

Non-International Armed Conflicts in International Law

YORAM DINSTEIN

SECOND EDITION



Non International Armed Conflicts In International Law

Annelies Wilder-Smith



Non International Armed Conflicts In International Law:

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

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 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 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

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 Formation of the Treaty Law of Non-International Armed Conflicts Laura Perna, 2006-06-01 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

[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

Detention in Non-International Armed Conflict Lawrence Hill-Cawthorne, 2016-03-24 International law has long differentiated between international and non international armed conflicts traditionally regulating the former far more comprehensively than the latter This is particularly stark in the case of detention where the law of non international armed conflict contains no rules on who may be detained what processes must be provided to review their detention and when they must be released Given that non international armed conflicts are now the most common form of conflict this is especially worrying and the consequences of this have been seen in the detention practices of states such as the US and UK in Iraq and Afghanistan This book provides a comprehensive examination of the procedural rules that apply to detention in non international armed conflict with the

focus on preventive security detention or internment All relevant areas of international law most notably international humanitarian law and international human rights law are analysed in detail and the interaction between them explored The book gives an original account of the relationship between the relevant rules of IHL and IHRL which is firmly grounded in general international law scholarship treating the issue as a matter of treaty interpretation With that in mind and with reference to State practice in specific non international armed conflicts including those in Sri Lanka Colombia Nepal Afghanistan and Iraq it is demonstrated that the customary and treaty obligations of States under human rights law continue absent derogation to apply to detention in non international armed conflicts The practical operation of those rules is then explored in detail The volume ends with a set of concrete proposals for developing the law in this area in a manner that builds upon rather than replaces the existing obligations of States and non State armed groups

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

The Law of Non International Armed Conflict Howard S. Levie, 1987-04-21 The book contains a record of certain proceedings of the 1974 1977 Geneva Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts which drafted the 1977 Protocol Additional to the Geneva Conventions of 12 August 1949 and Relating to the Protection of Victims of Non International Armed Conflicts Protocol II

Legitimacy and Drones Steven J. Barela, 2016-03-09 Unmanned combat air vehicles or in common parlance drones have become a prominent instrument in US efforts to counter an objective and subjective cross border terrorist threat with lethal force As a result critical questions abound on the legitimacy of their use In a series of multidisciplinary essays by scholars with an extensive knowledge of international norms this book explores the question of legitimacy through the conceptual lenses of legality morality and efficacy it then closes with the consideration of a policy proposal aimed at incorporating all three indispensable elements The importance of this inquiry cannot be overstated Non state actors fully understand that attacking the much more powerful state requires moving the conflict away from the traditional battlefield where they are at

an enormous disadvantage Those engaging in terrorism seek to goad the ruling government into an overreaction or abuse of power to trigger a destabilization via an erosion of its legitimacy Thus defending the target of legitimacy in this case insuring the use of deadly force is constrained by valid limiting principles represents an essential strategic interest This book seeks to come to grips with the new reality of drone warfare by exploring if it can be used to preserve rather than eat away at legitimacy After an extensive analysis of the three key parameters in twelve chapters the practical proposition of establishing a Drone Court is put forward and examined as a way of pursuing the goal of integrating these essential components to defend the citizenry and the legitimacy of the government at the same time

The UN Convention on the Rights of the Child

John Tobin, 2019-03-28 The United Nations Convention on the Rights of the Child is the most extensive and widely ratified international human rights treaty This Commentary offers a comprehensive analysis of each of the substantive provisions in the Convention and its Optional Protocols on Children and Armed Conflict and the Sale of Children Child Prostitution and Pornography It provides a detailed insight into the drafting history of these instruments the scope and nature of the rights accorded to children and the obligations imposed on states to secure the implementation of these rights In doing so it draws on the work of the Committee on the Rights of the Child international regional and domestic courts academic and interdisciplinary scholarly analyses It is of relevance to anyone working on matters affecting children including government officials policy makers judicial officers lawyers educators social workers health professionals academics aid and humanitarian workers and members of civil society

Parry & Grant Encyclopaedic Dictionary of International Law Clive Parry, John P. Grant, J. Craig Barker, 2009

For nearly thirty five years the international legal community has relied on one ambitious yet humble volume as a starting point for legal questions This classic red volume is a one of a kind reference tool that brings together both terminology and pertinent descriptive information on international law This book will also be available online as an e reference on the Oxford University Press Digital Reference Shelf Now in its third edition The Parry and Grant Encyclopaedic Dictionary of International Law is completely updated and expanded to include increased coverage in growing areas of international law including diplomatic law criminal law human rights and more Over 2 500 entries over a 20% increase in content from the previous edition provides the reader with copious references for further research including cases treaties journal articles and websites Its alphabetically arranged entries allow the reader to form a deeper understanding than a mere definition could supply and offer concise but substantial information on such essentials of international law as Legal terms as used in international law Significant doctrines Prominent cases decisions and arbitration Important incidents Judicial and literary figures Treaties and conventions Organizations and institutions Acronyms

The Additional Protocols to the Geneva Conventions in Context Annyssa Bellal, Stuart Casey-Maslen, 2022

The 1977 Additional Protocols to the Geneva Conventions remain a landmark in the development of international humanitarian law This book interprets key rules in the Additional Protocols in light of state practice and the decisions of international criminal

tribunals illuminating some of the most complex areas of the law Unravelling Unlawful Confinement in Contemporary Armed Conflicts Jelena Plamenac, 2021-11-29 Winner of the 2022 Francis Lieber Prize This book explores how States and armed groups deprive us of liberty in armed conflict Intriguing insights into original field records of internal laws and first hand testimonies by fighters and humanitarians reveal hidden patterns of belligerents controversial behaviours in relation to three complex aspects of security detention in non international armed conflict that remain unsettled in international law permissible grounds procedural guarantees and transfer standards As you flip through the pages of this fascinating book you will gain a new understanding of where the boundary of unlawful confinement lies between local and international law and why we need a new international legal framework to protect us from arbitrariness in the warring parties decision to detain This book has won the 2022 Francis Lieber prize awarded at ASIL for the best monograph published on the law of armed conflict **Israel Yearbook on Human Rights, Volume 47 (2017)** Yoram Dinstein, 2017-08-28 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 **Armed Conflict and Environmental Damage** Dr. U C Jha, 2014-08-01 Armed conflict and military activities have serious adverse impacts on the environment Modern weaponry troop movements landmines hazardous military waste and the destruction of forests for military use are a few sources of harm to the environment both during armed conflict and peacetime military activities Ecological assaults in combat areas are often kept a secret by the government resulting in even greater humanitarian and environmental harm Environmental degradation is increasingly being recognized as one of the most significant challenges of the 21st century and its effects are being felt worldwide Both domestic and international legislations have been inadequate in mitigating the impact of military activities This book provides details of the environmental destruction wreaked during international and non international armed conflicts and argues that the existing legal regime for the protection of the environment during armed conflict requires substantial modification It puts forward the view that though it is inconceivable to impose an absolute ban on environmental damage during military operations strengthening and clarifying the existing laws protecting the environment in times of conflict and enforcing environment friendly practices among military forces could go a long way in protecting natural assets of our earth *International Humanitarian Law* Emily Crawford, Alison Pert, 2020-03-12 Provides an accessible scholarly and up to date examination of international humanitarian law 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

Immerse yourself in heartwarming tales of love and emotion with is touching creation, Tender Moments: **Non International Armed Conflicts In International Law** . This emotionally charged ebook, available for download in a PDF format (Download in PDF: *), is a celebration of love in all its forms. Download now and let the warmth of these stories envelop your heart.

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