



## **The Rule of Law in Armed Conflict Project**

**Project Partners: Human Rights Centre, University of Essex and Geneva Academy of International Humanitarian Law & Human Rights**

### **Project Overview**

Determining whether a situation of violence qualifies as an armed conflict, or not, is essential to determining the applicable legal framework. Given the significant differences between the law of armed conflict/international humanitarian law and international human rights law with respect to, for example, detention or the use of lethal force, conflict classification is of fundamental importance to those involved in, or affected by, a situation of violence.

As it stands, however, there is no central authority to which interested States, organisations, or individuals can refer to for guidance on this issue. As such, there is uncertainty as to whether specific situations qualify as armed conflicts, or not. This is where [The Rule of Law in Armed Conflict website](http://www.rulac.org) (<http://www.rulac.org>) fits in. The RULAC website is a unique project developed to provide easily accessible and understandable information on current situations of violence throughout the world. It is run by the Geneva Academy and the University of Essex and provides up-to-date academic opinion as to whether a situation of violence constitutes an international armed conflict, a non-international armed conflict, or an internal disturbance/tension. Its intended audience is States and diplomats working at the United Nations, humanitarian actors, and other organisations working in affected areas.

In collaboration with the Geneva Academy of International Humanitarian Law & Human Rights, and under the supervision of senior staff at the University of Essex Human Rights Centre, the team will work to classify contemporary situations of violence around the world, and the results of this work will be published on the RULAC website.

This project will provide students with significant experience working on conflict classification, partnership with well-respected organisations, and the opportunity to greatly develop expertise in the law of armed conflict and its practical application.

### **Project Output:**

The team will work to classify a number of contemporary situations of violence, and produce reports in this regard. The reports will be published on the RULAC website. To the greatest extent possible, situations will be assigned to students based on their own geographical or thematic interest.



The classification of some situations will be relatively straightforward, while others will be more complex. tasks will be assigned and reviewed on this basis. Thus, there is not a definitive list of outputs. Those situations that are analysed and found not to constitute situations of armed conflict will not be published on the main RULAC website (which is restricted to armed conflict situations) but will be published on an accompanying blog.

A research methodology and report template are in place. The team will be supported by the project supervisors.

### **Project Outline**

The project will run from November through to the end of June. It is expected that student would work an average of 5 hours per week on the project during term time only.

- Phase 1: (November-December)
  - During this phase students will get up-to-speed on the legal issues relating to conflict classification.
  - This will be facilitated by working on a contemporary situation of violence, and providing an initial outline as to the classification.
- Phase 2: (January-March)
  - Students will classify specific situations of violence, and prepare draft reports in this regard. Reports will be submitted to supervisors for feedback and publication on a rolling basis.
  - The team and supervisors will discuss and develop possible advocacy strategies, to help publicise the website and student reports.
- Phase 3 (April-June)
  - Work will continue to classify specific situations of violence, and prepare draft reports in this regard. Reports will be submitted to supervisors for feedback and publication on a rolling basis.

### **Skills**

- It is required that students participating in this project take the LW803: International Law of Armed Conflict module.

### **Project Bibliography:**

- A methodology has been developed by the Geneva Academy, and this will be distributed to team members at the start of the project.
- E. Wilmschurst (ed.), *International Law and the Classification of Conflicts* (OUP, 2012)
- Geneva Conventions: Common Articles 1, 2 and 3.
- Protocol I: Articles 1 and 3.
- Protocol II: Preamble, and Articles 1 and 3.



- *Prosecutor v Tadic*, IT-94-1-A, Appeals Chamber Judgment, 15 July 1999, paragraphs 83-145.
- *Case Concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*, Judgment, International Court of Justice, 26 February 2007, paras. 385-407.
- *Juan Carlos Abella v Argentina*, IACHR, Case No. 11. 137, Report No. 55/97, OEA/Ser/L/V/LL.97 Doc.38, especially paragraphs 1-4; 7-19 and 146-156. Available at: <http://www1.umn.edu/humanrts/cases/1997/argentina55-97a.html>
- Commentaries for Common Articles 1, 2 and 3 of the First Geneva Convention, 2016. Available at: <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Comment.xsp?action=openDocument&documentId=D84E8D5C5EB782FAC1258115003CEBE5>
- ICRC, "How is the Term "Armed Conflict" Defined in International Humanitarian Law?", 17 March 2008. Available at: <http://www.icrc.org/eng/resources/documents/article/other/armed-conflict-article-170308.htm>