



Foreign &  
Commonwealth  
Office

International Security & Institutions Directorate  
E3.301A  
King Charles Street  
London SW1A 2AH  
[www.fco.gov.uk](http://www.fco.gov.uk)

11 July 2011

Mr Jakub Macak  
Somerville College  
Oxford  
OX2 6HD

By email: [kubo.macak@some.ox.ac.uk](mailto:kubo.macak@some.ox.ac.uk)

*Dear Mr Macak,*

Thank you for your letter of 20 June to the Inter-departmental Committee for International Humanitarian Law (IHL) about the United Kingdom's position regarding internationalised armed conflicts in international law. I am replying as co-ordinator of the aforementioned Committee.

The UK distinguishes between international and non-international armed conflicts in relation to the application of the law of armed conflict (LOAC), because under IHL different rules apply in each case.

The assessment of whether any particular conflict is an international or non-international armed conflict is an issue to be determined with regard to the facts of each case. Such determinations can be complex, depending on the identity of the parties, and it may change over time as the conflict evolves.

In these circumstances, it is impossible to provide definitive answers to the abstract questions you have listed. The assessment of what rules of LOAC apply in any specific situation – and to which parties they apply - will be assessed at the time in light of all the circumstances. For example, the application of treaty rules will depend on whether the parties have ratified the relevant treaties.

But in any event, in many cases of armed conflict in which UK forces are engaged, the UK will apply the more developed rules of LOAC applicable to international armed conflicts as a matter of policy. These rules may be applied to certain phases and aspects of the conflict. It may not therefore always be necessary to reach a definitive view of what LOAC rules apply de iure in a complex case.

If you haven't already done so, you may wish to obtain a copy of the Manual of the Law of Armed Conflict - published by Oxford University Press, ISBN 978-0-19-928728-4. This is a major statement of the UK approach to LOAC applied today, including discussion of some of the key elements of relevance in the modern strategic environment; not least the legal aspects of internal armed conflict.

I hope this answer is helpful and I wish you continued success with your research project.

*Yours sincerely,*

*Andy Palmer*

**International Organisations Department**  
Foreign and Commonwealth Office