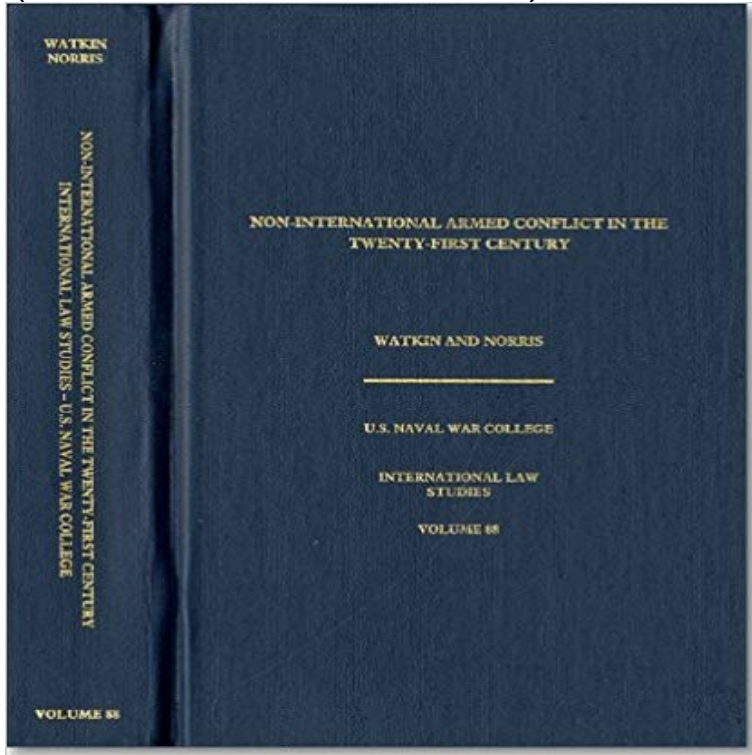


Non-International Armed Conflict in the Twenty-First Century (International Law Studies)



International Law Studies, Volume 88. Edited by Kenneth Watkin and Andrew J. Norris. Contains papers from the conference: Non-International Armed Conflict in the 21st Century hosted by the Naval War College on June 21-23, 2011. Examines the legal issues surrounding non-international armed conflict (NIAC) in the modern era. The historic International Law Studies (Blue Book) series was initiated by the Naval War College in 1901 to publish essays, treatises and articles that contribute to the broader understanding of international law. This, the eighty-eighth (88th) volume of the Blue Book series, is a compilation of scholarly papers and remarks derived from the proceedings of a conference hosted at the Naval War College on June 21-23, 2011 entitled Non-International Armed Conflict in the 21st Century. The purpose of the June 2011 International Law Conference was to examine the legal issues surrounding non-international armed conflict (NIAC) in the modern era. To this end, renowned international academics and legal advisers, both military and civilian, representing military, diplomatic, non-governmental and academic institutions from the global community, were invited to the War College to analyze a variety of legal topics related to NIAC. Non-international armed conflict is of a fundamentally different nature. In most cases, States are facing organized groups of lawbreakers from whom reciprocity cannot be expected. Therefore, there is often little incentive for States to limit their scope of action by agreeing to legal norms with which only they will abide. Moreover, as the conflict is internal, the risk of spread is limited, while the involvement of other States is a matter of their discretion. However, the context in which non-international armed conflict occurs is undergoing transformation. Transnational terrorism has become a globally

pervasive phenomenon, one that the international community seems increasingly willing to classify as non-international, at least to the extent it rises to the level of armed conflict as a matter of law. Further, as illustrated by the conflicts in the Balkans, Afghanistan and the Great Lakes region of Africa, the likelihood of spillover into neighboring countries is very real, especially when a conflict is ethnically or religiously based or when adjacent territory is poorly governed. And the rise of criminal groups with capabilities equaling those of government forces, as in Colombia and Mexico, raises the question of whether the hostilities they engage in qualify as armed conflict. The International Law Department of the Naval War College, long noted for exploring new legal challenges in its annual conferences, accordingly decided that a closer examination of the law governing non-international armed conflict was opportune. Held in June 2011, the resulting conference brought together many of the key legal practitioners and scholars in the field to consider both the state of the law and where it might be headed. Certain of the participants were invited to expand on their presentations in this volume, the eighty-eighth in the Naval War College's International Law Studies (Blue Books) series. It delves into such complicated topics as the scope of non-international armed conflict, the legal status of actors, specific limitations on methods and means of warfare, detention and enforcement. The volume also offers several firsthand descriptions of particular non-international armed conflicts. Hopefully, the various contributions will assist those tasked with providing legal advice during future non-international armed conflicts, as well as make a measurable contribution to the scholarship on the subject. Appreciation is owed to many who made the conference and this volume of the Blue Books possible.

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