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Engaging with Non-State Armed Groups to Promote Compliance with IHL





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Engaging with NSAGs to Promote Compliance with IHL

- What do Afghanistan, Colombia, the Democratic Republic of Congo, the Philippines, Somalia, Syria, South Sudan and, in our case, Minors have in common?
- What do rebel forces, insurgents, armed opposition, guerrilla movements, liberation fronts or terrorist organisations have in common?
- Why should a humanitarian organisation, such as the ICRC, have a dialogue with non-state armed groups?
- What is the position of non-State armed groups in International Humanitarian Law, a body of law pertaining to public international law, a system conceived in the first place for and by States?
- How can effective progress be made in the compliance of IHL by non-State armed groups?



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What do Afghanistan, Colombia, the Democratic Republic of Congo, the Philippines, Somalia, Syria, South Sudan and, in our case, Minors have in common?

- Majority of armed conflicts are non-international
- They are long lasting
- Distinction between civilians and combatants blurred
- Armed conflicts and other situations of violence involve NSAGs





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What do rebel forces, insurgents, armed opposition, guerrilla movements, liberation fronts or terrorist organisations have in common?



- NSAGs as a convenient expression
- Levels of violence and organisation (not motivations)
- Essential actors with a bearing on the fate of the affected populations



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Why should a humanitarian organisation, such as the ICRC, have a dialogue with NSAGs?

- Long history of contacts
- Dialogue as legitimate, necessary and beneficial
- ICRC practice
 - Acceptance and security
 - Confidential dialogue on protection
 - Facilitation for the delivery of assistance





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What is the position of non-State armed groups in International Humanitarian Law, a body of law pertaining to public international law, a system conceived in the first place for and by States?

- Criteria for IHL applicability
- Customary IHL apply to their operations
- Art 3 GC I-IV : bilateral agreements
- ICRC practice:
 - Codes of conduct
 - Identify normative bridges
 - Understand their practice





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How can effective progress be made in the compliance of IHL by non-State armed groups?

- Constrains linked to NSAGs
- Constrains linked to States
- ICRC practice
 - Convey the protective power of IHL
 - Use of digital technology





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As a conclusion

Four parts

1. Public Attitudes to IHL
2. A Survey of the Literature
3. Combatants testimonies
4. ICRC Delegates and Dissemination of IHL

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**THE ROOTS OF
BEHAVIOUR IN WAR**
Understanding and Preventing
IHL Violations



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