



Reassessing the Classification of Armed Conflicts in Contemporary Warfare

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Abstract

Considering modern forms of warfare, the categorization of armed conflicts under IHL has grown more complicated. IHL has historically made a distinction between NIACs & IACs, each of which is subject to different legal frameworks and degrees of protection. Although this binary framework worked well in traditional interstate or purely internal conflicts, hybrid configurations, cross-border operations, proxy warfare, and the involvement of both state & non-state actors are common in contemporary hostilities. By analyzing treaty law, customary international law, and jurisprudence—with a focus on the interpretive strategies used by international courts and tribunals, such as the International Criminal Tribunal for the former Yugoslavia—this paper critically assesses the sufficiency of the current classification framework. The research identifies enduring ambiguities regarding the thresholds for the start and end of IACs and NIACs, as well as the legal ramifications of foreign intervention and internationalization, through doctrinal analysis and a few chosen case studies, most notably the conflicts in Syria, the Democratic Republic of the Congo, and Ukraine. According to the study, strict adherence to the conventional dichotomy runs the risk of fragmenting the law, delaying court decisions, and providing uneven protection for those impacted by hostilities. In the end, it suggests that to maintain legal certainty, operational viability, and the humanitarian goal of IHL, conceptual clarity should be improved rather than completely abandoned.

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NIAC

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Considering modern forms of warfare, the categorization of armed conflicts under IHL has grown more complicated. IHL has historically made a distinction between NIACs & IACs, each of which is subject to different legal frameworks and degrees of protection. Although this binary framework worked well in traditional interstate or purely internal conflicts, hybrid configurations, cross-border operations, proxy warfare, and the involvement of both state & non-state actors are common in contemporary hostilities. By analyzing treaty law, customary international law, and jurisprudence—with a focus on the interpretive strategies used by international courts and tribunals, such as the International Criminal Tribunal for the former Yugoslavia—this paper critically assesses the sufficiency of the current classification framework. The research identifies enduring ambiguities regarding the thresholds for the start and end of IACs and NIACs, as well as the legal ramifications of foreign intervention and internationalization, through doctrinal analysis and a few chosen case studies, most notably the conflicts in Syria, the Democratic Republic of the Congo, and Ukraine. According to the study, strict adherence to the conventional dichotomy runs the risk of fragmenting the law, delaying court decisions, and providing uneven protection for those impacted by hostilities. In the end, it suggests that to maintain legal certainty, operational viability, and the humanitarian goal of IHL, conceptual clarity should be improved rather than completely abandoned.

Keywords: *IHL, Armed Conflict Classification, International Armed Conflict, NIAC, Hybrid Warfare, Conflict Internationalization*

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1. Introduction

IHL regulates armed conflicts with the principal aim of safeguarding individuals who are not involved, or who have ceased involvement, in hostilities. They set up different rules for IACs & NIACs. This traditional binary classification has long been considered essential for determining the applicability of legal rules and the extent of humanitarian protection during armed conflict.[1] but the changing nature of war has made this strict division less useful.

Modern armed conflicts rarely resemble the classical interstate wars envisioned by the drafters of the Geneva Conventions. Cross-border military operations, indirect foreign interventions, and hybrid forms of warfare that combine international and internal elements.[2] As a result, the distinction between IACs and NIACs has become blurred, making conflict classification a legally complex and contested exercise. Although IHL formally recognizes only these two categories, many present-day conflicts do not fit neatly within either framework, creating uncertainty in the humanitarian norms.[3]

The classification of an armed conflict is not merely a theoretical issue but carries significant legal and practical consequences. Determining whether a conflict qualifies as an IAC or a NIAC dictates which body of IHL applies and, consequently, the level of protection afforded to victims. IACs are governed by an extensive treaty framework, including the full scope of the Geneva Conven-

tions. This disparity means that uncertainty or misclassification may result in reduced legal protections and operational ambiguity for those tasked with applying IHL in real time.

In this context, the classification of armed conflict has become increasingly problematic in modern warfare. The evolving nature of hostilities challenges the adequacy of the traditional IAC-NIAC dichotomy and raises questions about whether existing legal frameworks remain fit for purpose. This dissertation critically examines these challenges, analyzing the legal criteria for conflict classification and the consequences arising from contemporary forms of warfare. By doing so, it seeks to assess whether reinterpretation or reform of the existing classification system is necessary to preserve the humanitarian objectives of IHL.[5]

2. IHL

IHL, which aims to control hostilities and safeguard those who are not or are no longer involved in armed conflict, is the main source of the legal framework governing armed conflict. The four Geneva Conventions of 1949, their Additional Protocols of 1977, & principles of customary international humanitarian law form the foundation of this framework. The classification of the armed conflict as either an IAC or NIAC is a crucial factor in determining the applicability and scope of these legal instruments.

3. IACs

The most extensive body of IHL governs international armed conflicts. Regardless of whether one party acknowledges the state of war, an IAC is created under Common Article 2 of the Geneva Conventions whenever there is a declared war or “any other armed conflict” between two or more High Contracting Parties.[1] Since neither the severity nor the length of hostilities are legally significant, there is a very low threshold for the existence of an IAC. The application of the Geneva Conventions may be triggered by even brief or infrequent uses of armed force between states.

The protection provided to victims of international armed conflicts is further elaborated by Additional Protocol I (1977). Crucially, military occupation scenarios are also classified as IACs, even in the absence of armed opposition, guaranteeing ongoing legal protection for the occupied civilian population.

4. NIACs

In contrast, NIACs are subject to a far more constrained legal framework. Common Article 3 of the Geneva Conventions, which covers “armed conflict not of an international character occurring in the territory of one of the High Contracting Parties,” provides NIACs with the minimal level of protection.

Additional Protocol II (1977) expands the scope of NIAC regulation by limiting its application to situations in which organized armed groups or dissident armed forces, under responsible command, have sufficient control over a portion of a state’s territory to carry out persistent and well-coordinated military operations. Common Article 3 and customary IHL are the main sources of law in many modern conflicts because Additional Protocol II’s higher threshold makes it inapplicable.

International jurisprudence, particularly the Tadić case before the ICTY, has clarified the definition and identification of NIACs. According to the Appeals Chamber, “prolonged armed violence between governmental authorities and organized armed groups or between such groups within a State” constitutes an NIAC. The organization of the armed groups and the level of hostilities were introduced as two cumulative criteria in this formulation.

5. Internationalized and Hybrid Conflicts

Modern armed conflicts frequently blur the traditional distinction between IACs and NIACs, particularly where foreign States intervene in internal conflicts by supporting non-State armed groups. In such situations, determining the applicable legal framework becomes highly contested. International jurisprudence has attempted to address this problem through attribution tests, most notably in the Nicaragua case, where the ICJ adopted the “effective control” test to determine State responsibility for the acts of armed groups.[9]

Conversely, the ICTY in Tadić advanced the “overall control” test, lowering the threshold for internationalization of a conflict where a foreign State exercises a sufficient degree of control over an armed group.[10] the coexistence of these competing standards has generated legal uncertainty and practical difficulties.

6. Case Studies

6.1. The Syrian Conflict

The Syrian conflict illustrates the complexities of classifying contemporary armed conflicts. Initially characterized as a non-international armed conflict between the Syrian government

and various organized armed groups, the conflict later involved multiple foreign states conducting military operations within Syrian territory. These interventions created parallel legal regimes, with some hostilities qualifying as IACs between states and others remaining NIACs.

The simultaneous application of different legal classifications generated uncertainty regarding the applicable rules and accountability mechanisms. Humanitarian organizations faced challenges in determining the legal framework governing their operations, while courts struggled to apply consistent standards of responsibility.

6.2. Democratic Republic of the Congo

Numerous armed groups operated with varying degrees of external support from neighboring states. Legal debates focused on whether such support amounted to sufficient control to internationalize the conflict.

Inconsistent application of control tests resulted in ambiguity and uneven protection for affected populations. The DRC experience highlights the limitations of existing classification frameworks in addressing complex, multi-actor conflicts.

6.3. Russia–Ukraine Conflict

The conflict between Russia and Ukraine, particularly since 2014, exemplifies the challenges posed by hybrid warfare. The use of unmarked troops, denial of direct involvement, and support for separatist forces blurred the distinction between IAC and NIAC. Despite evidence of foreign military participation, classification remained contested for a significant period.

This uncertainty delayed legal clarity and accountability and highlighted the inadequacy of existing thresholds for addressing modern conflict realities.

7. Consequences of Misclassification

Misclassification of armed conflicts carries significant legal, humanitarian, and operational consequences. When an armed conflict is incorrectly categorized, the applicable rules of IHL may be misapplied, resulting in gaps in protection for civilians, combatants, and other affected individuals. For instance, NIACs are governed by more limited provisions than IACs, meaning that misclassifying a hybrid or internationalized conflict as a NIAC could deny parties the broader protections guaranteed under IAC regulations, such as those concerning prisoners of war or the use of certain weapons. Conversely, incorrectly treating a NIAC as an IAC may impose obligations on non-State actors that are impractical or unenforceable, complicating compliance and accountability. Operationally, misclassification can generate confusion for military commanders, who may struggle to implement the correct targeting protocols, leading to unintended civilian casualties and violations of humanitarian law. Politically, misclassification may also affect international responses, such as sanctions, foreign interventions, or recognition of belligerent parties, thereby exacerbating conflict dynamics and undermining conflict resolution. Moreover, at the judicial level, courts and tribunals may face difficulties in adjudicating responsibility and enforcing legal norms, particularly in complex hybrid conflicts where both international and non-international elements coexist. Collectively, these consequences underscore the critical need for accurate conflict classification to uphold the protective and regulatory objectives of IHL while reducing ambiguity for states, armed groups, and the international community.

8. Conclusion

The analysis of contemporary armed conflicts underscores the urgent need for a reassessment of the traditional IAC-NIAC dichotomy. Modern warfare, exemplified by the conflicts in Syria, the Democratic Republic of Congo, and Ukraine, demonstrates that armed engagements increasingly involve hybrid and internationalized elements, blurring the lines between conventional international and non-international armed conflicts.

One key recommendation is the development of clearer guidelines for identifying and classifying hybrid conflicts. This includes establishing objective criteria for foreign state involvement in non-international armed conflicts, particularly in cases of proxy warfare, to determine when such conflicts should be internationalized. The creation of a standardized assessment framework would enable states, courts, and international organizations to apply International Humanitarian Law (IHL) consistently, thereby reducing ambiguity and enhancing protection for affected populations.

Finally, scholars and policymakers should explore the potential of introducing a third category or tiered classification of armed conflicts to better reflect the realities of modern warfare. This could bridge the existing legal gaps and provide more robust protection frameworks for civilians and combatants alike.

In conclusion, the dissertation demonstrates that the classification of armed conflicts in modern times is complex and evolving. Traditional dichotomies often fail to capture the nuanced nature of hybrid conflicts, internationalization, and transnational interventions. Legal ambiguities surrounding the timing, intensity, and foreign involvement in conflicts impede consistent application of IHL.

■ REFERENCES

- [1] Geneva Conventions of 1949; Additional Protocols I and II.
- [2] International Criminal Tribunal for the former Yugoslavia, *Prosecutor v Tadić* (Jurisdiction) IT-94-1-AR72 (2 October 1995).
- [3] International Committee of the Red Cross, *Commentary on the Geneva Conventions of 1949*.
- [4] Geneva Convention (Common Article 3); Additional Protocol II (1977).
- [5] James G Stewart, 'Towards a Single Definition of Armed Conflict in International Humanitarian Law' (2010) 85 *International Review of the Red Cross* 313.
- [6] Dinstein Y, *The Conduct of Hostilities under the Law of International Armed Conflict* (3rd edn, CUP 2016)
- [7] Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (1949)
- [8] Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War (1949)
- [9] Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (1977)
- [10] Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (1977)
- [11] Rome Statute of the International Criminal Court (1998)
- [12] *Military and Paramilitary Activities in and against Nicaragua* (Nicaragua v United States of America) [1986] ICJ Rep 14
- [13] *Prosecutor v Tadić* IT-94-1-A (ICTY Appeals Chamber, 15 July 1999)