

# Non-International Armed Conflict



*Pictet: Armed Conflict:*

- 1) *organized military force?*
- 2) *subject to some authority?*
- 3) *control territory?*
- 4) *Respect the law of war?*
- 4) *Does the State respond with regular armed forces?*

- Common Article 3
- State v. Insurgent or Non-State
- **Only CA 3 applies**
  - Not full body of GC
  - “Mini-convention”
  - **No Prisoners of War**
  - **No Combatant Privilege**
- Domestic Law applies

# Law Of Internal Armed Conflict

**Ilias Bantekas, Lutz Oette**



## **Law Of Internal Armed Conflict:**

The Law of Internal Armed Conflict Lindsay Moir, 2002-01-03 Laws regulating armed conflict have existed for centuries but the bulk of these provisions have been concerned with wars between states. Relatively little attention has been paid to the enormously important area of internal armed conflict. At a time when international armed conflicts are vastly outnumbered by domestic disputes, this book seeks to redress the balance through a comprehensive analysis of those rules which exist in international law to protect civilians during internal armed conflict. From regulations in the nineteenth and early twentieth centuries according to the doctrine of recognition of belligerency, this book traces the subsequent development of international law by the Geneva Conventions and their additional Protocols as well as through the more recent jurisprudence of the Yugoslav and Rwandan tribunals. The book also considers the application of human rights law during internal armed conflict before assessing how effectively the applicable law is and can be enforced. The Law and Internal Armed Conflict

Kary B. Reed, 1999 **The Law of Internal Armed Conflict** Lindsay Moir, 2002 Moir examines the laws designed to protect civilians in internal armed conflict. He traces the development of international law from the nineteenth century to conflicts in Rwanda and the former Yugoslavia, how human rights can protect during armed conflict and how effectively and by whom the rules can be enforced. **WAR CRIMES IN INTERNAL ARMED CONFLICTS** EVELA HAYE, 2019-04-15 This book grew from many personal and professional experiences researching and teaching at the London School of Economics and Political Science, working at the International Criminal Tribunal for the former Yugoslavia (ICTY) and taking part in the negotiations of the International Criminal Court (ICC) statute and the elements of crimes and from stimulating discussions with many friends and colleagues along the journey. The Law of Non-International Armed Conflict Sandesh

Sivakumaran, 2012-08-09 The Law of Non-International Armed Conflict brings together and critically analyses the disparate conventional, customary and soft law relating to non-international armed conflict. All the relevant bodies of international law are considered, including international humanitarian law, international criminal law and international human rights law. The book traces the changes to the legal framework applicable to non-international armed conflict from ad hoc regulation in the nineteenth and early twentieth century to systematic regulation through the 1949 Geneva Conventions and 1977 Additional Protocols to the transformation of the law in the mid 1990s. Armed conflicts ranging from the US civil war, the Algerian War of Independence and the attempted secession of Biafra through to the current conflicts in Colombia, the Philippines and Sudan are all considered. The identification and analysis of the law is complemented by a consideration of the practice, allowing both violations of and respect for the law to be ascertained. Given that non-international armed conflicts are fought between states and non-state armed groups or between armed groups, particular attention is paid to the oft-neglected views of armed groups. This is done through an analysis of hundreds of statements, unilateral declarations, internal regulations and bilateral agreements issued by armed groups. Equivalent material emanating from states parties to conflicts is also

considered The book is thus an essential reference point for the law and practice of non international armed conflicts

**The International Committee of the Red Cross in Internal Armed Conflicts** Rajeesh Kumar,2018-09-29 This book critically examines the possible dilution of the neutrality principle of the International Committee of the Red Cross ICRC in internal armed conflicts It begins with the proposition that the intervention of ICRC in internal armed conflicts led to compromises in neutrality and questioned the autonomy and independence of the organization The book also argues that the field operations of the international humanitarian organizations during internal armed conflicts are dependent on the authority exercised by the state in whose territory the conflict persists The ICRC s involvement in Sri Lanka and Sudan provides empirical support to validate these propositions and arguments The cases also show that for the ICRC it is hard to be neutral and impartial in situations of internal armed conflicts and such conflicts present formidable challenges to maintain its organization autonomy as well The larger purpose of the book is to contribute to the policy re formulation of the international humanitarian organizations in internal armed conflict the most significant challenge in the field at present

The Law of Armed Conflict Gary D. Solis,2016-04-18 This book introduces students to the essential questions of the law of armed conflict and international humanitarian law Lawmaking under Pressure Giovanni Mantilla,2020-12-15 In Lawmaking under Pressure Giovanni Mantilla analyzes the origins and development of the international humanitarian treaty rules that now exist to regulate internal armed conflict Until well into the twentieth century states allowed atrocious violence as an acceptable product of internal conflict Why have states created international laws to control internal armed conflict Why did states compromise their national security by accepting these international humanitarian constraints Why did they create these rules at improbable moments as European empires cracked freedom fighters emerged and fears of communist rebellion spread Mantilla explores the global politics and diplomatic dynamics that led to the creation of such laws in 1949 and in the 1970s By the 1949 Diplomatic Conference that revised the Geneva Conventions most countries supported legislation committing states and rebels to humane principles of wartime behavior and to the avoidance of abhorrent atrocities including torture and the murder of non combatants However for decades states had long refused to codify similar regulations concerning violence within their own borders Diplomatic conferences in Geneva twice channeled humanitarian attitudes alongside Cold War and decolonization politics even compelling reluctant European empires Britain and France to accept them Lawmaking under Pressure documents the tense politics behind the making of humanitarian laws that have become touchstones of the contemporary international normative order Mantilla not only explains the pressures that resulted in constraints on national sovereignty but also uncovers the fascinating international politics of shame status and hypocrisy that helped to produce the humanitarian rules now governing internal conflict **International Conflict and Security**

**Law** Richard Burchill,Nigel D. White,Justin Morris,2005-06-23 Hilaire McCoubrey wrote extensively in the area of armed conflict law and on the issues of collective security law and the law relating to arms control Although he died at the early age

of 46 in 2000 he had contributed significantly to the separate study of these areas but also to the idea of studying the issues as a whole subject The collection covers difficult and controversial issues in the area of conflict and security law The contributors drawn both from academe and practice provide expert analysis of many aspects of the law governing armed conflict and collective security As well as providing a fitting tribute to the main aspects of Hilaire's contribution to knowledge the volume provides a coherent reconsideration and development of key aspects of conflict and security law at a time when that law is being applied breached debated or reformed on almost a daily basis

*The Formation of the Treaty Rules Applicable in Non-international Armed Conflicts* Laura Perna, 2006 The purpose of this work is to trace the processes that led and continue to lead to the formation of the treaty norms applicable in non international armed conflicts If the purpose of humanitarian law is to achieve a balance between military necessity and humanitarian considerations and to prevent unnecessary suffering and destruction humanitarian law rules should be equally applicable to both international and internal armed conflicts Whilst however there are a huge number of treaty provisions applicable to international armed conflicts very few provisions are specifically designed to regulate non international armed conflicts despite the dramatic increase in the number of such conflicts The study investigates the reasons behind the differences by analysing inter alia questions such as Where does the international law of internal armed conflicts come from Why did it evolve differently from the law regulating international armed conflicts Where is the international law of internal armed conflicts going

*Internationalized Armed Conflicts in International Law* Kubo Macak, 2018-07-19 This book provides the first comprehensive analysis of factors that transform a prima facie non international armed conflict NIAC into an international armed conflict IAC and the consequences that follow from this process of internationalization It examines in detail the historical development as well as the current state of the relevant rules of international humanitarian law The discussion is grounded in general international law complemented with abundant references to case law and illustrated by examples from twentieth and twenty first century armed conflicts In Part I the book puts forward a thorough catalogue of modalities of conflict internationalization that includes outside intervention State dissolution and recognition of belligerency It then specifically considers the legal qualification of complex situations that feature more than two conflict parties and contrasts the mechanism of internationalization of armed conflicts with the reverse process of de internationalization Part II of the book challenges the conventional wisdom that members of non State armed groups do not normally benefit from combatant status It argues that the majority of fighters belonging to non State armed groups in most types of internationalized armed conflicts are in fact eligible for combatant status Finally Part III turns to belligerent occupation traditionally understood as a leading example of a notion that cannot be transposed to armed conflicts occurring in the territory of a single State By contrast the book argues in favour of the applicability of the law of belligerent occupation to internationalized armed conflicts

*The Law of Armed Conflict and the Use of Force* Frauke Lachenmann, Rüdiger Wolfrum, 2017 This volume collects articles on the law of armed

conflict and the use of force from the Max Planck Encyclopedia of Public International Law to facilitate easy access to content from the leading reference work in international law      Legal Normativity in the Resolution of Internal Armed Conflict Philipp Kastner, 2015-08-07 With an estimated ninety five percent of the world's armed conflicts occurring within individual states resolution and prevention of internal conflicts represent a main driver of global peace Peace negotiations stand outside the traditional formalism of lawmaking and represent a uniquely privileged moment to observe the rise or adjustment of the legal framework of a given state Based in a socio legal and pluralistic understanding of law this book explores the normative dynamics of peace negotiations It argues that the role of law in the peaceful resolution of internal armed conflicts has been greatly underestimated and that legal theory can and should contribute to a better comprehension of these processes Including thematic case studies from Darfur North South Sudan Uganda Cote d'Ivoire Colombia Sri Lanka Sierra Leone Mozambique Bosnia and Israel Palestine this volume will be of use to scholars students and affiliates of international organizations and non governmental organizations      **Military Law Review**, 2002      **International Law and the Classification of Conflicts** Elizabeth Wilmschurst, 2012-08-02 International law separates international from non international conflicts This book discusses how this categorisation operates identifying the legal questions raised Case studies show how this impacts on issues like detention in armed conflict and the relationship between human rights and humanitarian law      **International Law Reports** E. Lauterpacht, C. J. Greenwood, 1997-08-28 International Law Reports is the only publication in the world wholly devoted to the regular and systematic reporting in English of decisions of international courts and arbitrators as well as judgements of national courts It is therefore an essential work of reference Cases are drawn from every relevant jurisdiction international and national The volumes are prepared at the University of Cambridge Research Centre for International Law All decisions in other languages are translated into English Because of the standing and scope of its coverage the series is widely cited in judgements of international and national tribunals No other publication provides a comparable coverage of case law in this field Essential for every library providing even minimal international coverage The most economical and efficient way of accessing the whole range of international case law material      International Law Malcolm N. Shaw, 2014-09-18 This new edition of International Law confirms the text's status as the definitive book on the subject Combining both his expertise as academic and practitioner Malcolm Shaw's survey of the subject motivates and challenges both student and professional By offering an unbeatable combination of clarity of expression and academic rigour he ensures both understanding and critical analysis in an engaging and authoritative style The text has been updated throughout to reflect recent case law and treaty developments It retains the detailed references which encourage and assist further reading and study      The contemporary law of armed conflict: Third edition Leslie C. Green, 2018-07-30 Green's The contemporary law of armed conflict has been acclaimed as one of the most significant works on the law of armed conflict to appear in recent years The first edition was adopted as a basic text by military institutions and

educational establishments throughout the world and is among the most comprehensive and readable works on the subject. This new edition brings the work up to date examining the significance of the World Court's Opinion on the legality of the nuclear weapon. It also considers the importance of such matters as the laser weapon agreement, the mines treaty and the jurisprudence of the two war crimes tribunals that for the former Yugoslavia as well as for Rwanda, and assesses the role of the proposed International Criminal Court as it may affect the law of armed conflict. The book applies a practical as well as a theoretical approach and draws on an extensive range of national and international practice. It is thus an indispensable reference for the armed forces and government defence organizations as well as academics and students interested in the modern law of war.

International Human Rights Law and Practice Ilias Bantekas, Lutz Oette, 2024-02-15. Now in its fourth edition, Bantekas and Oette's textbook on international human rights law is the key text around the globe for both undergraduate and graduate level courses in law and other disciplines with a human rights dimension. It covers theoretical approaches to rights as well as its practice from grassroots activism to strategic litigation. In addition to classical topics of human rights, the book includes chapters on the interface between investment trade and human rights, terrorism, the protection of vulnerable persons such as LGBTQIA persons with disabilities, older persons and others, the rights of women, international criminal and humanitarian law, the right to development and sustainable development, reparations and victims' rights and many others. It has been widely adopted by instructors across the globe for LLM JD and LLB courses.

**Contemporary Challenges to the Laws of War** Caroline Harvey, James Summers, Nigel D. White, 2014-10-16. This book brings together leading experts to explore contemporary issues facing the laws of war.

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