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Master Thesis Defense

Entitled

THE CONCEPT OF NON-INTERNATIONAL ARMED CONFLICT AND ITS IMPACT ON THE
ENFORCEMENT OF INTERNATIONAL HUMANITARIAN LAW

By

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Abstract

Humanity has known non-international armed conflicts since ancient times, and yet it has remained far from any legal regulation of it, including the international law of war, until the international community is alerted to the seriousness of this category of conflicts, and its catastrophic nature as a result of spread of violence and weapons in it and serious violations of the basic principles of international humanitarian law; Hence, many developments took place throughout the second half of the twentieth century, formed in the four Geneva Agreements of 1949 as well as their first and second protocols of 1977, in addition to a set of other legal tools and customary principles, and despite this there is still a intense debate in the jurisprudential and international legal circles on the concept of non-international armed conflicts, and this must have an impact on the application of international humanitarian law. On this basis, this study came under the title "The concept of non-international armed conflicts and its impact on the enforcement of international humanitarian law", in order to search in the dimensions of this concern, and identify the resulting impact, by following the descriptive and analytical approach. It was found through this study that the jurisprudence regarding defining the concept of the non-international armed conflict went in two directions: a direction that went to narrow the concept of these conflicts and limit them to civil wars, and another direction that expanded its definition to include multiple types of internal armed disturbances and conflicts. The lack of a specific text defining these conflicts has kept the traditional concept of civil war in place, and this is obvious from the definition of communal third subject of the Geneva Conventions of 1949, while the concept specified in the Second Additional Protocol of 1977 does not go beyond the limits of the traditional concept of civil war. The study also concluded that the efforts that were made and ended with the Rome Court System, are still insufficient to remove the ambiguity surrounding the concept of non-international armed conflicts. The study recommended the necessity of holding international conferences based on the jurisprudential and legal awareness of the problems raised by the issue of defining non-international armed conflicts, and the dimensions related to distinguishing them from other conflicts, especially in those problems that have emerged recently and raised by the concept and facts of internationalized internal conflicts.

Keywords: Non-International Armed Conflict, Geneva Conventions Of 1949, Second Additional Protocol Of 1977, Non-International Armed Conflict In International Humanitarian Law.