

# *Delegated interstate war: introducing an addition to armed conflict typologies*

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## Delegated Interstate War: Introducing an Addition to Armed Conflict Typologies

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## **Delegated Interstate War: Introducing an Addition to Armed Conflict Typologies**

### **Abstract**

Drawing the dividing line between civil and interstate war can be a difficult task. This task is made even more difficult by a gap in the current typology of armed conflict. The conflict studies literature in general and the coding rules of the Uppsala Conflict Data Program in particular acknowledge that internal conflict can involve external actors but ignore that interstate conflict can be disguised as internal rebellion. This creates an unnecessary risk of categorization errors and a risk of neglecting the potential complexity of interstate conflict in the modern world. This article uses Idean Salehyan's distinction between intervention and delegation, the Nicaragua Judgement of the International Court of Justice, and the debate on the causes of the war in eastern Ukraine to illustrate this point. On the basis of this discussion, it proposes the introduction of a new category – delegated interstate conflict – to create a more coherent and symmetrical typology.

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## Introduction

Civil war overshadows interstate war in the modern world in terms of both frequency and destructiveness. According to the Uppsala Conflict Data Program (UCDP)—currently the world’s most comprehensive and elaborate academic database of post-World War II organized violence—interstate conflicts have constituted only a tiny fraction of all state-based armed conflicts recorded since 1946.<sup>1</sup> On average, the UCDP recorded fewer than two interstate conflicts per year, compared to about 29 internal conflicts. Moreover, since 1989, interstate conflict has resulted in an estimate of just over 130,000 combat-related deaths compared to around 1,200,000 combat-related fatalities in internal conflicts.<sup>2</sup>

The conflict studies literature has only relatively recently reacted to the dominance of internal conflict that the UDCP data illustrates. Lars-Erik Cederman and Manuel Vogt argue in their review of the academic literature on civil war “most scholarship using ‘civil war’ as a conceptual category appeared during the past one and a half decades.”<sup>3</sup> This is in line with Stathis Kalyvas’ assessment, who, about ten years earlier, argued “civil war has attracted considerable scholarly attention from various disciplines—though considerably less than interstate war.”<sup>4</sup> Nevertheless, Kalyvas already observed “a recent boom in civil war studies,” which was “fueled by the global shift from interstate to intrastate conflict.”<sup>5</sup>

A shift of research focus toward civil war is an important adjustment to the empirical reality. However, this does not mean that academics should treat interstate conflict as a relic of the past—as something inherently more straightforward and archaic than internal conflict. This article argues the current conflict studies literature, and especially the UCDP’s typology of armed conflict, is in danger of overshooting the mark. The conflict studies literature and the UCDP underestimate the complexity of interstate conflict and the potential blurriness of the dividing line between the two types.

The argument proceeds in five steps. Firstly, the conflict studies literature has paid insufficient attention to the distinction between third-party intervention and third-party delegation in armed conflicts. Secondly, this lack of attention manifests itself in the UCDP’s three-way typology of armed conflict. Thirdly, the introduction of a new category—delegated interstate conflict—can mitigate the risk of neglecting the

potential complexity of interstate war in the modern world. Fourthly, the academic debate on the categorization of the conflict in eastern Ukraine's Donbas region illustrates the usefulness of this new category. Finally, the introduction of delegated interstate conflict should go hand in hand with a new research agenda focusing on forensic case-study research of armed conflict.

## Intervention versus Delegation

This article builds on Idean Salehyan's criticism of the conflict studies literature's disregard for indirect interstate conflict strategies. According to Salehyan, foreign governments often support rebel organizations "as a substitute for the direct use of force" when states want to avoid engaging their own armies in "costly military campaigns."<sup>6</sup> Excluding such cases of conflict delegation from studies of interstate violence "can lead empirical analyses to significantly inflate the amount of peace in the international system."<sup>7</sup>

Salehyan distinguishes delegation from intervention. Intervention, he argues, "suggests that the civil war has domestic roots; foreign governments are tangential to the onset of the war and become involved once fighting is underway."<sup>8</sup> The foreign state has "little direct control or influence over war aims and strategies."<sup>9</sup> Rebel forces "preserve their organizational autonomy."<sup>10</sup> Delegation, on the other hand, "indicates that external actors play an important role in shaping the insurgency" and "are critical to the organization's viability and structure."<sup>11</sup> At the same time, "delegation requires some degree of agenda control over agents—patrons influence the aims, strategies, and tactics of the rebel group."<sup>12</sup>

This distinction is missing from the literature on proxy or surrogate warfare—terms, which are widely used to describe a variety of third-party involvement in armed conflicts. Alex Marshall, for example, argues that both interstate wars, such as Cuba's 1975 operation in Angola, and civil wars, such as the ongoing war in Syria, qualify as proxy or surrogate wars if conflict parties receive foreign support.<sup>13</sup> Vladimir Rauta uses the term proxy war to describe what Salehyan defines as intervention, while Anthony Vinci speaks of proxies to describe what Salehyan defines as delegation.<sup>14</sup> In addition, Amos Fox's proposed theory of proxy/surrogate warfare encompasses both intervention and delegation.<sup>15</sup>

International law, however, draws a dividing line between internal and interstate conflict that is similar to Salehyan's distinction between intervention and delegation. It distinguishes between support for rebel forces on the one hand and effective control over them on the other. A 1986 landmark decision of the International Court of Justice (ICJ)—the judgement in the case *Military and Paramilitary Activities in and against Nicaragua*—assesses this topic in detail. The Court argued that the scale of support that the United States provided to Nicaraguan rebel forces was not sufficient to conclude that all of the rebels' actions were actions of the United States under international law.<sup>16</sup> At the same time, the Court outlined the criteria, which this particular case failed to meet. The Court said that it had had to determine whether the relationship between the United States and the rebels “was so much one of dependence on the one side and control on the other that it would be right to equate the *contras* [rebels], for legal purposes, with an organ of the United States Government, or as acting on behalf of that Government.”<sup>17</sup>

This article proposes merging Salehyan's concepts of intervention and delegation with this legal principle of effective control to create definitions that are more precise. According to these definitions, delegation occurs if a foreign state controls a rebel force to a degree comparable to a state organ. Foreign support that falls below this threshold is intervention.

Drawing the dividing line between civil and interstate war according to these criteria remains a challenging task. Salehyan acknowledges that distinguishing between intervention and delegation can be difficult in practice, because the foreign state may lose control over rebels that it used for delegation, or increase control over rebels after engaging in intervention.<sup>18</sup> Moreover, the ICJ notes that the facts of the *Nicaragua* case were difficult to establish because of the secretive nature of the operations in question—a problem that probably applies to most cases of foreign powers interacting with rebels.<sup>19</sup>

These difficulties are, perhaps, the reason why subsequent studies on foreign sponsorship of rebel forces have not acted on Salehyan's suggestion to distinguish between intervention and delegation. Neither do they pay attention to the differentiation between support and effective control in international law. Instead, they keep these concepts merged within a single variable, which they use for their research on civil war. Salehyan, Kristian Gleditsch, and David Cunningham

investigate which factors determine whether rebel groups receive foreign support.<sup>20</sup> Matthew Moore shows that the transfer of arms to rebels from external sources prolongs civil wars and increases their deadliness.<sup>21</sup> Salehyan, David Siroky, and Reed Wood argue that foreign sponsorship of rebel forces increases the likelihood of crimes against civilians.<sup>22</sup> Bryce Reeder finds that foreign interference in civil wars is an important factor that increases the risk or the severity of subsequent interstate conflict.<sup>23</sup> Henning Tamm investigates under what conditions foreign sponsorship increases or decreases internal cohesion of rebel groups.<sup>24</sup> Milos Popovic finds that rebel forces without a centralized organizational structure are more difficult to control than centralized ones.<sup>25</sup> He also finds that foreign sponsorship increases the chances of alliance formation between different rebel groups.<sup>26</sup> Ryan Grauer and Dominic Tierney argue that the overall likelihood of rebel forces receiving foreign support has increased over time.<sup>27</sup> In addition, Thomas Waldman analyzes the “strategic narratives” which the United States uses to justify its support of rebel forces.<sup>28</sup> All of these works address important issues. None of them, however, questions if what it is researching still qualifies as civil war. On the contrary, all of them imply that all forms of foreign involvement blur the boundary between civil and interstate war in the same way—by introducing an interstate element into a civil war.

### The UCDP’s Three-Way Typology

The UCDP follows the same logic by dividing civil war into two separate categories: Internal armed conflict and internationalized internal armed conflict. Conflicts of the latter category feature intervention from other states. In conflicts of the former category, no such intervention takes place.<sup>29</sup> In light of the above definitions of intervention and delegation, this subdivision of the civil war category raises two questions. Firstly, the UCDP defines intervention from other states in terms of “active troop participation.”<sup>30</sup> What this means is that the UCDP would categorize an internal conflict featuring a brief, insignificant presence of foreign troops as internationalized. At the same time, it would categorize a conflict, in which one side relies on foreign funding, training, or arms instead of troops as purely internal. Secondly, and more importantly, there is no analogous subdivision of interstate conflict. There is no mention of the possibility that interstate conflict may assume forms different from the open clash of two states’ regular armed forces. Just like the wider conflict studies literature, the UCDP does not differentiate between intervention and delegation but



places both forms of foreign involvement in the internationalized internal conflict category.

On first sight, this category may appear as the middle ground between an interstate conflict and a purely internal conflict. However, this is a flawed perception. An internationalized internal conflict is always closer to a purely internal conflict than to an interstate conflict. The UCDP's definition of the internationalized internal conflict category specifies a clear hierarchy between the internal and the international dimension. The rebels are always the primary conflict party and the foreign state is always the secondary party providing support.<sup>31</sup> Essentially, this is a definition of intervention rather than delegation. Consequently, the dichotomous civil-interstate war typology, which still dominates academic research and the wider political and legal discourse, will define all internationalized internal conflicts as civil wars rather than as something in between civil and interstate war.

The UCDP's typology reflects the fact that foreign involvement in civil wars is a widely acknowledged phenomenon in both academia and politics. However, it also reflects a lack of awareness of how important the difference between intervention and delegation actually is. An attack by undercover Special Forces or mercenaries of a foreign state is not the same as a local insurrection that receives foreign support. The former scenario is more similar to an interstate war than to the latter scenario. Vice versa, the latter scenario is more similar to a civil war than to the former scenario. Each scenario requires different policy responses and different approaches to conflict resolution.

What is more, even if a researcher is aware of the possibility that interstate violence may occur in a covert, delegated way, the current typology simply does not offer a way to reflect this. The current three-way typology categorizes cases that do not resemble the classical interstate war scenario of one country openly attacking another with regular armed forces almost always as internationalized internal conflicts. This means that the current typology essentially categorizes such conflicts as civil wars, which they are not. Therefore, ignoring the difference between intervention and delegation increases the risk of categorization errors, which may lead to flawed academic comparisons and flawed policies.

## Introducing Delegated Interstate Conflict

A better alternative would be the creation of delegated interstate conflict as a new subcategory of interstate conflict. This category would include conflicts in which one state engages in armed combat on the territory of another state via irregular militias, which the foreign state controls to such an extent that they effectively act as a state organ. Using this category would create a more symmetrical typology, consisting of interstate, delegated interstate, internationalized internal, and internal armed conflict. This typology would allow comparison according to the civil war-interstate war dichotomy as well as the exclusion and separate study of the mixed categories in between. At the same time, it would increase transparency and reduce the risk of classification errors. Figure 1 illustrates the proposed typology through a simple 2x2 matrix. It is similar to a typology matrix by Simeon Nichter, which David Collier, Jody LaPorte, and Jason Seawright use as an example in their “template for the rigorous construction of typologies.”<sup>32</sup>

Figure 1: Categories of State-Based Armed Conflict

Is a foreign state participating <i>indirectly</i> —either as a secondary conflict party <i>supporting</i> a primary conflict party or as a primary conflict party <i>controlling</i> a secondary conflict party?		Pure conflict: foreign support or control absent	Mixed conflict: foreign support or control present
Is one of the <i>primary</i> conflict parties a rebel group?	Civil war: rebel group present	Internal	Internationalized internal
	Interstate war: rebel group absent	Interstate	Delegated interstate

Source: Author

Estimating the frequency of delegated interstate conflict would require a thorough review of cases that the UCDP currently classifies as internal and internal internationalized. It is unlikely that such a review would find that the prevalence of non-interstate conflict since the end of World War II is due to a large number of wrongly categorized delegated interstate conflicts. However, even a change in the

categorization of a small number of cases could have an impact on the findings of comparative research on interstate war, because this type of war has become such a rare occurrence. In any case and regardless of its frequency, delegated interstate war is more than just a theoretical possibility. An important illustration of this is the conflict in eastern Ukraine's Donbas region.

## The Case of the Donbas Conflict

The Ukrainian authorities have portrayed the conflict in the Donbas as a Russian act of aggression from its beginning. On 13 April 2014, Ukraine's then Acting President Oleksandr Turchynov announced that his administration had initiated a military operation in the east of the country. He said this decision had been made after "terrorist units coordinated by the Russian Federation" occupied police stations in the towns of Sloviansk and Kramatorsk.<sup>33</sup> Ever since, Kyiv's line has remained the same: Ukraine is defending itself against Russia, which attacked Ukraine's southeast using special service units supported by local mercenaries, before intervening with its regular armed forces. Current Ukrainian legislation accuses Russia of armed aggression and labels eastern Ukraine's self-proclaimed separatist republics a "Russian occupation administration."<sup>34</sup> The Russian authorities, on the other hand, have consistently denied any involvement in the conflict beyond humanitarian aid for suffering civilians and the presence of some volunteers with Russian citizenship among the separatist forces. According to Moscow, the conflict is an internal Ukrainian problem. Russia is an arbiter in the peace process but by no means a conflict party.<sup>35</sup>

The nascent academic debate on the nature and causes of the Donbas conflict is not as polarized as the positions of Kyiv and Moscow. Most scholars accept that an interplay between domestic and foreign factors characterizes the conflict. However, when it comes to the relative importance of these factors, the academic debate shows a divide that is similar to the divide in the political discourse. One group of scholars argues for the primacy of interstate factors, while another group argues that internal factors are dominant. Nikolay Mitrokhin locates the primary causes of the conflict in Moscow. He portrays the escalation of violence as a targeted military operation and argues that Russia gradually intensified its military engagement in Ukraine as its destabilization efforts met increasing resistance from Kyiv.<sup>36</sup> Andrew Wilson also concludes "the war that began in 2014 was not a civil war

with foreign intervention but a process catalyzed and escalated by local elites and by Russia, with local foot-soldiers.”<sup>37</sup> In addition, Mark Galeotti emphasizes the role of Russia’s military intelligence service—the GRU—in the Donbas.<sup>38</sup> Serhiy Kudelia, on the other hand, argues, “although many blame Moscow for starting the war in the region, the key role was played by processes that took place within Ukraine.”<sup>39</sup> Ivan Katchanovski claims “the predominant involvement of local separatists at the start of the conflict [...] points to the origins of this conflict as a civil war.”<sup>40</sup> Moreover, Richard Sakwa claims Moscow’s “initial material support” for separatism in the Donbas “was greatly exaggerated by the Kyiv government and its Western supporters.”<sup>41</sup> The UCDP’s current coding seems to be closer to this second group of scholars. It categorizes the conflict in the Donbas as a group of three internal conflicts between the Ukrainian Government and local separatist forces. The UCDP acknowledges Russian support for these forces by defining all of these internal conflicts as internationalized, listing Russia as the secondary conflict party.<sup>42</sup>

Other scholars are likely to use this categorization not only for their research but also for policy recommendations. Jesse Driscoll, for example, argues in a recent policy memo that the UCDP “codes the Ukraine conflict as a civil war.”<sup>43</sup> He then suggests that policy makers should accept this categorization to increase the chances of conflict resolution in the Donbas. According to Driscoll, acknowledging that the conflict is a civil war would allow the pursuit of an “elections first, military drawdown later” approach as a more pragmatic strategy towards peace.<sup>44</sup> As Tymofii Brik points out, interpreting the conflict in this way is problematic. According to Brik, Driscoll’s proposal takes advantage of the UCDP typology’s ambiguity to justify disregard for the interstate dimension of the Donbas conflict. Brik argues that the UCDP’s definition of internationalized internal conflict “does not include the word ‘civil war,’ yet one still could argue that this definition describes civil wars in some generic way.”<sup>45</sup> He claims that this is a matter of personal interpretation, which Driscoll uses to justify a policy proposal that carries the risk of letting Moscow “get away with international crimes” and poses “a serious threat to peace-building in Ukraine.”<sup>46</sup> Brik’s assessment suggests that the current UCDP typology lacks clarity regarding the different ways in which internal and interstate factors can interact in a conflict like the one in Ukraine. Adding delegated interstate war as a category would address this shortcoming and could provide a basis for reassessing the conflict’s categorization.

Mitrokhin, Wilson, and Galeotti, who locate the conflict's primary causes in Moscow, go even further. Although they do not explicitly consider the correct coding of the conflict in datasets, their interpretation clearly suggests that the current categorization is incorrect and that the UCDP should code the events as a single interstate conflict. In turn, this would imply that conflict resolution has to start in Moscow rather than in Kyiv. Interpreting events in the Donbas in this way remains controversial. Just as controversial, however, are the practical implications of the UCDP's current categorization of the conflict. According to the UCDP, the war in the Donbas falls into the same category as, for example, the war in Syria and Russia's role in both conflicts is the same.

## Challenges and Prospects

These academic controversies concerning the correct categorization of the Donbas conflict support the observation by Salehyan and the ICJ that differentiating between intervention and delegation can be a challenging task. A state engaging in conflict delegation will usually make efforts to maintain plausible deniability by covering its tracks, which, in turn, makes it more difficult to establish the exact degree of its involvement. For this reason, the introduction of delegated interstate war should ideally go hand in hand with a new research agenda, which takes a forensic, case study-based approach to studying the origins of armed conflict. A promising methodological framework for this purpose, which has so far received relatively little attention in relation to the study of armed conflict, is process tracing.<sup>47</sup> In cases of older conflicts, process-tracing analysis could take advantage of recently declassified documents or new eyewitness testimony. In cases of recent or ongoing conflicts, it could make use of modern information technology. The Internet and, in particular, the rise of social media has given researchers access to conflict zones at an unprecedented scale. It provides a large volume photo and video material as well as eyewitness accounts that can be gathered, crosschecked, and analyzed. An illustration of how this can work in practice is a recent investigation by the Forensic Architecture research agency into Russia's role in the 2014 Battle of Ilovaisk—a key turning point of the conflict in eastern Ukraine. Forensic Architecture gathered, verified, and catalogued the openly available evidence for Russian involvement in the battle and presented it on an interactive online platform.<sup>48</sup> Even though Russia tried to cover its traces, footage of captured servicemen and destroyed tanks, Google

Earth satellite imagery of military convoys, and eyewitness reports of participants painted a concise picture of its role in the battle. Forensic Architecture's Ilovaisk project is only one example of how journalists and activists have successfully used open source intelligence (OSINT) analysis in the context of the Ukraine conflict. Academic research could build on this work and use OSINT analysis as a basis for process tracing to establish whether the Donbas conflict is a case of delegation or intervention. Researchers could do the same for other conflicts that are taking place in the age of modern information technology.

Naturally, certain limitations remain. Despite the potential of declassified documents and OSINT analysis, gaps in the data are inevitable in cases of covert military aggression. Moreover, there is the problem of personal bias, which means that different researchers may interpret the same data in different ways. However, researchers can mitigate both of these problems to some extent. A recent study by Ezequiel Gonzalez-Ocantos and Jody LaPorte looks at steps that process-tracing research can take to address the problem of missing data.<sup>49</sup> Bayesian logic, on the other hand, can reduce the problem of bias by forcing researchers to make the probabilistic reasoning behind their evaluation of evidence explicit.<sup>50</sup>

Finally, none of the challenges, opportunities, and limitations discussed above is unique to the study of conflict delegation and intervention. They are important topics of academic debate and research both in the field of conflict studies and in the social sciences in general. The introduction of delegated interstate war as a new conflict category will draw attention to them and encourage researchers to engage with them more broadly.

## Conclusion

This article has argued that current armed conflict typologies run the risk of underestimating the complexity of interstate conflict and its role in the modern world. It has discussed the difference between third-party intervention and third-party delegation in armed conflicts, using the work of Idean Salehyan and the Nicaragua Judgement of the ICJ. It has then shown that current academic research fails to pay sufficient attention to this differentiation. The UCDP's armed conflict typology both reflects and exacerbates this lack of attention. Based on this discussion, this article has proposed the introduction of delegated interstate conflict as a new subcategory of interstate conflict. This

subcategory should include conflicts where one state engages in combat on the territory of another state via irregular militias, which the foreign state controls to such an extent that they effectively act as one of its state organs.

This article has illustrated the usefulness of delegated interstate conflict as a category by reviewing the academic controversy regarding the categorization of the conflict in eastern Ukraine's Donbas region. Some scholars portray this conflict as a civil war with some degree of Russian intervention, while others portray it as an invasion in disguise. Currently, both of these hypotheses remain controversial and further research on Russia's role in the early stages of the Donbas conflict is required. However, such research has to take into account that the claim that the Donbas conflict is interstate does not rest on the assumption that it is an open invasion of one country by another country's regular armed forces. It rests on the assumption that the case of the Donbas in 2014 meets the criteria that the ICJ formulated in 1986. This would mean that eastern Ukraine's separatist militias are not an autonomous rebel force but, in fact, an organ of the Russian state, waging a delegated war on the Kremlin's behalf.

Because of the covert nature of both conflict delegation and intervention, the difference between the two phenomena is difficult to establish. However, this article has argued that researchers can address this challenge through forensic case study research based on process-tracing methodology. Combined with such an approach, a four-way typology of armed conflict—consisting of interstate, delegated interstate, internationalized internal, and internal—would improve research on the causes of the Donbas conflict as well as policy proposals resulting from this research. Research on various other past, present, or future conflicts is likely to benefit in similar ways.

## Endnotes

- <sup>1</sup> Civil war is the most common term in the wider conflict studies literature. However, it is not part of the UCDP's terminology, which speaks of internal armed conflict and categorizes a conflict as a war if it leads to more than 1,000 battle-related deaths in a year. Because this distinction is not central to the argument of this article, it will treat the terms civil war, internal conflict and internal armed conflict as interchangeable. The same applies to interstate war, interstate conflict and interstate armed conflict.
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- <sup>8</sup> Salehyan, "The Delegation of War to Rebel Organizations," 500.
- <sup>9</sup> Salehyan, "The Delegation of War to Rebel Organizations," 500.
- <sup>10</sup> Salehyan, "The Delegation of War to Rebel Organizations," 501.
- <sup>11</sup> Salehyan, "The Delegation of War to Rebel Organizations," 501.
- <sup>12</sup> Salehyan, "The Delegation of War to Rebel Organizations," 501.
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- <sup>17</sup> *Nicaragua*, 1986 I.C.J. Reports at 62, par. 109.
- <sup>18</sup> Salehyan, "The Delegation of War to Rebel Organizations," 501.
- <sup>19</sup> *Nicaragua*, 1986 I.C.J. Reports at 38–39, par. 57.
- <sup>20</sup> Idean Salehyan, Kristian Skrede Gleditsch, and David E. Cunningham, "Explaining External Support for Insurgent Groups," *International Organization* 65, no. 04 (October 2011): 709–44, <https://doi.org/10.1017/S0020818311000233>.
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