Under Article 3 common to the Geneva Conventions of 12 August 1949, non-international armed conflicts are armed conflicts in which one or more non-State armed groups are involved. Depending on the situation, hostilities may occur between governmental armed forces and non-State armed groups or between such groups only. As the four Geneva Conventions have universally been ratified now, the requirement that the armed conflict must occur "in the territory of one of the High Contracting Parties" has lost its importance in practice. Indeed, any armed conflict between governmental armed forces and armed groups or between such groups cannot but take place on the territory of one of the Parties to the Convention.

Furthermore, two requirements are necessary for such situations to be classified as non international armed conflicts:

- The hostilities must reach a minimum level of intensity. This may be the case, for example, when the hostilities are of a collective character or when the government is obliged to use military force against the insurgents, instead of mere police forces.

- Non-governmental groups involved in the conflict must be considered as "parties to the conflict", meaning that they possess organized armed forces. This means for example that these forces have to be under a certain command structure and have the capacity to sustain military operations.
Additional Protocol II to the Geneva Convention of 12 August 1949 develops and supplements common Article 3 without modifying its existing conditions of application, by introducing a requirement of territorial control. It provides that non-governmental parties must exercise such territorial control "as to enable them to carry out sustained and concerted military operations and to implement this Protocol". Additional Protocol II expressly applies only to armed conflicts between State armed forces and dissident armed forces or other organised armed groups. Contrary to common Article 3, the Protocol does not apply to armed conflicts occurring only between non-State armed groups.

See also Application [4]; Armed conflict [1]; International armed conflict [5]; Classification of conflict [6];
ICRC, International humanitarian law and the challenges of contemporary armed conflicts in 2011

CASES

Yemen, UN Report on the Armed Conflict since 2014

ICTY, The Prosecutor v. Tadic (Part A., Paras. 67-70 and 96; Part E., Paras. 37-100)

ICTY, The Prosecutor v. Boskoski

Mali, Destruction of World Cultural Heritage

Yemen, Obstructing Medical Care

South Sudan: Medical Care Under Fire

United Kingdom, The Case of Serdar Mohammed (High Court Judgment)

ECHR, Al-Jedda v. UK

ECHR, Hassan v. UK

Philippines, Armed Group Undertakes to Respect Children

Somalia, the fate of Children in the conflict
Syria, Code of Conduct of the Free Syrian Army [28]

US/Afghanistan, Transfer of Control over Bagram Prison [29]

The armed conflict in Syria [30]

Report of the Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health [31]

U.S., Lethal Operations against Al-Qa'ida Leaders [32]

Syria, Press conference with French President Francois Hollande and Russian President Vladimir Putin [33]

ICRC, International Humanitarian Law and the challenges of contemporary armed conflicts in 2015 [34] (Paras. 27 [35], 36-41 [36], 55 [37], 103-105 [38])


Health Care in Pakistan’s Tribal Areas [40]

Yemen, Potential Existence and Effects of Naval Blockade [41]

Sri Lanka, Naval War against Tamil Tigers [42]
United Kingdom, The Case of Serdar Mohammed (Court of Appeal and Supreme Court Judgments) [43]

El Salvador, Supreme Court Judgment on the Unconstitutionality of the Amnesty Law [44]

United States, Jurisprudence Related to the Bombing of the U.S.S. Cole [45]


Syria, Report by UN Commission of Inquiry (March 2017) [47]

Afghanistan, Bombing of a Civilian Truck [48]

Italy, Use of force against ambulances in Iraq [49]

Syria, the Battle for Aleppo [50]

Iraq/Syria/UK, Drone Operations against ISIS [51]

ICC, Confirmation of Charges against LRA Leader [52]

International Criminal Court, Trial Judgment in the Case of the Prosecutor V. Jean-Pierre Bemba Gombo [53]

Iraq, The Battle for Mosul [54]
ECJ, Aboubacar Diakité v. Commissaire général aux réfugiés et aux apatrides

Germany, Aerial Drone Attack in Mir Ali/Pakistan

Eastern Ukraine, OHCHR Report on the Situation: November 2016 - February 2017


Syria, Syrian rebels treat captured Filipino soldiers as 'guests'

Mexico, The "War on Drugs"

Central African Republic/Democratic Republic of Congo/Uganda, LRA attacks

Central African Republic, Coup d'Etat

Iraq, Crimes by Militia Groups

Central African Republic, No Class: When Armed Groups Use Schools

Somalia, IHL violations in Somalia's long-running armed conflict

Lake Chad Basin, Multinational Joint Task Force and Boko Haram

Germany: Ramstein Air Base's Role in Drone Attacks
Syria: Attacks on Oil Infrastructure [68]

South Sudan, The Nuer “White Armies” [69]

South Sudan, Activities of Oil Companies [70]

Somalia/Kenya, Al-Shabab Attacks [71]

Somalia/US, Airstrikes in Somalia [72]

US, Combatant Immunity and Recognition of belligerency [73]

Yemen, Humanitarian Impact of the Conflict [74]

BIBLIOGRAPHIC RESOURCES

Suggested readings:


**Further readings:**


BYRON Christine, “Armed Conflicts: International or Non-International?”, in *Journal of Conflict and Security Law*


