, the exclusion of certain groups from political power, and the ethnopoliticization of social conflict fault lines. In such conflicts, the relationship between the civilian population and combatants (government or rebel forces) is usually a highly complex and dynamic one. Where clearly defined state structures are absent, civilian actors cannot be clearly identified either. In such cases, politics is dominated by neopatrimonial relations between autocratic rulers and their constituency. Voters do not choose a specific political agenda, but support the person that is most likely to secure a material advantage for them. In the popular perception, corruption and violence are regarded as means for securing survival that, while illegal, are not illegitimate.

In such situations, civilians are frequently victims, but may also be perpetrators. Armed elites can manipulate the population for their own purposes; but the population can also influence patterns of violence. The ambivalent and fluctuating relationship between civilians and combatants is also a reason why a clear delineation has become almost impossible to maintain. Against this background, it is easy to see the limitations of the "membership approach", which assumes that individuals become legitimate targets of attack if they are members of an organized armed group. In order to clarify the concept of "Direct Participation in Hostilities", a more promising criterion may be that of individual behavior (the "conduct approach"), even if its applicability in practice will remain limited.

### Global risks of armed conflict

The third trend that has contributed to the growing importance of civilian actors in armed conflicts is globalization. On the one hand, the information revolution and global economic growth have strengthened non-state actors such as NGOs, multinational corporations, and the media, which today play an important role not only in the development and stabilization of states, but also in early warning and political opinion-making related to armed conflicts. On the other hand, globalization has also strengthened non-state actors and networks that today present a core

### Swiss initiatives and engagements (examples)

#### Foreign Ministry and ICRC initiatives for inter-state dialog on the use of private military and security contractors

- Several workshops since 2006
- Aim: To remind states as well as security and military contractors of their obligations under international law as well as to elaborate "good practices" for states
- <http://www.eda.admin.ch/psc>

#### Support for ICRC efforts to specify the concept of "Direct Participation in Hostilities"

- <http://www.icrc.org> report on Direct Participation in Hostilities
- See also: International Review of the Red Cross no. 871 (December 2008), <http://www.icrc.org/eng/review>

#### Financial support for Geneva Call

- Geneva Call is an international humanitarian organization that aims to establish a commitment of non-state armed actors to respect humanitarian norms, in particular the Mine Ban Treaty (Ottawa Treaty): <http://www.genevacall.org/>

threat to the domestic security of states. The permeability of borders and the internet have expanded the scope of action for organized crime and international terrorist networks.

Globalization has resulted in an increase of wealth and security for the majority of the global population. However, it has also created new disparities and a great number of discontented and disenfranchised people. Even in the age of globalization, the main causes of armed conflict continue to be found at the local level. At the same time, the results of local crises are increasingly having a global effect. Political violence movements and organized crime groups can not only use weak states and conflict areas as refuges, but can also project their own interests from there into the centers of the industrialized world.

The destructive potential of non-state violent actors has increased as a result of globalization. At the local level, for example, the greater availability of small arms has strengthened the hand of local violent actors such as militias and pirates. In the context of international terrorism, the greater availability of knowledge and technology for the construction of mass casualty weapons is particularly worrisome. Organizing and leading transnational networks has also become more simple thanks to advances in information technology. Finally, asymmetry, an important structural feature of present-day conflicts, can be understood as the result of interaction between all three of the trends identified above: In view of the technological superiority of state armed forces, non-state actors, who frequently operate from conflict areas, aim to create as much harm as possible at the local or

international level using asymmetrical means.

### Consequences for politics

The increasing significance of civilian actors in armed conflicts and the blurring of distinctions between civilians and combatants pose great challenges not only for international law, but also for the crisis management activities of Western states or international organizations. From a political point of view, four conclusions can be derived. First of all, the Western countries should reconsider the balance between high-tech means and more personnel-intensive military and civilian forces. Experience has shown that high-tech warfare is linked to collateral damage entailing disproportionately high political costs. At the same time, the wars in Iraq and Afghanistan have shown that the usefulness of high-tech armies for counterinsurgency is limited and that they are hardly adequate for other security-policy tasks such as stabilization missions and the creation of state institutions.

Secondly, Western governments should limit the privatization of military tasks to secondary duties such as logistics and training. In military interventions as well as in stabilization operations, they should avoid outsourcing important information and security functions in order to prevent loss of control and legitimacy. Third, democratic states should, as a matter of priority, clarify which kinds of information operations, and under whose authority, can be considered legitimate means of warfare sanctioned by the rule of law. Since the distinctions between public diplomacy measures (such as foreign propaganda, political marketing, and cultural diplomacy) and psychological military operations (such as subversive propa-

ganda and disinformation policies) are blurry, this is a very complex task.

Finally, the Western countries should abstain from subordinating their engagement and strategies for stabilizing regional crisis hotspots to the struggle against international terrorist groups. Though it is important to break up the paramilitary structures of al-Qaida in order to disrupt the group's tactical cohesion, success in the fight against international terrorist networks depends ultimately on whether sufficient attention will be devoted to local causes of regional conflicts in the Near and Middle East and in Africa. The greatest challenges are the formation of political institutions and state structures that enjoy legitimacy in the local context and the creation of favorable economic prospects for the greatest possible part of the population. While the growing importance of private actors in the military operations of states and the concomitant erosion of the state's monopoly on violence is generally a problematic development, the importance of civil-military cooperation in stabilization missions cannot be overestimated. From the point of view of the armed forces, coordination not only with international civilian actors, but also with the local population is crucial.

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