

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

Manual Non International Armed Conflict

Yoram Dinstein, Fania Domb



Manual Non International Armed Conflict:

The Manual on the Law of Non-international Armed Conflict Michael N. Schmitt, International Institute of Humanitarian Law, 2006 **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 civilians 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 Conflict in the Twenty-first Century* Kenneth Watkin, Andrew J. Norris, 2012 Examines the legal issues surrounding non international armed conflict NIAC in the modern era 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 Israel Yearbook on Human Rights, Volume 36 (2006) Yoram Dinstein, Fania Domb, 2006-11-01 The Israel Yearbook on Human Rights an annual published under the auspices of the Faculty of Law of Tel Aviv University since 1971 is devoted to publishing studies by distinguished scholars in Israel and other countries on human rights in peace and war with particular emphasis on problems relevant to the State of Israel and the Jewish people The Yearbook also incorporates documentary materials relating to Israel and the Administered Areas which are not otherwise available in English including summaries of judicial decisions compilations of legislative enactments and military proclamations The highlight of Volume 36 of the Israel Yearbook on Human Rights is a reproduction of the full text and commentary of a new Manual relating to Non International Armed Conflicts prepared by a Drafting Committee under the aegis of the San Remo International Institute of Humanitarian Law This is a sequel to the well known San Remo Manual on International Law Applicable to Armed Conflicts at Sea published in 1995 The new Manual reflects the results of a larger Project launched by the Institute the background papers of which were printed in full in volume 30 2000 of the Yearbook The sphere of non international armed conflicts is gaining increasing importance and attention due to the growing frequency and menace of internal wars The imperative need to come up with an authoritative restatement of the law governing these conflicts has become obvious This is a first attempt of its kind and it is bound to arouse interest and debate Non-Binding Norms in International Humanitarian Law Emily Crawford, 2021-12-23 This monograph examines and analyses the

phenomenon of non binding instruments also known as soft law in the law of armed conflict or international humanitarian law In the past 30 years there have been several non binding instruments created designed as either best practice guidelines or re statements of applicable law These instruments are not treaties but they nevertheless put themselves forward as authoritative statements of what the law is and in some instances what the law should be Soft law instruments can be dynamic prompt and responsive measures to address pressing issues in armed conflicts By drawing on the skill of a small group of experts these instruments can be debated and drafted in a timelier manner than if these issues were to be left to the international community of 194 States to resolve Furthermore because these instruments do not have to be sent for debate to an international conference of States it means that the provisions are not subject to the usual revisions reservations and dilutions that come with attempting to reach consensus However there are potential and actual problems with these instruments and the processes that bring them to fruition and how they are received in practice by States and other stakeholders This volume looks at the benefits and drawbacks for States and non State actors with regards to soft law whether they are effective additions to the law of armed conflict analysing the development through the lens of theories of legitimacy and legality in international law

The Treatment of Combatants and Insurgents Under the Law of Armed Conflict Emily Crawford,2010-01-14 This book looks at why international law continues to make the legal distinction between persons who participate in an international or an internal armed conflict and drawing on considerable legal precedent legal theory and the situation in Guantanamo Bay it argues that it is time for the law of armed conflict to be applied more uniformly

Intersections in International Cultural Heritage Law Anne-Marie Carstens,Elizabeth Varner,2020-05-15 The recent spate of threats to cultural heritage including in Iraq Mali Nepal Syria and Yemen has led to increased focus on the sources of international cultural heritage law This edited volume shows that international cultural heritage law is not a discrete and contained body of law but one whose component parts are drawn from diverse fields of public international law It shows how cultural heritage law has been shaped by its interaction with other areas of international law and how it has contributed to international law in turn In this volume scholars and practitioners explore some of the primary points of intersection between international cultural heritage law and public international law Chapters explore intersections with the law of armed conflict international and transnational criminal law international human rights the international movement regulation and restitution of cultural artefacts and the UN system The result is a cohesive collection that not only explores many facets of the intersections of cultural heritage law and public international law but also examines how the regimes operate together and how the relationship between them largely facilitates but also sometimes hinders the development of international law governing the protection of cultural heritage

Non-Participation in Armed Conflict Constantine Antonopoulos,2022-03-03 Revisits the law of neutrality and discusses its relevance to contemporary international and non international armed conflict

Weapons and the Law of Armed Conflict William H.

Boothby, 2016-03-10 Bringing together the law of armed conflict governing the use of weapons into a single volume the fully updated Second Edition of *Weapons and the Law of Armed Conflict* interprets these rules and discusses the factors influencing future developments in weapons law After relating the historical evolution of weapons law the book discusses the important customary principles that are the foundation of the subject and provides a condensed account of the law that exists on the use of weapons The treaties and customary rules applying to particular categories of weapon are thereafter listed and explained article by article and rule by rule in a series of chapters Having stated the law as it is the book then explores the way in which this dynamic field of international law develops in the light of various influences The legal review of weapons is discussed both from the perspective of how such reviews should be undertaken and how such a system should be established Having stated the law as it is the book then investigates the way in which this dynamic field of international law develops in the light of various influences In the final chapter the prospects for future rule change are considered This Second Edition includes a discussion of new treaty law on expanding bullets the arms trade and norms in relation to biological and chemical weapons It also analyses the International Manuals on air and missile warfare law and on cyber warfare law the challenges posed by lethal autonomous weapon systems and developments in the field of information and telecommunications otherwise known as cyber activities

International Law Malcolm N. Shaw, 2021-07-22 An authoritative and engaging work combining straightforward exposition with extensive footnotes for further research

Military Necessity in International Cultural Heritage Law Berenika Drazewska, 2021-12-13 This book offers the first comprehensive scholarly analysis of the current meaning and scope of military necessity a key concept in the international legal framework for the protection of cultural heritage during armed conflicts since the adoption of the 1954 Hague Convention Academic discussions commonly view military necessity uniquely through the lens of international humanitarian or international criminal law In her book Berenika Drazewska presents a more comprehensive perspective examining developments across various strands of international law arisen since 1954 This novel approach demonstrates how international cultural heritage law affords a particularly strict meaning to military necessity As a result the relative waiver will only be available to belligerents very rarely in truly extraordinary circumstances Drazewska's *Military Necessity in International Cultural Heritage Law* engages a significant issue in this rapidly evolving field of international law the inclusion of necessity in regulation of the protection of cultural heritage during armed conflict after 1945 Its very inclusion was viewed as a major concession which is only multiplied because of the difficulties of its application on the ground This thorny issue has come to the fore again with large scale cultural losses inflicted during recent armed conflicts Elegantly written and scholarly in its approach this book places this question and possible answers to it within the broader sweep of international law and recent developments not only in international humanitarian law but state responsibility international criminal law and international criminal law It offers a significant and timely reexamination and reconceptualization of this important topic Prof Ana Filipa Vrdoljak UNESCO Chair

in International Law Cultural Heritage Faculty of Law University of Technology Sydney The Kurdish Conflict Kerim Yildiz, Susan Breau, 2010-06-21 This book is highly topical considering the recent resurgence of violence by the PKK the incursions into Northern Iraq by the Turkish army and security forces and Turkey's EU accession negotiations Turkey has become an increasingly important player in Middle Eastern geopolitics More than two decades of serious conflict in Turkey are proving to be a barrier to improved relations between Turkey and the EU This book is the first study to fully address the legal and political dimensions of the conflict and their impact on mechanisms for conflict resolution in the region offering a scholarly exploration of a debate that is often politically and emotionally highly charged Kerim Yildiz and Susan Breau look at the practical application of the law of armed conflicts to the ongoing situation in Turkey and Northern Iraq The application of the law in this region also means addressing larger questions in international law global politics and conflict resolution Examples include belligerency in international law whether the War on Terror has resulted in changes to the law of armed conflict and terrorism and conflict resolution The Kurdish Conflict explores the practical possibilities of conflict resolution in the region examining the political dynamics of the region and suggesting where lessons can be drawn from other peace processes such as in Northern Ireland This book will be of great value to policy makers regional experts and others interested in international humanitarian law and conflict resolution *The Handbook of the International Law of Military Operations* Terry D. Gill, Dieter Fleck, 2015-12-10 The second edition of this well received handbook provides a comprehensive overview and annotated commentary of those areas of international law most relevant to the planning and conduct of military operations It covers a wide scope of military operations ranging from operations conducted under UN Security Council mandate to collective self defence and consensual and humanitarian operations and identifies the relevant legal bases and applicable legal regimes governing the application of force and treatment of persons during such operations It also devotes attention to the law governing the status of forces military use of the sea and airspace and questions of international criminal responsibility for breaches of international law New developments such as cyber warfare and controversial aspects of law in relation to contemporary operations such as targeted killing of specific individuals are discussed and analysed alongside recent developments in more traditional types of operations such as peacekeeping and naval operations The book is aimed at policy officials commanders and their military legal advisors who are involved with the planning and conduct of any type of military operation and is intended to complement national and international policy and legal guidelines and assist in identifying and applying the law to ensure legitimacy and contribute to mission accomplishment It likewise fulfils a need in pertinent international organizations such as the UN NATO Regional Organizations and NGOs It also serves as a comprehensive work of reference to academics and is suitable for courses at military staff colleges academies and universities which devote attention to one or more aspects of international law treated in the book This mix of intended users is reflected in the contributors who include senior former policy officials and military legal advisors alongside

academics engaged in teaching and research in these areas of international law Making and Shaping the Law of Armed Conflict Sandesh Sivakumaran, Christian R. Burne, 2024 This volume in the Lieber Studies series explores how the law of armed conflict is made and shaped It examines the fundamental materials of the law of armed conflict key actors and influences the spaces where the law is made as well as questions of unmaking 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 **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 **The Law of Targeting** William H. Boothby, 2012-08-16 Comprehensively examining all aspects of the law of targeting in military operations the book assesses controversies in the rules governing targeting including the use of human shields the level of care required in a bombing campaign and in the determination of whether someone is directly participating in hostilities Israel Yearbook on Human Rights, Volume 41 (2011) Yoram Dinstein, 2021-10-11 The Israel Yearbook on Human Rights an annual published under the auspices of the Faculty of Law of Tel Aviv University since 1971 is devoted to publishing studies by distinguished scholars in Israel and other countries on human rights in peace and war with particular emphasis on problems relevant to the State of Israel and the Jewish people The Yearbook also incorporates documentary materials relating to Israel and the Administered Areas which are not otherwise available in English including summaries of judicial decisions compilations of legislative enactments and military proclamations This Volume includes a Including cumulative index to volumes 31 40 **Customary International Humanitarian Law** Jean-Marie Henckaerts, Louise Doswald-Beck, 2005 In 1996 the International Committee of the Red Cross alongside a range of renowned experts embarked upon a major international study into current state practice in international humanitarian law in order to identify customary law in this area This book is the result of that study a comprehensive analysis of the customary rules of international humanitarian law applicable in international and non international armed conflicts Given that important treaties in this area have not yet been universally ratified this is a publication of major importance carried out at the express request of the international community In so doing this study identifies the common core of international humanitarian law binding on all parties to all armed conflicts

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