In the closing paragraph of this seminal book, Sandesh Sivakumaran writes that ‘[t]he law of non-international armed conflict bears a heavy burden, tasked as it is with regulating a situation which gives rise to many of the worst atrocities committed today’ (p. 570). There is no doubt that conflicts fought between States and non-State actors or between several non-State armed groups have become the predominant form of armed violence in today’s world. Few would need to be reminded of the horrors of Srebrenica, Rwanda, or Syria to accept the view expressed in the cited quote.

Nonetheless, an equally heavy burden rests on an author who sets out to map ‘the law’ applicable to such situations. This is for two main reasons. First, the scope of the potentially applicable law is broad, including not only international humanitarian law (IHL) but also other branches of public international law, most notably international human rights law (IHRL) and international criminal law (ICL). Second, the types of situations falling under the umbrella term ‘non-international armed conflicts’ are inordinately diverse, ranging from relatively minor clashes between two small armed groups to large-scale civil wars to some parts of the ‘global war on terror’. This book tackles both challenges very well and demonstrates a formidable command of all three crucial areas of the law while maintaining clarity of focus and representativeness of the chosen examples.

The book seeks to achieve two main goals. First, it aspires ‘to ascertain the content of the law of non-international armed conflict, when it applies, and how it is enforced’ (p. 5). Although this goal is phrased in primarily descriptive terms, it is a commendable one. Very few recent books with comparable ambitions exist in the English-speaking world¹ and the reviewed one stands out by the level of its detail and the wealth of analysed sources. This is certainly a reflection of its second goal, namely ‘to incorporate the views of both parties to conflicts—states as well as armed groups—on the law’ (p. 5). Such an aim is, of course, potentially problematic. International law orthodoxy lends little weight to the views of non-State actors in the determination of the content of the law. However, the author carefully avoids the trap of weakening his argument by abandoning the traditional methodology and insists that the practice

* This review was completed in January 2015.

¹ See, in particular, Lindsay Moir, The Law of Internal Armed Conflict (2004) and Yoram Din-
of non-State actors is referred to purely for illustration of compliance and non-compliance (p. 152). Yet, on few occasions this fuzzy line might have been overstepped. These will be highlighted below.

The book is structured into three parts, which could loosely be described as the past, the present, and the future of the regulation of non-international armed conflicts (NIACS). Most attention is appropriately given to the middle part of the book, comprising nearly two thirds of the total text. In the remainder of this review, I will briefly introduce each of these parts in turn. I will focus on the structure and the tenor of the argument, at times highlighting some potentially more controversial points. Finally, I will conclude by examining the title of the book: what exactly is the contemporary meaning of the law of non-international armed conflict?

The Past

The first part of the book is primarily concerned with the historical evolution of the regulation of NIACS by international law. It devotes one chapter to each of the three consecutive approaches identified. The first of these is described as ‘ad hoc regulation’ (p. 9), comprising recognition of belligerency, State-issued instructions, unilateral declarations and bilateral agreements. The book examines a wide variety of examples of such instruments and presents their main features in a clear and concise way.

Notably, against the received wisdom in much of the contemporary literature, it represents recognition of belligerency as a perhaps dormant, but certainly not abandoned notion of international law. This is certainly true: today, as the author observes, ‘[n]othing prevents a state from explicitly recognizing a situation as one of belligerency’ (p. 20). The case for the continuing existence of the notion could have been further bolstered by considering recent instances of recognition of belligerency. Instead, the author claims that ‘at least since 1949, and more likely since 1899, there have not been any cases of recognition of belligerency’ (p. 19). This would be accurate only with respect to parent State recognition; conversely, there have been several instances of third State recognition in the period following World War II. Nicaraguan Sandinistas were recognized by the member states of the Andean Group (1979); El Salvadoran

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2 Joint Declaration of the Foreign Ministers of Member States of the Cartagena Agreement on the Situation in Nicaragua, cited in Rafael Nieto Navia, “¿Hay o no hay conflicto armado en Colombia?”, 1 Anuario Colombiano de Derecho Internacional 139 (2008), at 147.