

Noam Zamir, *Classification of Conflicts in International Humanitarian Law: The Legal Impact of Foreign Intervention in Civil Wars*,
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While the number of international armed conflicts (IACs) has significantly decreased after the Second World War, it is a truism to say that the vast majority of modern armed conflicts consist of non-international armed conflicts (NIACs), or in other words: civil wars. In the aftermath of the second round of the U.S.–led allied missile strikes in Syria, it has also become a new truism that the vast majority of modern NIACs are accompanied by the intervention of foreign states in support of one or more parties.

Even though for lay persons the depiction of the actual situations in countries like Libya, Mali, Syria or Yemen as wars seems obvious and accurate, in legal terms their proper classification is far from clear and certain. Especially when the intervention of a foreign state in support of one or more of the parties may result in parallel armed conflicts taking place in the same territory, the internationalization of a NIAC between a territorial state and a non-state group or reclassification of hostilities between a territorial state and a foreign state from an IAC to a NIAC. This is all the more important given that the adequate classification of a conflict under the regime of international humanitarian law (IHL) constitutes a key matter for proper application of the norms protecting the victims suffering from the hostilities, determining the acceptability of means of warfare and establishing the regime of belligerents' responsibility.

Noam Zamir provides a comprehensive and concise analysis of the issues concerning conflict classification, with particular focus on the impact of foreign state interventions in the internal affairs of states engaged in a NIAC. The presentation of the normative framework of conflict classification, supported by a well-argued contribution to the scholarly discourse of IHL, is the incontestable added value of his work. It is worth noting that his theoretical undertaking is pertinent not only to the development of the IHL doctrine but also to the practice of states.

Zamir's work is based on two hypotheses. First, the classification of conflicts must be supported by a factual analysis of the identity of the belligerent parties to the conflict and the existence of hostilities. Second, it should reflect the eagerness of the majority of states to broaden humanitarian protection to all kinds of armed conflicts, without impeding their sovereign right to put an end to rebellions or other internal disorders and to prosecute non-state group members through their own system of justice.

Moreover, his analysis is solidly intertwined with state practice, a feature that is too often overlooked in some doctrinal works. This research is highly commendable given the difficulties of making a proper analysis of state practice, resulting from the ambiguous language used by states (such as "operations" or "an armed conflict short of war") and the lack of consistent and published classifications of specific conflicts,

which is exacerbated by political motives and the hardships surrounding practical assessments.

The author's reasoning is well structured and praiseworthy. The book is divided into eight chapters, each of which deal with a specific angle of the subject of research, at the same time forming a coherent whole. The very construction of individual parts of the book and chapters testifies to the author's well thought-out argumentation and mastery of materials. Each of the chapters follows the same structural logic: introduction, presentation of the problem, doctrinal findings, case law, state practice, the author's *de lege ferenda* propositions, and conclusions. The author's careful construction is especially visible when it comes to the footnotes, which refer the reader to the individual chapters discussing a particular issue and thus help avoid unnecessary repetitions and contributes to the logic of the reasoning. As a result, the reader is able to follow the theoretical argument and at the same time enjoy the pleasure of reading.

Another noteworthy practice is the author's inclusion in the introductory chapter of a compact glossary of the terms that are used throughout the book, which simultaneously consist of notions that are not without controversy in the IHL doctrine, such as "civil wars" and "internationalisation." Given the complex and highly theoretical division of belligerents under IHL, Zamir organizes them and divides them into three categories: territorial states, foreign states, and non-state groups. One would be tempted to say that at the end of the glossary there is only one thing missing: corresponding diagrams showing the configurations of the analysed conflicts, taking into account the characteristics of belligerents' activities and the subsequent classification of the conflicts.

Chapter 1 presents the historical development of the international ramifications of the distinction between conflicts since the origins of IHL, and enables the author to formulate his first hypothesis: that of states' willingness to broaden the humanitarian protection to include internal wars with simultaneous respect for right of sovereigns to deal with internal disorders and exercise justice towards rebels under their domestic law. Chapter 2 examines the normative framework of the distinction between IACs and NIACs by inferring three aspects that distinguish between these two kinds of armed conflict: 1) different actors; 2) a different threshold of applicability; and 3) different applicable norms.

The next chapters (3, 4, 5 and 6) discuss different configurations of actors involved in an armed conflict and the resulting classification of the conflict. Chapter 3 deals with cases where states intervene directly, using their own forces in support of one of the sides to a civil war. Chapter 4 analyses the case of indirect foreign intervention, such as the supply of training and funds to one of the sides in a civil war. Chapter 5 examines the representation of states and the reclassification of ongoing armed foreign interventions vis-à-vis governmental change(s). Chapter 6 explores those foreign states' armed interventions which are conducted under the auspices of international organisations.

One of the most interesting parts is Chapter 4, in which the author analyses when indirect interventions constitute a use of armed force that can trigger an armed conflict between the foreign state and the territorial state or the non-state group, and what kind

of links are required between a foreign state and the non-state group to internationalise an armed conflict between the territorial state and the non-state group. This issue is of great importance to IHL doctrine, which is not clear when it comes to the determination of what constitutes a use of force, and what's more, what kinds of indirect interventions constitute a use of force. Despite the rather common agreement among scholars that acts like providing funds, logistical support in the form of the intelligence or military supplies, and training to one party in a conflict can constitute cases in which the foreign country is deemed to be waging war, there is virtually no state practice to back this argument (with the isolated example of the conflict in Georgia in 2008). Zamir rightly points out that this issue is illustrative in highlighting the well-discussed gap between the theory and practical application of IHL, while at the same time showing the great power of international tribunals' jurisprudence and scholarly writings in substantiating the IHL despite the lack of state practice. The reluctance of states to acknowledge internationalisation can be understandable in the terms of their internal policy and security, nevertheless the author rightly emphasises that at this stage of IHL development, arguing against the concept of internationalisation is like "tilting at windmills" (p. 149).

Chapter 7 presents a case study of the armed conflict(s) in Yemen since 2015, clarifying and exemplifying arguments examined in the book. If some criticism is due it would concern the discussed examples of civil war. The author analyses the most recent civil wars (in Yemen, Syria, Libya and Mali), which is laudable given that since the 1970s the character and legal ramifications of NIACs, notably due to the development of the case law of the international tribunals, has evolved and some of the previous views in the doctrine no longer correspond to reality. Nevertheless, there is one conflict missing, i.e. the one currently taking place in Ukraine. The wide scope of the author's contribution would be even more complete if he had examined the case of the annexation of Crimea by the Russian Federation in 2014. It seems that his thoughts on the matter would be of great interest, especially to readers from neighbouring countries of the Russian Federation. Nonetheless, the book gathers arguments that are usually raised on the occasion of a singular analysis of a specific conflict, and his comparative method makes his book a valuable and distinctive work.

Finally, as was noted above Zamir's book constitutes not only an important contribution to the doctrine of IHL, but it also deals with issues that are crucial for practitioners. It swiftly and succinctly presents the interests of those territorial states that are probably most concerned with the consequences of foreign state intervention in their internal affairs, and develops the one virtually unstoppable issue of modern IHL – the internationalisation of NIACs due to foreign state interventions.

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