

Books and reviews

CONFLICTOS ARMADOS INTERNOS Y DERECHO INTERNACIONAL HUMANITARIO

Internal armed conflicts and international humanitarian law

Although great strides have been made in developing the legal rules governing relations among States, the international community today is gravely concerned with the problem posed by the proliferation of non-international armed conflicts. The author of this study¹ analyses the phenomenon of violence within the confines of a State in relation to the application of international humanitarian law.

As the number of armed conflicts in the world has increased in recent years, so has the number of publications devoted to the discussion of humanitarian law. However, few of them approach the subject solely from the point of view of the rules applicable to internal armed conflicts. One of the main interests of this study is no doubt the fact that it helps to fill this gap by providing an in-depth analysis of this aspect of the law and thereby promotes a better understanding of it.

After reviewing the major internal armed conflicts which have taken place in the world since 1945, the author points out that never before in the history of mankind have there been as many conflicts of this type, and of such varied duration and intensity, as there are today.

The study advances ideological extremism, religious, racial and cultural fanaticism and local social and economic factors as the major causes of the increase in internal armed conflicts. Taking into account this reality, it then discusses the rules of international humanitarian law which are intended to make these situations less inhuman. It is well known that internal armed conflicts are far more ruthless than war between States.

In summarizing the historical development of the international rules governing internal armed conflicts, taking as a starting point the work of the Salamanca

¹ Araceli Mangas Martín, *Conflictos armados internos y derecho internacional humanitario*, Ediciones Universidad de Salamanca, 1992, pp. 192.

school of theologians and jurists and of E. de Vattel, the author concentrates mainly on recent codification of the law. In particular, she points to the initiatives by the ICRC which led to the adoption by International Conferences of the Red Cross of resolutions that form the basis of current codification in this area. One of the most valuable aspects of the study is its in-depth analysis of the codification process which led to the adoption of Article 3 common to the four Geneva Conventions of 1949 and of their Additional Protocol II of 1977. A detailed examination is made of the discussions on proposals for humanitarian law applicable in non-international armed conflicts which took place during the 1949 and 1977 Diplomatic Conferences.

The study's interest lies not only in its thorough analysis of every aspect of the law applicable in internal armed conflicts, but also in its examination of the implementation of that law in present conflicts. The study draws, among other sources, on Annual Reports of the ICRC and on various positions adopted by the institution.

Included in this examination is a discussion of the distinction between internal armed conflicts and international armed conflicts and, within the former, of the various areas of practical application of humanitarian law, which are determined by the seriousness of the situation, the general nature of the rules governing internal armed conflicts and the legal character of humanitarian law. Also examined are the provisions on protection included in the law and the entire question of monitoring its implementation.

Araceli Mangas Martín's thorough study, with its extensive bibliography, is particularly relevant today when the international community is faced with so many internal armed conflicts. It will no doubt provide the reader with a great deal of information and food for thought.

María Teresa Dutli
