Under Article 3 common to the Geneva Conventions of 12 August 1949, non-international armed conflicts are armed conflicts [1] 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 [2] 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 [3] and armed groups [2] 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];

OUTLINE

Chapter 2, III. 1. Situations of application, b) Non-international armed conflict [7]

Chapter 12 [8]

Chapter 13, XI. Implementation in time of Non-international armed conflict [9]

LEGAL SOURCE

common 3 [10] (see ICRC updated Commentary [11])

PII [12]

**CASES**


ICTY, The Prosecutor v. Boskoski [18]

Mali, Destruction of World Cultural Heritage [19]

Yemen, Obstructing Medical Care [20]

South Sudan: Medical Care Under Fire [21]

United Kingdom, The Case of Serdar Mohammed (High Court Judgment) [22]

ECHR, Al-Jedda v. UK [23]

ECHR, Hassan v. UK [24]

Philippines, Armed Group Undertakes to Respect Children [25]

Somalia, the fate of Children in the conflict [26]

Syria, Code of Conduct of the Free Syrian Army [27]
US/Afghanistan, Transfer of Control over Bagram Prison [28]

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U.S., Lethal Operations against Al-Qa’ida Leaders [31]

Syria, Press conference with French President Francois Hollande and Russian President Vladimir Putin [32]

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Yemen, Potential Existence and Effects of Naval Blockade [40]

Sri Lanka, Naval War against Tamil Tigers [41]

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Syria, Report by UN Commission of Inquiry (March 2017) [46]

Afghanistan, Bombing of a Civilian Truck [47]

Italy, Use of force against ambulances in Iraq [48]

Syria, the Battle for Aleppo [49]

Iraq/Syria/UK, Drone Operations against ISIS [50]

ICC, Confirmation of Charges against LRA Leader [51]

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Central African Republic, Coup d'Etat [61]

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Syria: Attacks on Oil Infrastructure [67]

South Sudan, The Nuer “White Armies” [68]

South Sudan, Activities of Oil Companies [69]
Somalia/Kenya, Al-Shabab Attacks [70]

Somalia/US, Airstrikes in Somalia [71]

US, Combatant Immunity and Recognition of belligerency [72]

Yemen, Humanitarian Impact of the Conflict [73]

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**Links**

[67] https://casebook.icrc.org/case-study/syria-attacks-oil-infrastructure
[69] https://casebook.icrc.org/case-study/south-sudan-activities-oil-companies
[70] https://casebook.icrc.org/case-study/somaliakenya-al-shabab-attacks
[71] https://casebook.icrc.org/case-study/somaliaus-airstrikes-somalia