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These are commitments made by parties to a conflict in order to supplement their IHL obligations and provide increased protection than would ordinarily be the case without such agreement.

The only provision of the Geneva Conventions that covers non-international armed conflicts [1]- Common Article 3 - encourages parties to conclude special agreements which would allow them to bring into force a wider array of protective arrangements, thereby improving the situation of those affected by the conflict. Through special agreements therefore, conflict parties in non-international armed conflicts may bring into force all or part of the Geneva Conventions.

Special agreements may be concluded between states and armed groups [2] or between rival armed groups. Furthermore, there is no limitation on the form in which special agreements may be concluded.

See Non-international armed conflicts [1]; Armed groups [2];

Agreements that the parties to a conflict may conclude among themselves to improve or supplement the rules of International Humanitarian Law.

**OUTLINE**

Chapter 12, III. 5. b) special agreements between the parties <sup>[3]</sup>

## LEGAL SOURCE

GC I, Art. 6 <sup>[4]</sup>

GCII, Art 6 <sup>[5]</sup>

GCIII, Art. 6 <sup>[6]</sup>

GCIV, Art 7 <sup>[7]</sup>

## CASES

Sudan, Report of the UN Commission of Enquiry on Darfur (Para. 168) <sup>[8]</sup>

Sri Lanka, Jaffna Hospital Zone <sup>[9]</sup>

Armed Conflicts in the former Yugoslavia (4) <sup>[10]</sup>

Former Yugoslavia, Special Agreements Between the Parties to the Conflicts <sup>[11]</sup>

Bosnia and Herzegovina, Release of Prisoners of War and Tracing Missing Persons After the End of Hostilities <sup>[12]</sup>

ICTY, The Prosecutor v. Tadic (Part A., Para. 73) <sup>[13]</sup>

ICTY, *The Prosecutor v. Galic* (Part A., Para. 22) <sup>[14]</sup>

ICTY, *The Prosecutor v. Mrksic and Sljivancanin* (Part B., Para. 69) <sup>[15]</sup>

Armed Conflicts in the Great Lakes Region (Part III.B.) <sup>[16]</sup>

Germany, Government Reply on the Kurdistan Conflict <sup>[17]</sup>

Afghanistan, Soviet Prisoners Transferred to Switzerland <sup>[18]</sup>

Colombia Peace Agreement <sup>[19]</sup>

## BIBLIOGRAPHIC RESOURCES

### Suggested readings:

JAKOVLJEVIC Bosko, “Memorandum of Understanding of 27 November 1991: International Humanitarian Law in the Armed Conflict in Yugoslavia in 1991”, in *Yugoslav Review of International Law*, No. 3, 1991, pp. 301-312.

JAKOVLJEVIC Bosko, “The Agreement of May 22, 1992, on the Implementation of International Humanitarian Law in the Armed Conflict in Bosnia-Herzegovina”, in *Yugoslovenska Revija za Medunarodno Pravo*, No. 2-3, 1992, pp. 212-221.

SANDOZ Yves, “Réflexions sur la mise en oeuvre du droit international humanitaire et sur le rôle du Comité international de la Croix-Rouge en ex-Yougoslavie”, in *Revue Suisse de Droit International et de Droit Européen*, No. 4, 1993, pp. 461-490.

SMITH Colin, "Special Agreements to Apply the Geneva Conventions in Internal Armed Conflicts: the Lessons of Darfur", in *Irish Yearbook of International Law*, 2009, pp. 91-101.

TENEFRANCIA Roselle C., "A Breed of its Own: Characterizing the CARHRIHL as a Legal Document", in *Ateneo Law Journal*, Vol. 54, 2009, pp. 149-163.

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#### **Links**

[1] <https://casebook.icrc.org/glossary/non-international-armed-conflict>

[2] <https://casebook.icrc.org/glossary/armed-groups>

[3] [https://casebook.icrc.org/law/implementation-mechanisms#iii\\_5](https://casebook.icrc.org/law/implementation-mechanisms#iii_5)

[4]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=A5EE57C3CD1003EBC12563CD00000000>

[5]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=57FDCAD7D9E5EADCC12563CD00000000>

[6]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=8014011E31807F8AC12563CD00000000>

[7]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=4090F1326BFF167BC12563CD00000000>

[8] <https://casebook.icrc.org/case-study/sudan-report-un-commission-enquiry-darfur>

[9] <https://casebook.icrc.org/case-study/sri-lanka-jaffna-hospital-zone>

[10] <https://casebook.icrc.org/case-study/case-study-armed-conflicts-former-yugoslavia>

[11] <https://casebook.icrc.org/case-study/former-yugoslavia-special-agreements-between-parties-conflicts>

[12] <https://casebook.icrc.org/case-study/bosnia-and-herzegovina-release-prisoners-war-and-tracing-missing-persons-after-end>

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[15] <https://casebook.icrc.org/case-study/icty-prosecutor-v-mrksic-and-sljivancanin>

[16] <https://casebook.icrc.org/case-study/case-study-armed-conflicts-great-lakes-region-1994-2005>

[17] <https://casebook.icrc.org/case-study/germany-government-reply-kurdistan-conflict>

[18] <https://casebook.icrc.org/case-study/afghanistan-soviet-prisoners-transferred-switzerland>

[19] <https://casebook.icrc.org/case-study/colombia-peace-agreement>

