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Exploring the Role of Non-International Armed Conflict within the Framework of International Humanitarian Law

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ABSTRACT

This research paper investigates the dynamic nature of armed conflicts, with a specific emphasis on the differentiation between international and non-international armed conflicts (NIACs) within the context of International Humanitarian Law (IHL). International conflicts encompass intricate diplomatic dynamics, but NIACs are distinguished by their tendency towards political instability, external intervention, and socioeconomic inequalities. This study highlights the importance of Common Article 3 and Protocol 2 of the Geneva Conventions in effectively addressing the intricate nature of armed conflicts, providing crucial safeguards for individuals irrespective of territorial boundaries. The author also highlighted the significance of elucidating the extent and understanding of NIACs in order to mitigate breaches of humanitarian law and safeguard both civilians and combatants. The research ultimately supports the implementation of IHL principles as a means to reduce the human toll of armed conflicts and protect humanitarian standards.



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1. Introduction

In today's world, where one state is involved in an international armed conflict with another, non-international armed conflicts have also gained significant attention. While international armed conflicts entail diplomatic issues, non-international armed conflicts are also surrounded by various complexities, including Political instability, external intervention, socioeconomic inequality, poor governance, and state collapse (Milanovic & Hadzi-Vidanovic, 2012). The principal aim of “International Humanitarian Law” (IHL) is to mitigate the loss of human life in times of armed conflict while concurrently safeguarding the well-being of individuals engaged in warfare. All states worldwide have uniformly approved IHL. Nevertheless, the applicability, scope, and enforcement of this concept remain ambiguous and subject to mistakes. The provision of minimum protection to those who are not actively engaged in hostilities is addressed in “Article Three and Protocol Two of the Geneva Conventions of International Humanitarian Law” (Melzer & Kuster, 2019). Additionally, “Protocol II Additional to the Geneva Conventions,” of 12 August 1949 pertains to the safeguarding of victims in non-international armed conflicts (Elder, 1979). Therefore, it is crucial to analyze the importance of these clauses within the framework of regional armed conflicts. In the context of contemporary asymmetric warfare, what are the potential consequences of Common Article 3? Currently, several instances of asymmetric warfare conflicts are occurring on a global scale. An exemplary case can be observed in the ongoing conflict between the Syrian government and various rebel forces. Several wars are still going on in Nigeria and the surrounding countries. These include the Boko Haram insurgency, the Taliban-government conflict in Afghanistan, the Houthis-government conflict in Yemen, the ISIS-led insurgency in Iraq and Syria, the separatist-government conflict in Kashmir, India, the armed group-government conflict in Congo, and many more (Fasuan & Adetunberu, 2022).

Following the conclusion of the WWII, there was a significant rise in non-international armed conflicts (Bartels, 2009). These conflicts exhibit significant variation. Traditional civil wars and internal armed conflicts are encompassed within this category. In instances of non-international armed conflicts taking place within a specific territory, according to Bradley (2020), “it is incumbent upon each party involved to adhere to the following provisions as a minimum: individuals who do not actively participate in hostilities, including armed forces personnel who have surrendered their weapons, as well as those who are rendered hors de combat due to illness, injury, detention, or any other cause, shall be treated with utmost humanity under all circumstances.” This treatment shall be impartial and devoid of any prejudice based on factors such as race, color, religion, faith, sex, birth, wealth, or any other comparable criteria. Furthermore, individuals who are injured or unwell shall be promptly gathered and provided with appropriate care. According to Schmitt & Watts (2015), Sir Hersch stated that “if international law is, in some ways, at the vanishing point of law, the law of war is, perhaps even more conspicuously, at the vanishing point of international law.” This assertion highlights the complex characteristics of international legal frameworks, specifically regarding armed conflict.

The ICRC Commentary is widely recognized as a reputable and authoritative resource for analyzing pertinent publications. It offers valuable insights into the determination of armed conflicts, whether they are of an international or non-international nature (Fox, Boon & Jenkins, 2017). Common Article 2, which concerns international military conflicts, can be easily understood. It includes wars between states, irrespective of whether all parties involved acknowledge a state of war.

According to Pearlstein (2018), “the understanding of non-international armed conflicts, which are regulated by Common Article 3 (CA3) has changed in response to both historical and present circumstances.” Historically, these wars have been limited to instances of violence that take place within the territorial confines of a nation, sometimes referred to as internal armed conflicts. The conflicts in question were continuously delimited in this fashion by the Geneva Conventions of 1949, without any opposition from any state, including the United States.

In the period following the Sep 11 attacks, there were efforts to expand the understanding of Common

Article 3, mainly since the Bush administration claimed to have extensive powers during warfare. As a consequence, there was a misinterpretation of international law, particularly about individuals detained by the US government (Falk, 2007). In its June 2006 Hamdan ruling, the U.S. Supreme Court expanded the scope of “Common Article 3” to include conflicts involving non-state entities such as Al Qaeda (Shamir-Borer, 2007). This choice signified a deviation from the conventional perception of NIACs as solely internal conflicts in historical contexts.

To summarize, the understanding of how NIACs can be applied within the context of international humanitarian law is influenced by both past events and current difficulties. The dynamic aspect of international law is underscored by the evolving interpretation of legal articles, such as Common Article 3, in reaction to geopolitical upheavals and the difficulties of modern conflict.

In this research, the authors delve into the dynamic interplay between NIACs and IHL, recognizing the evolving legal frameworks that respond to geopolitical shifts and the complexities of modern warfare. By examining historical precedents and contemporary challenges, this research aims to shed light on the intricate relationship between NIACs and the principles of humanitarian law.

2. Research Methodology:

In this article researcher applies the Doctrinal method of research by analyzing the existing framework of IHL and arguing about the extension of the scope of NIAC in terms of its concrete definition by differentiating it from the IAC and other sources of armed conflict. The philosophy behind it will be interpretive and the approach will be qualitative to theories of the notion of NIAC in an obvious form by probing into non-numerical data.

3. Applicability of Article 3:

The universal applicability of Article 3 of the Geneva Convention extends to all parties engaged in a conflict, irrespective of its international or non-international character, encompassing situations requiring symmetrical warfare. The inherent characteristics of asymmetric warfare, characterized by its unorthodox strategies and indistinct demarcation between combatants and non-combatants, might pose challenges in differentiating between legitimate military objectives and individuals safeguarded by the “Geneva Conventions” (von Heinegg, 2011). The presence of ambiguity in this situation has the potential to complicate the process of ensuring compliance with the provisions described in “Article 3 of the Geneva Convention” (Ndi, 2018). In such situations, non-state actors frequently function beyond conventional military frameworks, posing challenges in ensuring their responsibility for any breaches of IHL.

There are situations in which non-state actors may, for political or ideological reasons, disregard IHL. People may believe that laws are imposed by outside forces or that they limit their ability to achieve their goals. These organizations will still be accountable for their actions and may face repercussions even if they decide not to recognize international humanitarian law (Heffes, 2013). Although putting IHL into practice in an asymmetric conflict may present complex challenges, deliberate efforts are made to ensure accountability and adherence. Humanitarian organizations work tirelessly to increase awareness and understanding of the Geneva Convention's tenets. They actively involve all parties involved in the conflict to protect the rights and welfare of those affected by it.

In instances of asymmetric warfare, such as the ongoing confrontation between Gaza and Israel, the application of “Common Article 3 of the Geneva Conventions” is relevant. Gaza has been confronted with instances of asymmetrical warfare. The Gaza conflict is characterized by a notable disparity in power dynamics among the engaged parties, wherein one side possesses a much superior military capacity in comparison to the other (Vavreāková, 2022). The imbalance of power might result in difficulties with casualties, infrastructure destruction, and the overall effect on the civilian population. The situation is intricate and delicate, necessitating meticulous deliberation and exertion to achieve a harmonious settlement. Article 3 of the constitution safeguards those who are not actively involved in

the conflict, including civilians and captured combatants. According to Abonyi (2023), “the legislation in question serves to ban acts of violence, cruel treatment, and torture, while also guaranteeing that those who are injured, ill, or jailed are provided with appropriate care and treatment.”

4. Additional Protocol II (APII):

Protocol II, established in 1977, serves as an addition to the “Geneva Convention” (GC) with the primary objective of safeguarding the well-being of those affected by non-international armed conflicts (Martha, 2019). This statement delineates specific international legal frameworks aimed at enhancing the safeguarding of individuals affected by internal armed conflicts occurring within the territorial boundaries of a singular nation. The extent of these rules is comparatively narrower in comparison to the remaining Geneva Accords, as a means of upholding the sovereignty rights and obligations of national governments.

According to Melzer & Kuster (2019), “Protocol I and II are categorized as international and non-international conflicts, respectively, and have similar provisions. Refer to page xxix for the statement that numerous provisions of International Humanitarian Law (IHL) apply to both types of conflicts.”

5. Differentiating International and NIACs:

International armed conflicts refer to territorial disputes that arise between two or more sovereign states or nations. These conflicts encompass the utilization of military force among the armed forces of distinct nations. International humanitarian law establishes a distinct framework of norms and regulations that govern their operations (Huth, Croco & Appel, 2011). An example of an international military confrontation is the Gulf War, which occurred in 1990-91 between Iraq and a coalition of international forces commanded by the United States (Roberts, 1996). Another example is the ongoing crisis in Syria, which has multiple outside entities supporting various factions within the country.

According to Akhavan (2008). “An armed conflict, as defined in Article 2, refers to any divergence between two States that necessitates the involvement of military personnel. The duration of the war, the extent of casualties, and the number of participating troops are inconsequential; it is sufficient for the armed forces of a particular Power to have apprehended enemies that fall within the purview of Article 4.” The mere detention of individuals covered by the Convention is enough to justify its application, even in the absence of any physical conflict. The principles of IHL, as exemplified by the “Geneva Conventions,” play a crucial role in regulating conflicts to protect civilians, prisoners of war, and other non-combatants. The aim is to minimize the impact of war on individuals not directly involved in combat and ensure the preservation of human rights, particularly during periods of armed conflict (Schmitt, 2008). There are distinct differences between international and non-international armed conflicts in how Article 3 of the Geneva Conventions applies. Non-international armed conflicts occur within the borders of a single nation and involve armed groups or entities without official state recognition (Watts, 2012). An example of a non-international armed conflict is the ongoing conflict between Houthi rebels and the Saudi-led coalition in Yemen. This conflict has led to significant humanitarian consequences, including civilian casualties and mass displacement. In such conflicts, “Common Article 3 of the Geneva Conventions” applies, offering protections to non-combatants, including civilians and detainees, and prohibiting acts of violence, torture, and inhumane treatment (Higgins, 2019). The primary goal is to ensure the humane treatment of individuals affected by the conflict, regardless of its nature or asymmetry. However, the interpretation and application of customary international law or other treaty provisions may vary depending on the specific circumstances of each conflict.

6. CA3 and State Sovereignty in Non-International Armed Conflicts:

The norms for the treatment of individuals participating in hostilities, such as the prohibition of torture, cruel treatment, and targeting of civilians, are established under “Common Article 3 and Protocol 2” (Saul, 2014). By abiding by these stipulations, nations can exhibit their dedication to safeguarding human

rights and mitigating the distress experienced by civilians.

According to Ryngaert (2016), “Common Article 3 of the Geneva Conventions does not clarify the notion of ‘an armed conflict not of an international character’. Some authors argue that ‘no definition would be capable of capturing the factual situations that reality throws up and that a definition would thus risk undermining the protective ambit of humanitarian law.’”

Although these commitments may necessitate modifications and synchronization within a nation's internal matters, their purpose is not to disturb or jeopardize sovereignty. The objective is to achieve a harmonious equilibrium between upholding the autonomy of a nation and safeguarding the welfare and security of persons impacted by the conflict. It is crucial to acknowledge that the execution of these rules necessitates a collaborative endeavor, wherein nations collaborate to defend humanitarian norms. Countries contribute to the overarching objective of fostering peace, security, and respect for human rights in non-international armed conflicts by adhering to “Common Article 3 and Protocol II” (Deng, 2018).

In brief, although the implementation of these articles may present certain difficulties, their primary objective is to safeguard individuals while upholding the autonomy of nations. The main objective is to ascertain efficacious strategies for addressing humanitarian challenges in armed conflicts while maintaining the principles of self-governance and sovereignty for all involved nations. A significant concern pertains to the potential impact of “Common Article III and Protocol II of the Fourth Geneva Convention” on the sovereignty of a state, as well as the enforceability of “Article III of the Geneva Convention of International Humanitarian Law and Protocol II of the Geneva Convention” on the sovereignty of a state (Melzer & Kuster, 2019).

7. Developments in International Humanitarian Law for Non-International Armed Conflicts

In comparison to international armed conflicts, the corpus of IHL relevant to non-international armed conflicts (NIAC) is rather narrow (Heffes, 2015). The idea that domestic disputes should be handled by individual states and do not require international intervention has historically hindered the growth of this field of law. As highlighted by Fox et al., (2017), “State practice on this issue has gradually decreased, despite the existence of certain customary international law addressing NIAC, notably with regard to the acknowledgment of belligerency.” But as internal conflicts increased in frequency and their effects on other countries became evident—such as refugee flows and spillover hostilities—there was an increasing realization in the middle of the 20th century that humanitarian standards had to be extended to non-Arab countries (Selamat, 2023). The start of World War II hampered advancements made by the International Committee of the Red Cross (ICRC) to encourage practical application. As mentioned by Henckaerts (2009), “the very narrow Common Article 3 of the Geneva Conventions was finally enacted in 1949, after the ICRC's attempts to extend international humanitarian law to cover NIAC totally were rejected.” States disagreed on how much of their internal activities should be open to public inspection, which led to the hurried adoption of “Additional Protocol II,” which was particular to NIAC, in 1977 (Watts, 2012). Parties participating in NIACs, whether state or non-state, are subject to these norms. Nonetheless, there are conceptual issues with legitimacy at the international level when treating Non-State Armed Groups (NSAGs) that have not ratified the applicable treaties according to treaty criteria. There have been a number of explanations put forth, including the analogy of individual criminal responsibility and the theory of state authority. The case that some procedural criteria can be waived to stop atrocious behavior is persuasive, especially when it comes to applying international humanitarian law to protect civilians in non-interrogation areas.

The application of customary IHL to NSAGs has gained broader acceptance than treaty-based regulations, even though it pertains to NIACs and is more developed (Droege & Giorgou, 2022). Furthermore, there is an increasing recognition that many regulations that apply to international armed conflicts also apply to NIACs. This is in response to concerns raised about the differences in legislation between the two types of conflicts.

Since the majority of armed conflicts that occur nowadays are not international in nature, and as asserted by Saul (2017), “advancements in NIAC law offer chances to alleviate pain caused to people and solve worries over regulatory gaps.” The fundamental obstacle still stands, nevertheless, in making sure NSAGs—who might not be aware of or inclined to follow humanitarian laws—comply with pertinent norms. NGOs such as the ICRC have communicated with NSAGs in an attempt to help, but official compliance advice services are still nonexistent (van Galen, 2021). Despite the challenges, there's increasing support for applying international human rights law to armed conflict situations, which will be discussed further in the subsequent section.

8. Examining the Doctrine of Lex Specialis in Applying Human Rights Law to Armed Conflicts

At first, there were differing opinions expressed in the discussion of how international human rights legislation should be applied to armed conflicts. The idea of “lex specialis derogat legi generali,” or “lex specialis,” is fundamental to this debate since it was contended by some that the implementation of human rights law during armed conflicts was improper (Borelli, 2015). According to the idea, laws that are more specialized and precise take precedence over those that are more general. Human rights law tries to shield people from governmental abuse and forbids the needless taking of life, whereas humanitarian law attempts to lessen the human cost of war and guarantee a more equitable battle (Corn & Jensen, 2009). Furthermore, human rights law establishes a vertical link between obligation-holders and rights-holders by placing obligations on states for the benefit of individuals. On the other hand, humanitarian duties are reciprocal and require compliance from all parties involved in the war. International humanitarian and human rights norms may coexist during armed conflicts in a complementary manner, as has been increasingly acknowledged in recent years by the international community, including the “International Court of Justice” (ICJ) (Milanovic, 2010). Additionally, as Sachdev (2022) points out, “This perspective was highlighted by the ICJ's Advisory Opinion on the Legality of the Construction of a Wall in the Occupied Territory, which suggests that the doctrine of lex specialis helps determine precise rules for specific situations rather than excluding the application of one body of law.”

9. Analysing Humanitarian Crisis Response: Social, Economic, and Cultural Rights in NIACs

It is now clear that non-international armed conflicts may fall under the purview of international human rights legislation; therefore, focus should shift to the application of economic, social, and cultural rights. While the term “lex specialis” is frequently used to address civil and political rights during armed conflicts, such as the right to life and the prohibition of torture, the range of rights affected during armed conflicts extends beyond those safeguarded by humanitarian law (Herzberg 2021). According to Jones (2021), “Economic, social, and cultural rights become extremely important during humanitarian crises that lead to significant restrictions on access to necessities for a dignified life—also known as ‘subsistence rights’—like food, water, and medical treatment.” Human rights law may be seen as the lex specialis, especially with regard to the provision of food and water during violent conflicts. To make this conclusion, one must evaluate which standards in a certain environment are the most established. Furthermore, as noted by Cotula (2019), “Human rights law provides stronger substantive protection than humanitarian law in the area of subsistence rights. Humanitarian law forbids the use of famine as a weapon of war and the targeting of vital resources, although it is more specific in defining who is eligible

for humanitarian relief in international conflicts than in domestic ones.” According to the Swiss Federal Department of Foreign Affairs, as highlighted by Garg (2021), “Common Article 3 forbids deliberate acts that endanger the dignity of civilian populations or cause them to suffer gravely from a lack of necessities.” However, under human rights law, economic, social, and cultural rights place positive obligations on states to preserve and realize these rights, whereas these regulations largely include "negative" obligations—prohibitions against particular conduct. And as points out by Perkins (2022), “Human rights law may function as the *lex specialis* in this situation because provisions governing humanitarian assistance during non-international armed conflicts, such Article 18 of Additional Protocol II, lack the clarity and detail of human rights law.” Further insights are provided by the “Manual on the Law of Non-International Armed Conflict 2006” (also known as the San Remo Manual), which does not impose positive responsibilities on conflict parties to guarantee the fulfillment of basic necessities (Van Steenberghe, 2022).

10. Conclusion:

In conclusion, “Common Article 3 and Protocol 2 of the Geneva Convention” are crucial in addressing the complexities of asymmetric warfare and armed conflicts, both international and non-international. They provide humanitarian standards and protection for individuals affected by these conflicts, regardless of their territorial scope. These provisions emphasize the importance of treating individuals with dignity, distinguishing between combatants and civilians, and upholding humanitarian principles even in challenging situations. It's crucial to remember that the sovereignty of other states has no bearing on the applicability of these provisions. Their goal is to guarantee the safety of every person ensnared in a conflict. Regarding Protocol II on non-international armed conflicts, Article 3 has a broad scope. States all over the world are becoming more and more entangled in bitter conflicts with non-state organizations both inside and outside of their borders. This new situation challenges the IHL's indisputable distinction between international and non-international armed conflicts. However, the position of IHL is not diminished by the changing nature of warfare. The goal of the law is to prevent unnecessary harm during armed conflicts and to protect civilians and combatants alike. Therefore, the applicability of IHL must be determined according to impartial standards and must not be left to the preference of the parties to the conflict. The presence of uncertainty enables rebels and non-state actors to take advantage of gaps, so engaging in international crimes and breaching the rules of IHL. Multiple violations of IHL result from the imprecise definition of armed conflict, which makes it difficult to interpret NIACs. Addressing these uncertainties is essential to protecting civilians and combat casualties while ensuring the effective application of humanitarian standards in all war scenarios. The notion of armed conflict is theorized in this article, which also considers the extent to which non-international conflicts fall under the current humanitarian law framework.

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References:

ABONYI, A. U. (2023). THE PROTECTION OF PRISONERS OF WAR UNDER INTERNATIONAL HUMANITARIAN LAW. *LAW AND SOCIAL JUSTICE REVIEW*, 4(1).

Akhavan, P. (2008). Reconciling crimes against humanity with the laws of war: human rights, armed conflict, and the limits of progressive jurisprudence. *Journal of International Criminal Justice*, 6(1), 21-37.

Bartels, R. (2009). Timelines, borderlines and conflicts: the historical evolution of the legal divide between international and non-international armed conflicts. *International Review of the Red Cross*, 91(873), 35-67.

Borelli, S. (2015). The (mis)-use of general principles of law: *lex specialis* and the relationship between international human rights law and the laws of armed conflict. In *General Principles of Law-The Role of the Judiciary* (pp. 265-293). Cham: Springer International Publishing.

Bradley, M. M. (2020). Classifying Non-International Armed Conflicts: The ‘Territorial Control’ Requirement under Additional Protocol II in an Era of Complex Conflicts. *Journal of International Humanitarian Legal Studies*, 11(2), 349-384.

Brits, P. (2017). When history no longer suffice: towards uniform rules for armed conflicts. *Scientia Militaria: South African Journal of Military Studies*, 45(2), 64-80.

Corn, G., & Jensen, E. T. (2009). Transnational armed conflict: a “principled” approach to the regulation of counter-terror combat operations. *Israel Law Review*, 42(1), 46-79.

Cotula, L. (2019). Between hope and critique: Human rights, social justice and re-imagining international law from the bottom up. *Ga. J. Int'l & Comp. L.*, 48, 473.

Deng, F. M. (2018). Reconciling sovereignty with responsibility: A basis for international humanitarian action. In *Africa in World Politics* (pp. 283-325). Routledge.

Droege, C., & Giorgou, E. (2022). How international humanitarian law develops. *International Review of the Red Cross*, 104(920-921), 1798-1839.

Elder, D. A. (1979). The historical background of common Article 3 of the Geneva Convention of 1949. *Case W. Res. J. Int'l L.*, 11, 37.

Falk, R. (2007). Encroaching on the rule of law: post-9/11 policies within the United States. *National Insecurity and Human Rights: Democracies Debate Counterterrorism*, 14-36.

Fasuan, E. O., & Adetunberu, O. (2022). A NARRATIVE OF THE GLOBAL WAVES OF TERRORISMS AND REGIONAL COUNTERTERRORISM EFFORTS: THE ASIAN-AFRICAN CHRONICLES. *Advance Journal Of Arts, Humanities and Social Sciences*, 5(3).

Fox, G. H., Boon, K. E., & Jenkins, I. (2017). The Contributions of United Nations Security Council Resolutions to the Law of Non-International Armed Conflict: New Evidence of Customary International Law. *Am. UL Rev.*, 67, 649.

Garg, I. (2021). International Advancements in the Law of Armed Rebellion. *Issue 6 Int'l JL Mgmt. & Human.*, 4, 644.

Heffes, E. (2013). The Responsibility of Armed Opposition Groups for Violations of International Humanitarian Law: Challenging the State-Centric System of International Law. *Journal of international humanitarian legal studies*, 4(1), 81-107.

Heffes, E. (2015). Detentions by Armed Opposition Groups in Non-International Armed Conflicts: Towards a New Characterization of International Humanitarian Law. *Journal of Conflict and Security Law*, 20(2), 229-250.

Henckaerts, J. M. (2009). Customary international humanitarian law: taking stock of the ICRC study. *Nordic Journal of International Law*, 78(4), 435-468.

Herzberg, A. (2021). Lex Generalis Derogat Legi Speciali: IHL in Human Rights Regulation of Military Courts Operating in Situations of Armed Conflict. *Israel Law Review*, 54(1), 84-119.

Higgins, N. (2019). The Geneva Conventions and Non-International Armed Conflicts. In *Revisiting the Geneva Conventions: 1949-2019* (pp. 168-189). Brill Nijhoff.

Huth, P. K., Croco, S. E., & Appel, B. J. (2011). Does international law promote the peaceful settlement of international disputes? Evidence from the study of territorial conflicts since 1945. *American Political Science Review*, 105(2), 415-436.

Jones, C. (2021). Are human rights enough? On human rights and inequality. *Ethics & Global Politics*, 14(4), 1991138.

Martha, N. (2019). A legal analysis of the effects of armed conflicts on humanity.

Melzer, N., & Kuster, E. (2019). International Humanitarian Law. *A comprehensive introduction*. Geneva: International Committee of the Red Cross.

Milanovic, M. (2010). Norm conflicts, international humanitarian law and human rights law. *Human Rights and International Humanitarian Law, Collected Courses of the Academy of European Law*, 19, 1.

Milanovic, M., & Hadzi-Vidanovic, V. (2012). A taxonomy of armed conflict. *RESEARCH HANDBOOK ON INTERNATIONAL CONFLICT AND SECURITY LAW*, Nigel White, Christian Henderson, eds., Edward Elgar.

Ndi, G. (2018). International Regulation of Armed Conflicts: 'Jus in Bello' in an Age of Increasingly Asymmetric and Hybrid Warfare. *GSTF Journal of Law and Social Sciences*, 7(1).

Pearlstein, D. (2018). Armed Conflict at the Threshold. *Va. J. Int'l L.*, 58, 369.

Perkins, B. (2022). Reconciling Human Rights with International Humanitarian Law: Human Rights as *Lex Specialis* in Armed Conflict. *UC Dublin L. Rev.*, 22, 31.

Roberts, A. (1996). Environmental issues in international armed conflict: The experience of the 1991 Gulf War. *International Law Studies*, 69(1), 28.

Ryngaert, C. (2016). Imposing international duties on non-state actors and the legitimacy of international law. In *Non-State Actor Dynamics in International Law* (pp. 69-90). Routledge.

Sachdev, N. (2022). From Illegality to Accepted Reality: Analysing the Impact of the ICJ's Advisory Opinion on "The Wall" in Palestine. *Socio-Legal Review*, 2(1), 4.

Saul, B. (2017). Enhancing civilian protection by engaging non-state armed groups under international humanitarian law. *Journal of Conflict and Security Law*, 22(1), 39-66.

Schmitt, M. N. (2008). Human shields in international humanitarian law. In *Israel Yearbook on Human Rights, Volume 38 (2008)* (pp. 17-59). Brill Nijhoff.

Schmitt, M. N., & Watts, S. (2015). The decline of international humanitarian Law *Opinio Juris* and the law of cyber warfare. *Tex. Int'l LJ*, 50, 189.

Selamat, K. (2023). Moderate Islam to Reduce Conflict and Mediate Peace in the Middle East: A Case of Nahdlatul Ulama and Muhammadiyah. *European Journal for Philosophy of Religion*, 15(1), 280-300.

Shamir-Borer, E. (2007). Revisiting Hamdan v. Rumsfeld's Analysis of the Laws of Armed Conflict. *Emory Int'l L. Rev.*, 21, 601.

Sharp, J. M., & Brudnick, I. A. (2015). Yemen: Civil war and regional intervention.

van Galen, S. (2021). Analysing Non-State Armed Groups' Internal Communications: Recognising Principles of International Humanitarian Law.

Van Steenberghe, R. (2022). The impacts of human rights law on the regulation of armed conflict: A coherency-based approach to dealing with both the “interpretation” and “application” processes. *International Review of the Red Cross*, 104(919), 1345-1396.

Vavrečková, P. (2022). The principle of distinction and its implications for the conflict between Israel and the terrorist groups operating in the Gaza Strip.

von Heinegg, W. H. (2011). Asymmetric Warfare-How to Respond?. In *Israel Yearbook on Human Rights, Volume 41 (2011)* (pp. 31-48). Brill Nijhoff.

Watts, S. (2012). Status of government forces in non-international armed conflict. *International Law Studies*, 88.