In order for IHL to apply to a situation of violence, that situation must constitute an armed conflict [1]. As different sets of rules apply to international and non-international armed conflicts, it is also important to identify the nature of the conflict. The entirety of the four Geneva Conventions, as well as the rules of Additional Protocol I apply to international armed conflicts [2], while Article 3 Common to the four Geneva Conventions and Additional Protocol II apply to non-international armed conflicts [3].

Article 2 Common to the Geneva Conventions defines international armed conflicts as ‘all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties.’ Therefore, all conflicts occurring between two States are international in character. Non-international armed conflicts are, under Article 3 Common to the Geneva Conventions, those conflicts that are ‘not of an international character’.

Therefore, the key distinction between the two types of conflicts appears to be the parties involved in the conflict. Hence, if the armed conflict is between two or more States, it will be classified as international, whereas if one of the parties is non-State in character, it will be classified as non-international.

See Classification of persons [4]; Armed conflict [1]; Armed groups [5]; International armed conflict [2]; Non-international armed conflict [3];
Chapter 2, III. 1. Situations of application [8]

Chapter 12, III. Different types of Non-international armed conflicts [7]

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United States, The Prize Cases [10]


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ICJ, Nicaragua v. United States [15] (Paras. 115 [16], 116 [17], and 219 [18])

UN Security Council, Sanctions Imposed Upon Iraq [19]

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Democratic Republic of the Congo, Conflict in the Kivus

ICTR, The Prosecutor v. Jean-Paul Akayesu (Part A., Para. 601)

ICJ, Democratic Republic of the Congo/Uganda, Armed Activities on the Territory of the Congo

Georgia/Russia, Human Rights Watch’s Report on the Conflict in South Ossetia (Paras. 7-15)

Iran, Victim of Cyber warfare

Health Care in Pakistan’s Tribal Areas

Israel/Palestine, Operation Protective Edge (Gaza, 13 June - 26 August 2014)

ICTY, The Prosecutor v. Radovan Karadzic


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BIBLIOGRAPHIC RESOURCES


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