

Darejan Tsutskiridze*

Nino Petriashvili**

Commonly Misused Terms: War, Armed Conflict, Civil War and Military Coup D'Etat

Abstract

The aim of the article is linguistic and semantic analysis of concepts such as armed conflict, war, civil war and coup d'etat. In the author's opinion, these concepts do not coincide, and their correct classification will lead to a better understanding of the nature of international conflicts. Authors also draws attention to the need for cooperation between scientists and politicians in the aspect of greater effectiveness of international humanitarian law.

Key words: peacebuilding, law, civilizations, states, conflicts

* Assistant Professor Darejan Tsutskiridze, Georgian Technical University.

** PhD Student Nino Petriashvili, Ilia State University.

Modern international society has been focused on conflict resolution and peacebuilding, improving international relations and intrastate consolidation. Politicians and scholars made some noticeable progress in developing the means of peaceful resolution of conflicts, but the world political map is still covered with slaughterous conflicts because countries across the world are intensively involved in disputes over power and resources.

The article seeks to analyze and isolate the following terms from one another: armed conflict, war, civil war and military coup d'état. These terms are confusing because the distinction between them is vague, which is caused by the abundance of the similar features, rapid escalation, ability of quick transformation from one condition into another, spreading information and disinformation, etc. We assume that isolation of these terms will contribute to the better understanding of conflict situations. Correct classification will lead to accurate diagnosis and promote conflict prevention and resolution.

Firstly, it is very important to define that current International Humanitarian Law is based on just war theory. In general, there are three major war theories: The just war theory, Realism and Pacifism. "The core, and controversial, proposition of just war theory is that, sometimes, states can have moral justification for resorting to armed force. War is sometimes, but of course not all the time, morally right". Realism believes "moral appeals are strictly wishful thinking" when it comes to power and national security. As for the pacifism "war is always wrong"¹. The just war theory is the most influential theory and existing bodies of laws applicable to war are strictly based on it. As for the realism, it is a very popular theory between politicians and political scientists. International or non-international status of conflict determines the means of regulations and the body of law applicable to the particular situation. Sadly, the frequent distortion and concealment of facts blocks the correct identification of the status.

There are no doubts that war is as old as our civilization. The oldest civilizations of Egypt, Sumer, Ancient Greece, Rome, etc. contributed to the development of war science and philosophy. They sought the reasons to justify war and set the rules for launching and waging it. The origin of just war theory is deeply rooted in Ancient Philosophy and Christianity and is related to Augustine. He assumed that to launch the war there had to be right reasons and means. Morality has a great significance. Morality and dignity are the values

1 *Stanford Encyclopedia of Philosophy*, 2000; substantive revision Jul 28, 2005.

which establish justice in the field. The ICRC brochure states: “Measures must be taken to ensure respect for international humanitarian law. States have an obligation to teach its rules to their armed forces and the general public. They must prevent violations or punish them if these nevertheless occur”².

Besides its destructive character, war has brought changes and novelties to our world. Over the last two centuries society has been more mobilized to control the war and its impacts. The intensity and high mortality rate of World War II was a trigger, which made society think again about the existing organizations and leverages to control conflicts. The war dramatically altered the political map of Europe. Political leaders felt the necessity of extending the law of war. This attempt to widen the applicability of the law of war led to the future blurriness.

The confusion around the terms began after the Geneva Conventions broadened the term “war”. “Historically, the applicability of the law of armed conflict often depended upon a State subjectively classifying a conflict as a “war”. Recognition of a state of war is no longer required to trigger the law of armed conflict. After the 1949 Geneva Conventions, the law of armed conflict is now triggered by the existence of “armed conflict” between States”³. Change clarified the situation considerably. It made the IHL more applicable to conflicts, but scientists still were left in confusion. “The scenario has therefore arisen that states have been adamant to recognize a situation as an armed conflict for certain political reasons”⁴. The above tendencies cause the discussion about which contradiction is war and which is armed conflict, which is international conflict, and which is non international conflict, civil war or coup d’etat. Scholars argue about the origin and features of terms and parties to the conflict as well. In the meantime, the definitions of the terms broaden. This fact draws an absolutely new picture of armed conflicts. As a result of our research, we attempt to state our point of view about armed conflicts and make a humble contribution to the resolution of one of the most significant dilemmas.

2 ICRC brochure – What is International Humanitarian Law, Advisory service on International Humanitarian Law.

3 Low of Armed Conflict Deskbook, International and Operational law Department, The Judge Advocate General’s Legal Center and School, U.S. Army Charlottesville, Virginia 2014.

4 C. Chelimo, *Defining Armed Conflict*, „International Humanitarian Law” 2011, vol. 3, no. 04.

War – International Conflict

International armed conflict is defined by the 1949 Geneva Convention “the present Convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them”⁵. The Commentary to the Geneva Conventions states: “It makes no difference how long the conflict lasts, or how much slaughter takes place”⁶. The significance of this commentary is enormous. The urgency of an armed conflict is not supposed to be measured by the level of mortality or its duration. Additional Protocol I to the Conventions supplements the definition of International Armed Conflict: “armed conflicts in which peoples are fighting against colonial domination and alien occupation and against racist regimes in the exercise of their right of self-determination”⁷. The British Defence Doctrine also uses the terms war and armed conflict synonymously and describes war as a condition “when differences between states reach a point at which both parties resort to force, or one of them does acts of violence, which the other chooses to look on as a breach of the peace, the relation of war is set up”⁸.

Internationalized Armed Conflict

International humanitarian law recognizes an internationalized armed conflict as well. “The situation of an internationalized armed conflict can occur when a war occurs between two different factions fighting internally but supported by two different states”⁹. Internationalized armed conflict is more latent and even if an armed conflict is obvious the support groups (foreign states) are not always officially involved. Internationalized armed conflicts transform

5 The Geneva Conventions of 12 August 1949, ICRC, art. 2.

6 J.S. Pictet (ed.), *Commentary: I Geneva Convention for the Amelioration of the Condition Of the Wounded Sick In Armed Forces in the Field 32*, Geneva 1952.

7 Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), Geneva, June 8, 1977, art. 1(4), art. 1.

8 UK Defence Doctrine, (JDP) 0-01, 2014, Ministry of Defence.

9 G.S. Stewart, *Towards a single definition of armed conflict in international humanitarian law: A critique of internationalized armed conflict*, „International Review of the Red Cross” 2003, no. 850, p. 313–350.

local conflicts into international conflicts because external powers frequently support actual parties to the conflict. "When a foreign State extends its military support to the government of a State within which a non-international armed conflict is taking place, the conflict remains non-international in character. Conversely, should a foreign State extend military support to an armed group acting against the government, the conflict will become international in character"¹⁰.

Noninternational Armed Conflict. Civil War and Coup d'etat

Civil war and coup d'etat besides their clear characteristics and definitions are often blurred. According to Vitit Muntarbhorn noninternational armed conflicts are called civil wars by public¹¹. In order to understand civil war and coup d'etat it is important to understand internal armed conflict. Noninternational armed conflicts are more frequent than International armed conflicts. Noninternational armed conflict is less covered by IHL. According to the Common Article 3 of Geneva Conventions noninternational armed conflict is an "armed conflict not of an international character occurring in the territory of one of the High Contracting Parties"¹². The manual on the law of Noninternational Armed Conflict specifies: Noninternational armed conflicts are armed confrontations occurring within the territory of a single State and in which the armed forces of no other State are engaged against the central government¹³. Additional Protocol II Art. 1 supplements GC common Art. 3: noninternational armed conflicts "take place in the territory of a High Contracting Party between its armed forces and dissident armed forces or other organized armed groups which, under responsible command, exercise such control over a part of its territory as to enable them to carry out sustained and concerted military

10 M.N. Schmitt, G.C. Marshall, C.H.B. Garraway, Y. Dinstein, *The Manual on the Law of Noninternational Armed Conflict*, International Institute of Humanitarian Law, Sanremo 2006.

11 V. Muntarbhorn, *Legal Qualification and International Humanitarian Law as „lex specialis“: 10 Basic Questions Concerning International Armed Conflicts... and answers?* [in:] *Current Problems of Humanitarian Law*, Sanremo 2003.

12 The Geneva Conventions of 12 August 1949, ICRC, art. 3.

13 M.N. Schmitt, G.C. Marshall, C.H.B. Garraway, Y. Dinstein, *The Manual on the Law of Noninternational Armed Conflict*, International Institute of Humanitarian Law, Sanremo 2006.

operations and to implement this Protocol”¹⁴. Often the given status of the conflict does not reflect the reality. States attempt to avoid giving international status to the conflict because then IHL becomes applicable. In the case of noninternational armed conflicts “Domestic law still applies. Unlike combatants during international armed conflict, guerrillas do not receive combatant immunity for their war-like acts. They may be punished by the sovereign as any other criminal”¹⁵. Besides not every distinction can reach the level of internal armed conflict. Geneva Conventions do not define civil war or coup d’etat but the criteria given by the Commentary about noninternational conflict defines civil war as well.

“I. Does the group have an organized military force? II. Are members of the group subject to some authority? III. Does the group control some territory? IV. Does the group demonstrate respect for the law of armed conflict? V. Does the government respond to the group with regular armed forces?”¹⁶ and politicians disagree on the meanings of terms armed conflict, war, civil war and military coup d’etat. These terms are confusing because the distinction between them is vague, which is caused by the abundance of the similar features, rapid escalation, ability of quick transformation from one condition into another, spreading information and disinformation, etc. We assume these questions clearly indicate that civil war and coup d’etat definitely are noninternational armed conflicts. The main distinction between these terms is the duration of the conflict and the composition of the parties. “A war has to challenge the sovereignty of internationally recognized state and the rebels were able to mount an organized military opposition to the state and to inflict significant casualties on the state”¹⁷. The average duration of civil wars is 4–5 years while coups are shorter. It may take a couple hours and an adversary of the state is represented by military elite mostly. “Coups are dramatic events that can happen during civil wars. Coups may also provide the initial spark to

14 Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non - International Armed Conflicts (Protocol II), of 8 June 1977, ICRC, art. 1.

15 Low of Armed Conflict Deskbook, International and Operational law Department, The Judge Advocate General’s Legal Center and School, U.S. Army Charlottesville, Virginia 2014.

16 J.S. Pictet (ed.), *Commentary: I Geneva Convention for the Amelioration of the Condition Of the Wounded Sick In Armed Forces in the Field 32*, Geneva 1952.

17 M.W. Doyle, N. Sambanis, *Making War and Building Peace. United Nations Peace Operations*, New Jersey 2006.

a civil war. However, regardless of their bloodiness or long-term consequences, coups are not civil wars"¹⁸.

Scholars are in a distinction between the definitions they give to the specific terms and there is a distinction between the assessment they give to the specific situations. Managing and resolving conflict requires understanding parties as well. Development of International relations broadened the boundaries of cooperation and accordingly of conflict. We assume that isolation of these terms will contribute to the better understanding of conflict situations. Correct classification will lead to accurate diagnosis and promote conflict prevention and resolution. In order to limit the applicability of IHL, parties attempt to get to the very essence of the problem, its history and content and of the interest of the to avoid declaring war, recognizing international armed conflict and even noninternational armed conflict. States fear of non-state groups who become stronger and more organized when the law of armed conflict applies. The application of bodies of law strictly depends on the understanding and assessment of conflict situations. In spite of many existing popular standpoints, the vagueness around the terms remains permanent. For international humanitarian law to become more effective, scholars and politicians have to combine their efforts and continue work together.

Bibliography

- Chelimo C., *Defining Armed Conflict*, "International Humanitarian Law" 2011, vol. 3, no. 04
- Doyle M.W., Sambanis N., *Making War and Building Peace. United Nations Peace Operations*, New Jersey 2006.
- Muntarbhorn V., *Legal Qualification and International Humanitarian Law as "lex specialis": 10 Basic Questions Concerning International Armed Conflicts... and answers?* [in:] *Current Problems of Humanitarian Law*, Sanremo 2003.
- Pictet J.S. (ed.), *Commentary: I Geneva Convention for the Amelioration of the Condition Of the Wounded Sick In Armed Forces in the Field 32*, Geneva 1952.
- Schmitt M.N., Marshall G.C., Garraway C.H.B., Dinstein Y., *The Manual on the Law of Noninternational Armed Conflict*, International Institute of Humanitarian Law, Sanremo 2006.
- Stewart G.S., *Towards a single definition of armed conflict in international humanitarian law: A critique of internationalized armed conflict*, "International Review of the Red Cross" 2003, no. 850.
- Thyne C., *The Impact of Coups d'etat on Civil War Duration*, "Conflict Management and Peace Science" 2015, no. 34(3).

¹⁸ C. Thyne, *The Impact of Coups d'etat on Civil War Duration*, „Conflict Management and Peace Science" 2015, no. 34(3).

Niewłaściwie stosowane terminów: wojna, konflikt zbrojny, wojna domowa i wojskowy zamach stanu

Streszczenie

Celem artykułu jest analiza językowa oraz znaczeniowa takich pojęć jak: konflikt zbrojny, wojna, wojna domowa i zamach stanu. W opinii autorów pojęcia te nie są ze sobą zbieżne, a dokonanie ich prawidłowej klasyfikacji doprowadzi do lepszego zrozumienia istoty konfliktów międzynarodowych. Autorzy zwracają ponadto uwagę, na konieczność współpracy naukowców z politykami w aspekcie większej skuteczności międzynarodowego prawa humanitarnego.

Słowa kluczowe: budowanie pokoju, prawo, cywilizacja, państwo, konflikty