

common Article 3 of the four Geneva Conventions of 1949, a basic minimum standard of humanitarian treatment should be elaborated which would apply in all armed conflict situations even if they are considered to be "non-international" in character. To this end, Canadian experts prepared a draft protocol to apply in "non-international" armed conflicts and presented this draft for consideration by the Conferences of Government Experts; this draft has provided the inspiration and basis for the second draft Additional Protocol.

Although some government experts (and their governments) believed that the victims of international and non-international armed conflicts should be equally protected by a single additional protocol, experts from Canada and a good number of other countries have consistently been of the opinion that the nature of and conditions under which non-international and hence internal, armed conflicts are normally conducted are such as to necessitate separate treatment.

The second Additional Protocol, as it was worded in the ICRC draft, would apply mainly to situations where non-international hostilities of a collective nature have occurred between "organized armed forces under the command of a responsible authority". Such a Protocol would consequently apply only in conflicts of relatively 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, whereas the Canadian view was that many contemporary armed conflicts, in which loss of life and injury among the civilian population is high, occur at a lower level of intensity and should, if possible, be brought within the scope of the protocol.

Many experts, particularly those from the developing countries, also believed that "wars of national liberation" should be regarded as being international in nature and thus be excluded from the scope of the second protocol and placed in the first protocol on international armed conflicts.