

material resources required to apply the provisions of the instrument would be extremely limited. In the event, this view prevailed and although the results were less than many had wanted, they represent a real achievement in the establishment of a minimum but workable standard for the conduct of hostilities within one country.

Those who opposed the very idea of a Protocol II were motivated by a concern for national sovereignty and the fear of outside interference in the internal affairs of states. They would not subscribe to any instrument which could be interpreted as conferring any legal status on a dissident or break-away movement. Thus, unlike the first Protocol, the second contains no language which could be read as putting the two sides on an equal footing: expressions such as "parties to the conflict" or "combatants" are not to be found in Protocol II.

One of the most difficult aspects of this Protocol, both from the point of view of its negotiation as well, presumably, from that of its implementation, is the field of application. A non-international armed conflict is defined in part as one "which takes place in the territory of a High Contracting Party between its armed forces and dissident armed forces or other organized armed groups which, under responsible command, exercise such control over part of its territory as to enable them to carry out sustained and concerted military operations and to implement this Protocol". We are also told what a non-international armed conflict is not, *viz* "situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence and other acts of a similar nature". The point at which a particular conflict passes from the latter category into the first will be difficult to identify and there will inevitably be more than one view on this question. As in all international agreements, however, the effective application of this Protocol will depend on the good will of states and it is expected that most governments in this situation will see it as in their interest to apply the Protocol in order to ensure reciprocal treatment of members of their own armed forces and the civilian population who are in the hands of the dissident force.

Despite difficulties in application, the Protocol contains provisions of undoubted humanitarian value on the protection of the wounded, sick and shipwrecked and on the humane treatment of both civilians and detained members of