

draft protocol dealing with non-international armed conflicts. Although the necessity for developing common Article 3 of the 1949 Geneva Conventions was largely accepted by the experts, the question of whether this should be done in a separate second protocol was discussed actively. Some declared that the victims of international and non-international armed conflicts should be equally protected by a single protocol, but most believed that the nature, conditions and fundamental differences of non-international conflicts necessitated separate treatment. It was generally agreed that whenever possible the language of the two protocols should be similar.

The second draft protocol was defined to apply to all situations where hostilities of a collective nature occurred between "organized armed forces under the command of a responsible authority." As at the First Conference, experts differed over whether the application of the protocol should cover internal armed conflicts of relatively low intensity, or should be limited to conflicts of high intensity where both parties, including the rebels, have at least quasi-governmental authority, control of some territory and the capacity to abide by the protocol. Some experts considered that "wars of national liberation" were international in nature and thus to be excluded from the second protocol and treated differently from conflicts of secession or dismemberment of a territory.

Practically all experts agreed on the need to provide captured combatants with elements of humane treatment not now provided for in common Article 3. Although some favoured the granting of prisoner of war status, as in the Third Geneva Convention, to guerrilla fighters and other persons meeting certain minimum requirements, most favoured the more basic treatment extended to civilians deprived of their freedom for acts connected with the conflict. Some experts favoured the abolition of the death penalty