

THE DICHOTOMY BETWEEN INTERNATIONAL AND INTERNAL ARMED CONFLICTS: HAVE THE LINES FADED?

*Galusha Wirithamulla**

ABSTRACT

This article focuses on the dissimilar application of the same principles of international humanitarian law (IHL) based on the nature of the armed conflict. The article reveals that the determination of the nature of armed conflict as either 'international' or 'non-international' is a prerequisite for the applicability of IHL principles and the principles applicable to regulate international armed conflicts are more comprehensive than the rules regulating non-international armed conflicts. Due to the proliferation of the number of non-international armed conflicts, this dichotomy in the applicable rules has posed problems in providing effective legal protection. The author concludes that this contextual difference is equally pertinent in the 21st century trans-national armed conflicts and thus serious reconsideration of the prerequisite determination of the context of an armed conflict resulting in the dichotomy of applicable IHL rules is required.

* LL.B (Hons), Colombo, Sri Lanka.