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THE TWENTY-FIRST CENTURY CONFLICTS

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Introduction

Alongside non-international and international conflicts, a third category of armed conflict is emerging: hybrid, asymmetric, and transnational conflicts which involve state and non-state actors such as insurgents or terrorist organizations. Unconventional conflicts are among the trend topics of defense and security, and they pose a threat to the stability of international order. States and international organizations, such as the UN and NATO, face difficulty using legal tools currently provided by international law, in particular international humanitarian law (IHL) and the law of war (Geneva Conventions of 1949 and Hague Conventions). The question is how current international law applies or can be adapted to these conflicts.

Framework

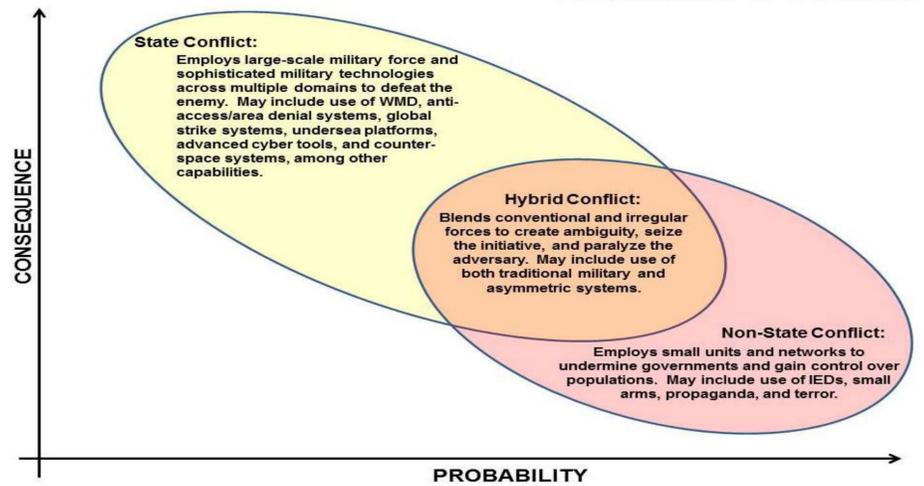
A traditional armed conflict, is limited in temporal physical space: a territory and beginning and end of hostilities. The termination of hostilities is essential for the release of prisoners of war. In a transnational conflict, such as the War on Terror, it is not possible to clearly identify the enemy or define the theatre of operations, that is global. States tackle the War on Terror by expanding the scope of the law of war and restricting the application of IHL.

The War on Terror is, by definition, the non-conventional conflict. It is an undeclared, transnational (global), asymmetric war, involving state and non-state actors (insurgents and terrorists), and presenting new threats, such as cyberattacks. The invasion of Afghanistan (October 2001) represents the beginning of the era of these new conflicts, which have multiplied after the dissolution of the Soviet Union in 1991, and which find a climax in the conflict in Syria (2011). Some conflicts are clearly still evolving; maybe not at the beginning, but in the meantime they can definitely be called “armed conflicts”.

Challenges

Hybrid conflicts characterize the post Cold War era: the NATO bombing of Yugoslavia (1999); the Gulf War (1990); the Iraq War (2003). Some of this military interventions, such as the intervention in Afghanistan (2001) and in Yugoslavia (1999), can be considered as illegal wars of aggression against sovereign countries, in violation of international law, because they did not have UN Security Council support. The same could be said for the Syrian conflict (2011), that is something very special due to the parties involved: state and non-state actors; insurgents; terrorists. These new conflicts are an issue that international organizations, such as the UN and NATO, face difficulty using the tools currently available.

Continuum of Conflict



The National Military Strategy of the United States of America 2015

Article 5 of the *North Atlantic Treaty*, requiring partners to come to the aid of any member state subject to an armed attack, was invoked for the first and only time after 9/11 at request of the U.S., and gave rise to the intervention in Afghanistan. Article 4, which merely invokes consultation among NATO members, was invoked by Turkey in 2012 over the Syrian civil war, and in 2015 after threats by the Islamic State to the Turkish territorial integrity. Both articles have been invoked in connection of hybrid conflicts, which involve state and non-state actors. NATO is evolving in response to new strategic reality, and terrorism is among the most pressing challenges the Alliance and its partners face.

Conclusions

Current rules, as they are applied, are unsuitable for dealing with issues that go beyond the rigid classifications established by international conventions and customary law. International law, in particular IHL, is good as long as it dealt with conventional conflict, or with civil war within a single country, but it shows its limits when faced with hybrid conflict. Probably the international community has to establish new rules to deal with situs of hybrid conflict.

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