

Non-International Armed Conflicts in International Law

YORAM DINSTEIN

SECOND EDITION



Non International Armed Conflicts In International Law

Sandesh Sivakumaran



Non International Armed Conflicts In International Law:

Internationalized Armed Conflicts in International Law Kubo Macak, 2018-07-12 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 Non-International Armed Conflict Sandesh Sivakumaran, 2012-08-09 Non international armed conflicts now far outnumber international ones but the protection afforded by international law to combatants and civilian is not always clear This book will set out the legal rules and state practice applicable to internal armed conflicts drawing on armed conflicts from the US civil war to present day

Non-International Armed Conflicts in International Law Yoram Dinstein, 2014-08-21 This dispassionate analysis of the legal implications of non international armed conflicts explores the rules regulating the conduct of internal hostilities as well as the consequences of intervention by foreign States the role of the Security Council the effects of recognition State responsibility for wrongdoing by both Governments and insurgents the interface with the law of human rights and the notion of war crimes The author addresses both conceptual and specific issues such as the complexities of failing States or the recruitment and use of child soldiers He makes use of the extensive case law of international courts and tribunals in order to identify and set out customary international law Much attention is also given to the contents of available treaty texts primarily the Geneva Conventions Additional Protocol II and the Rome Statute of the International Criminal Court what they contain and what they omit

The Law of Non-international Armed Conflict Sandesh Sivakumaran, 2012 This book 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 the Colombia 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 Law of International Humanitarian Relief in Non-International Armed Conflicts Matthias Vanhullebusch, 2021-10-05 This book comprehensively covers the entire scope of conflicting rights and duties of the fighting parties and international humanitarian relief actors in non international armed conflicts namely from the moment of the initiation of international humanitarian relief actions till their authorisation and throughout the consecutive stages of the delivery of relief From the practice of frontline humanitarian negotiations this book reconceptualizes how those rights and duties are coming into being and how compliance with agreements on humanitarian access and other international humanitarian law and international human rights norms can be ensured and or their normativity can be strengthened *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

The Concept of Non-International Armed Conflict in International Humanitarian Law Anthony Cullen, 2010-04-08 Anthony Cullen advances an argument for a particular approach to the interpretation of non international armed conflict in international humanitarian law The first part examines the origins of the armed conflict concept and its development as the lower threshold for the application of international humanitarian law Here the meaning of the term is traced from its use in the Hague Regulations of 1899 until the present day The second part focuses on a number of contemporary developments which have affected the scope of non international armed conflict The case law of the International Criminal Tribunals for the former Yugoslavia has been especially influential and the definition of non international armed conflict provided by this institution is examined in detail It is argued that this concept represents the most authoritative definition of the threshold and that despite differences in interpretation there exist reasons to interpret an identical threshold of application in the Rome Statute , *The Customary International Law Applicable in Non-International Armed Conflicts* Emily

Crawford,2011 This article looks at the emergence and evolution of the customary international humanitarian law applicable in situations of non international armed conflict In the years since the adoption of the Geneva Conventions and the Additional Protocols a large number of rules relating to conduct in armed conflict have crystallised as customary international law applicable in all instances of armed conflict The significance of such development is that there are far fewer treaty rules regulating conduct in non international armed conflict than in international armed conflict Customary international humanitarian law has stepped in to fill in many of the lacunae in the current treaty law of non international armed conflict It is now possible to speak of a comprehensive body of rules that are applicable in all instances of armed conflict Twenty first century armed conflict continues to evolve and defy traditional definitions of armed conflict as mainly the preserve of sovereign States Any harmonisation of the law relating to armed conflict can only be beneficial in ensuring that more of these non traditional armed conflicts fall within the regulatory scope of the law of war

Violations of the Rules Applicable in Non-International Armed Conflicts and Their Possible Causes Omar Abdulle Alasow,2010-05-17 While all armed conflicts are marked by violations of international humanitarian law non international armed conflicts appear to be characterised by even more serious violations of international humanitarian law on a colossal scale This study is aimed at understanding the possible factors that may cause parties to non international armed conflicts to engage in violations despite the fact that not only international humanitarian law but also other bodies of rules e g legal and moral impose restrictions and obligations similar to international humanitarian law Somalia which for over two decades has been experiencing internal armed conflicts marked by widespread violations is a typical case This study addresses the root causes of the internal armed conflict in Somalia and identifies factors which contributed to the collapse of the Somali state and the reasons for its continuing conflict It also examines the characteristics of the conflict In order to examine the extent to which applicable rules have been respected or not the study examines both international rules applicable in non international armed conflicts and specific Somali rules of warfare After demonstrating evidence of violations and analysing it this study seeks to identify possible direct and indirect causes of these violations In addition it also seeks to identify whether such possible causes contribute to violations that are unique to the situation in Somalia or if not whether there may be lessons to be learnt for other situations similar to that in Somalia

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