

Human Rights in Non-International Armed Conflicts

Columbia University
Graduate School of Arts and Sciences
Human Rights Studies Master of Arts Program

Human Rights in Non-International Armed Conflicts

Pegah Malek-Ahmadi

Thesis adviser: Bruce Cronin

Submitted in partial fulfillment of the
Requirements for the degree of Master of Arts

May 2018

Abstract:

By analyzing the types of human rights' violations in non-international armed conflicts, the evolution of human rights and humanitarian law, and the behavior of armed groups, the thesis will develop different ways - inspired by the work of the International Committee of the Red Cross and NGOs - for protecting the civilians' basic rights in these conflicts.

Human rights' violations and non-international armed conflicts are, to a certain extent, often interdependent. Numerous non-international armed conflicts are born because of human rights' violations: armed groups and local militias involved in these conflicts were formed in reaction to the violation of the basic rights of local minorities. Once these armed groups were created, initially to protect the oppressed minorities, they often become those who will commit human rights' violations against the population. In other terms, human rights' violations and non-international armed conflicts nourish each other.

Also, for protecting civilians and providing them humanitarian help, NGOs need to dialogue with armed groups, and, sometimes, even to collaborate with them. But by doing this, they indirectly give a certain legitimacy to armed groups and weaken states' authority. In the long-term, this can create more conflicts and weaken the rule of law in the country concerned, leading to more human rights' violations. The thesis' recommendations will focus on this issue.

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Chapter 1: Introduction

Massive human rights' violations happen in war times. Mass rapes, the use of child soldiers, enslavements, massacres, deprivation or destruction of civilians' property, forced displacement of population, or human trafficking are facilitated by war. Wars and armed conflicts, because they weaken the rule of law, facilitate the commission of human rights violations. In time of war, not only states and entities that have the authority to protect individuals' fundamental rights cannot do that, but they can also violate these fundamental rights. To protect civilians in time of war, the first step is to understand how contemporary conflicts are shaped in order to address this issue with effectiveness.

Since World War II, most armed conflicts are not interstate wars: they essentially involve non-state actors such as armed groups that might be funded by states but still usually present themselves as independent. Armed groups sometimes take over large territories and they can function just like states do¹. At the same time, human rights law and practitioners essentially address states and the states themselves do not contribute with effectiveness to the development and implementation of texts such as the 1977 Additional Protocols to the 1949 Geneva Conventions. As argued by Andrew Clapham², non-state actors such as armed opposition groups and private security companies have human rights obligations just like states do. Since international humanitarian law hardly applies to non-state actors in armed conflicts, this is a necessity to develop and adapt it. Based on the literature mentioned below, the thesis will try to answer to the question: how to protect human rights in non-international armed conflict?

The answer to this question will be divided into four parts. First, it is necessary to understand how armed conflicts have evolved over past decades and how their evolution had a direct consequence on human rights violations in war: because contemporary armed

¹ Zachariah Mampilly, Ana Arjona, *Rebel Governance* (Cambridge University Press, 2015), 286-298.

² Andrew Clapham, *Human Rights obligations of non-state actors in conflict situations* (International Review of the Red Cross, 2006), 491-523.

conflicts essentially involve armed groups, some specific human rights violations are more likely to occur because armed groups are not held accountable like states are. Second, if international human rights and humanitarian law tried to adapt themselves to this modern form of warfare, the adaptation of international law is not enough for protecting civilians' human rights: the determining factor that will allow a sufficient level of protection is the work of human rights practitioners (from Non-Governmental Organizations or the United Nations notably) in armed conflicts. Third, numerous Non-Governmental Organizations (NGO) and international structures such as the International Committee of the Red Cross or Geneva Call engaged into a dialogue with armed groups in order to protect basic human rights: this dialogue was possible because of the rationality of armed groups. Hence, using the rationality of armed groups can be used as a path to enforce basic human rights. However, numerous obstacles exist: states' reaction to this strategy but also the fact that all armed groups are not opened in the same way to a dialogue with human rights workers, even if it is their long-term interest. As a conclusion, it appears that this strategy can only be effective if armed groups are categorized with effectiveness, regarding their respective motives and logic.

Chapter 2: Methodology section

The thesis will use a mixed approach (both quantitative and qualitative). It will use statistical data on modern armed conflicts and armed groups notably delivered by Amnesty International, Geneva Call, the International Committee of the Red Cross or the existing literature (quantitative approach) for analyzing the impact of non-state armed groups' activities on civilian. As the same, the thesis will also adopt a qualitative approach, mentioning interviews from person who experienced human rights' violations in wartime.

Chapter 3: Definitions

Human rights: human rights are moral principles or norms that describe certain standards of human behavior. They are protected as legal rights in both domestic and international law. Human rights are commonly understood as inalienable, fundamental rights to which a person is inherently entitled simply because she or he is a human being, regardless of their nation, location, language, religion, ethnic origin, or any other status. They are applicable everywhere and at every time, universal and egalitarian. Hence, not only human rights are applicable in time of war but human rights of civilians in warfare must be considered as a priority because of the many threats on them.

Civilian casualties: civilian casualties occur when civilians are killed or injured by non-civilians actors, mostly armed groups, military, terrorists or criminals. Under the law of war, civilian casualties are civilians who perished or suffered wounds as a result of wartime acts.

War crimes: a war crime is an act that constitutes a violation of the law of war and that gives rise to individual criminal responsibility. It notably includes: killing civilians or prisoners, torture, destroying civilian property, perfidy, rape, the use of child soldiers, taking hostages, pillage, and violations of the principles of proportionality (such as strategic bombing on civilian populations).

Crimes against humanity: acts deliberately committed as part of a widespread or systematic attack or individual attack directed against any civilian or an identifiable part of a civilian population. Unlike war crimes, crimes against humanity can be committed during peace or war. They are not isolated events but are part of a government policy or of a wide practice of atrocities tolerated or condoned by a government or a de facto authority. They include: murder, massacres, dehumanization, genocide, deportations, unethical human

experimentation, ethnic cleansing, extrajudicial punishments, torture, rape, military use of children, forced disappearances, and numerous other widespread human rights abuses.

Non-international armed conflicts: armed conflicts in which the hostilities must reach a minimum level of intensity (for example when the hostilities are of a collective character or when the government is obliged to use military force against the insurgents) and when non-governmental groups involved in the conflict must be considered as “parties to the conflict”, meaning that they have organized armed forces.

Armed conflicts: armed conflicts consist in the use of armed force between two or more organized armed forces, whether they are governmental or non-governmental. In polemology, three types of armed conflicts are usually distinguished: the interstate ones, the intrastate ones, and the non-state armed conflicts. Interstate armed conflicts imply belligerents that are states. Intrastate armed conflicts refer to armed conflicts implying state and non-state actors. Non-state armed conflicts imply non-state actors.

Asymmetric warfare: asymmetric warfare is a war between belligerents whose relative military power differs significantly, or whose strategy or tactics differ significantly. This is typically wars between a standing professional army and an insurgency or resistance movement.

Civil wars: civil war is a war between organized groups within the same state or country. The aim of one side may be to take control of the country or a region, to achieve independence for a region or to change the government.

Jus ad bellum: the conditions under which States may resort to war or to the use of armed force. The United Nations Charter of 1945 contains the core dispositions of jus ad bellum, notably the prohibition of the use of force among states and the exception to it (self-defense and authorization for the use of force delivered by the United Nations).

Jus in bello: it regulates the conduct of parties engaged in an armed conflict. International humanitarian law is synonymous with jus in bello, it seeks to minimize suffering in armed conflicts by protecting and assisting all victims of armed conflict to the greatest extent possible.

Chapter 4: Human rights violations in contemporary armed conflicts

4.1. Over the past few years, the nature of armed conflicts has changed

To understand exactly the factors that lead to human rights' violations in contemporary conflicts, it is essential to understand the context, the nature and the factors of these conflicts.

4.1.1. International armed conflicts became the exception

Until the end of World War I, the use of armed force was not regarded as illegal: it was perceived as an acceptable way of settling disputes. Right after the First World War, the 1919 Covenant of the League of Nations and the 1928 Treaty of Paris tried to outlaw war. But it is only after World War II that this trend has been confirmed, with the adoption of the United Nations Charter in 1945. In its second article, the Charter notably states that the members of the Organization shall abstain, in their international relations, from resorting to the threat or use of force. Meanwhile, the Charter also contains dispositions allowing states to engage in individual or collective self-defense in response to aggression by another State. Hence, on the basis of the Chapter VII of the UN Charter, the United Nations Security Council is also able to decide to resort to the collective use of force in response to a threat to the peace, a breach of the peace or an act of aggression.

As a result of that, modern wars less occur between two states: they essentially involve non-state actors, armed groups that might be funded by states but still usually present themselves as independent. When states officially engage into warfare, it is usually by claiming that they are acting in conformity with the UN Charter, that they are defending themselves from foreign aggression or preventing genocide and human rights abuses on the basis of the responsibility to protect. Hence, it appears that states are held responsible for what will happen during the conflict. This is not the case with armed groups: most armed conflicts today involve armed groups and since these groups are not held accountable like states are, they are more likely to commit atrocities against civilians.

4.1.2. Today, most conflicts are intrastate armed conflicts

The three conflicts that have caused at least 10,000 direct violent deaths in current or past years are all intrastate conflicts³. These conflicts are the following: the war in Afghanistan, the Iraqi conflict, and the Syrian civil war. The war in Afghanistan has caused 23,065 deaths in 2017 and between 1,240,000 and 2,000,000 deaths since its start in 1978. This war is not a war between two or several states: this is a war between a coalition of states (such as the United States of America, the Islamic Republic of Afghanistan, the United Kingdom, and Germany) and armed groups (such as Al-Qaeda and the Taliban). It was the same with Iraq, after the withdrawal of the United States' troops in 2011: the country has been through a rough insurgency against the government before the establishment of the Islamic State of Iraq and the Levant (ISIL) caliphate in a third of the country in 2014. The conflict continued with an international coalition against ISIL's forces in 2017. The ongoing Syrian civil war, which led to the death of between 353,593 to 498,593 people (according to the Syrian Observatory for Human Rights estimate of March 2018) and to over 7,600,000 persons

³ *Modern conflicts database*, Political Economy Research Institute, University of Massachusetts Amherst
Iraq Body Count: <https://www.iraqbodycount.org/>

being internally displaced (according to a United Nations High Commissioner for Refugees' estimate of July 2015), is also not an interstate conflicts, at least not directly. The conflict involved the Syrian Arab Republic forces, Iran, Russia, the Hezbollah on one side, the Democratic Federation of Northern Syria as well as the Free Syrian Army (notably supported by France, Saudi Arabia, Turkey, Germany), and armed groups like Al-Qaeda and ISIL.

4.1.3. The factors that explain the proliferation of intrastate wars:

The Cold War era, between 1947 and 1991, provided the material and ideological support that helped to perpetuate civil wars. These wars were mainly fought in weak ex-colonial states rather than in more stable states that were aligned with the Warsaw Pact and the North Atlantic Treaty Organization. Superpowers would also indirectly impose Cold War ideology to local conflicts. In other cases, local actors used the Cold War ideology to obtain support from the superpowers. Civil wars that included pro-communist or anti-communist forces lasted 141% longer than the average non-Cold War conflicts. A typical Cold War civil war that attracted superpower intervention resulted in wars lasting over three times longer than other civil wars⁴.

Between 1945 and 1999, 25 interstate wars killed at least 1,000 persons. These wars had a median duration of 3 months. In contrast, in the same period, 127 civil wars killed at least 1,000 persons. These civil wars occurred in 73 states – more than a third of the UN system. They had a median duration of six years. The civil conflicts in this period produced refugee flows far greater than their death toll and far greater than the refugee flows with interstate wars since 1945⁵.

⁴ Ann Hironaka, *Neverending Wars: The International Community, Weak States, and the Perpetuation of Civil War* (Harvard University Press: Cambridge, Mass., 2005), 3, 28, 36- 40.

⁵ James D. Fearon and David D. Laitin, '*Ethnicity, Insurgency, and civil war*' (American Political Science Association, 2003), 75-90.

The end of the Cold War didn't mark the end of warfare. According to Samuel P. Huntington and his '*Clash of Civilizations*' hypothesis, religion and culture will be the primary source of conflicts in the post-Cold War era. If, in appearance, this hypothesis looks valid, notably regarding the apparent conflicts between the Muslim world and the Western one, international alliances demonstrate that this hypothesis is also challenged by tangible facts. For example, Iran and Saudi Arabia, who are both considered by Huntington as part of the Muslim world are now fighting in Yemen, and each of these two regional superpowers are supported by the global superpowers Russia and America. Indeed, there is more a clash inside the different civilizations than a clash between them: for example, in Africa, the conflicts are held between different groups inside a same country, such as the Kivu conflict in Democratic Republic of the Congo, or the war between the Seleka and Anti-Balaka in Central African Republic; in the Muslim world, the conflict is mainly between the Sunni and the Shia, as demonstrated by the civil wars in Iraq, Yemen or Syria.

4.1.4. The origin of most armed conflicts: the feasibility theory

However, a greater degree of ethnic or religious diversity by itself doesn't make a country more prone to civil war. There are little evidences that one can predict where a civil war will break out by looking for where ethnic or other broad political grievances are strongest. The main factors determining civil violence are not ethnic, religious or grievances: the main factors are more the conditions that favor insurgency. Insurgency is a technology of military conflict characterized by small, lightly armed bands practicing guerilla warfare from rural base areas. The concept of insurgency is more closely associated with communist insurgency, but the methods have equally served Islamic fundamentalists, ethnic nationalists, or "rebels" who focus mainly on traffic in coca or diamonds. Based on the work of Paul Collier, Fearon and Laitin demonstrated that financially, organizationally and politically weak

central governments render insurgency more feasible and attractive due to weak local policing or inept and corrupt counterinsurgency practices. Foreign base camps, financial support, and training also favor insurgency⁶. Measures of cultural diversity and grievances fail to predict civil war while measures of conditions that favor insurgency do fairly well. Fearon and Laitin's analysis and comprehension of the cause of modern conflict is extremely important for the understanding of the human rights violations that occur in these form of warfare. As explained, the factor leading to most conflict is if these conflicts are "feasible" or not.

4.2. The interdependence of armed groups and human rights' violations

Armed groups and human rights' violations are often interdependent. Numerous armed groups were formed in reaction to discriminations against minorities, to fight against oppressors. And at the same time, these very same armed groups later engaged into the commission of crimes against other minorities or local ethnic and religious groups.

The example of the Mai-Mai in the Democratic Republic of the Congo (DRC) perfectly illustrates that. The Mai-Mai are community-based militia groups active in the DRC and formed to defend their local territory against other armed groups (numerous internal armed conflicts took place in DRC over the past decades, especially in North Kivu). However, some of their combatants committed numerous human rights' violations: for instance, an alleged leader of the Mai-Mai 'Cheka' called Lieu Col Mayele was captured by the UN peacekeeping troops in DRC and the national army: he was suspected of having led a coalition of 200 fighters from the Mai-Mai and the Democratic Forces for the Liberation of Rwanda (an armed group from Rwanda but who is active in DRC) in 13 villages in DRC between 30 July and 2 August 2010. The group began looting and raping after initially telling

⁶ James D. Fearon and David D. Laitin, '*Ethnicity, Insurgency, and civil war*' (American Political Science Association, 2003), 75-90.

villagers they had come to protect them. At least 235 women, 52 girls, 13 men and 3 boys have been assaulted⁷.

To some extent, the Arakan Rohingya Salvation Army (ARSA) also demonstrates that 'dual relationship' between armed groups and the oppression of minorities. The Rohingya population has been described by the United Nations as one of the most persecuted minorities in the world, mentioning ethnic cleansing⁸. The UN Special Rapporteur on the human rights situation in Myanmar, Tomas Ojea Quintana, even stated that "Recent developments in Rakhine state are the latest in a long history of discrimination and persecution against the Rohingya community which could amount to crimes against humanity"⁹. This specific population has been through dramatic discriminations and persecutions for decades. They were denied citizenship under the 1982 Myanmar nationality law and the state of Myanmar refused to recognize them as one of the eight "national indigenous races" although it has been proved that they were in Myanmar since at least the 8th Century. As reported by Human Rights Watch, they were restricted from freedom of movement, state education, and civil service jobs. In reaction to all these persecutions, the ARSA was formed in 2013. Since then, the group was involved in many attacks against military camps and police posts in Myanmar. It also had been accused of attacking the Hindu village of Ye Baw Kya (the ARSA are Muslims). More than 100 Hindus (including women and children) were taken hostage and later killed. However, the ARSA denied this last accusation, stating that it only targets police and military forces.

⁷ Jody Clarke, 'Congo rebel Chief arrested over mass rape', *Irish times*, 10 October 2010, <https://www.irishtimes.com/news/congo-rebel-chief-arrested-over-mass-rape-1.438873>

⁸ Gabriella Canal, 'Rohingya Muslims are the most persecuted minority in the world: who are they?', *Global Citizen*, 10 February 2017, <https://www.globalcitizen.org/en/content/recognizing-the-rohingya-and-their-horrifying-pers/>

⁹ UN News, 'UN expert alarmed at worsening human rights situations in Myanmar's Rakhine state', *UN News*, 7 April 2014, <https://news.un.org/en/story/2014/04/465552-un-expert-alarmed-worsening-human-rights-situation-myanmars-rakhine-state>

4.3. The proliferation of non-international armed conflicts had direct consequences on human rights violations in war time

Human rights violations such as rape or the use of child soldiers are both committed by states forces and non-state armed groups. However, in recent contemporary conflicts, these violations are more often committed by armed groups for strategic reasons. States involved in warfare have more means and can afford using technologically advanced weapons. On the other hand, armed groups don't necessarily have access to these weapons; hence they are more likely to use pillage, rape, or child soldiers in order to achieve their 'goals'. Several case studies demonstrate that.

4.3.1. Sexual violence in war times: a weapon of demoralization used by armed groups

Rape occurs easily in wartime and can be committed by various actors. As demonstrated by an Amnesty International Report¹⁰, rape during times of war has often been used a pre-planned and deliberate military strategy, especially in intrastate civil wars because rape can be used as a "cheap" weapon against the civilians. Rape has been used as weapon in various conflicts, notably those involving genocide or attempt of genocide, such as the conflicts in former Yugoslavia and Rwanda. First, these rapes are used to instill terror among the civilian population, with the intent to dislocate them from their property. Second, this rape strategy aims to degrade the chance of possible return by having inflicted humiliation and shame on the targeted population. These effects are strategically important for non-state actors since it is sometimes necessary for them to remove the targeted population from the land they want to control.

¹⁰ Amnesty International, *'Lives blown apart: crimes against women in times of conflict: stop violence against women'* (2004), Chapter 3, 20-26.

The situation in Eastern Democratic Republic of the Congo demonstrates that. In that region, the prevalence of rape and sexual violence is assumed to be the worst in the world¹¹. According to a study led in 2010¹², 22% of men and 30% of women in Eastern Congo have reported conflict-related-sexual violence. Today, it is estimated that 200,000 surviving rape victims live in Democratic Republic of the Congo¹³. Louise Nzigire, a local social worker in Democratic Republic of the Congo, observed that rape has been a "cheap, simple weapon for all parties in the war, more easily obtainable than bullets or bombs"¹⁴. In August 2010, more than 500 rapes were reported in Eastern Congo: Atul Khare (current Under-Secretary General for the United Nations Department of Field Support) even apologized for the fact that UN peacekeepers had failed to protect the population from brutalization.

Other armed groups, even if they claimed being religious, used that 'weapon'. In 2015, Amnesty International reported that the Afghan Taliban had engaged in mass murder and mass rapes of Afghan civilians in Kunduz. Female relatives of police commanders and soldiers were raped and killed by Taliban fighters. They also raped and killed women they accused of providing reproductive health services to women of Kunduz¹⁵.

4.3.2. Child soldiers: the use of child soldiers by armed groups occur more often than the use of child soldiers by states in contemporary armed conflicts

Issued in February 2007 by the UNICEF, the Paris Principles define a child associated with an armed group as: "*any person below 18 years of age who is or who has been recruited*

¹¹ Stephanie McCrummen, 'Prevalence of Rape in E. Congo described as Worst in World', *Washington Post Foreign Service*, September 2007.

¹² Lara Stemple, 'Male Rape and Human Rights', University of California's Health and Human Rights Law Project, 605-646.

¹³ 'A Conversation with Eve Ensler: Femicide in the Congo', *Lumo*, September 2007.

¹⁴ Stephanie Nolen, 'Not Women Anymore, The Congo's rape survivors face pain, shame and AIDS', *MS Magazine*, 2005.

¹⁵ Amnesty International, 'Afghanistan: Harrowing accounts emerge of the Taliban's reign of terror in Kunduz', 1 October 2015, <https://www.amnesty.org/en/latest/news/2015/10/afghanistan-harrowing-accounts-emerge-of-the-talibans-reign-of-terror-in-kunduz/>

*or used by an armed force or armed group in any capacity, including but not limited to children, boys, and girls, used as fighters, cook, porters, messengers, spies or for sexual purposes. It does not only refer to a child who is taking or has taken a direct part in hostilities”*¹⁶.

In 2004, Child Soldiers International reported that 100,000 children were being used both by state and non-state armed forces in Africa¹⁷. Half of the children involved in warfare are in Africa. According to the United Nations, in 2016, children were used by armed groups in seven African countries (Central African Republic, Democratic Republic of the Congo, Mali, Nigeria, Somalia, South Sudan, and Sudan) and by three state armed forces (Somalia, Sudan, and South Sudan)¹⁸.

Child soldiers are usually recruited by armed groups because they are considered as cheap to maintain. The willingness of children to fight for honor, prestige, revenge or duty rather than for money, and their psychological malleability (which makes them easier to control) favor their recruitment.

In addition, since States are accountable in front of the international community, they will avoid, deny or hide the use of child soldiers, unlike armed groups: hence, it is harder for a state to use this weapon. The case of the National Youth Service of Zimbabwe illustrates that: the National Youth Service was originally conceived as a patriotic youth organization but it became a state-sponsored militia, a paramilitary group of youth aged between 10 and 30 used to suppress dissent in the country¹⁹. This organization was banned in January 2018. In Angola, although the government denied the use of child soldiers, NGOs, such as the Coalition to stop the use of Child Soldiers, confirmed that child soldiers were involved in both

¹⁶ UNICEF, *Paris Principles: Principles and guidelines on children associated with armed forces or armed groups* (February 2017), p. 7.

¹⁷ Child Soldiers International, *Child soldiers global report 2004: Africa Regional overview* (2004), p. 31-113.

¹⁸ United Nations Secretary-General, *Report of the Secretary General : Children and armed conflict*, (A/72/361-S/2017/821, 2017), p. 4-29.

¹⁹ Meldrum Andrew, 'Living in fear of Mugabe's green bombers', *The Guardian*, 19 February 2003, <https://www.theguardian.com/world/2003/feb/19/zimbabwe.andrewmeldrum>

state forces and the National Union for the Total Independence of Angola (UNITA)²⁰. As of March 2004, an estimated 16,000 child soldiers needed to be demobilized in Angola, though the civil war ended in April 2002. Those who had been child soldiers during the war were excused from compulsory military service but could still serve on a voluntary basis; indeed, some children who had come of age while in the armed forces chose to stay in the military. The examples of Zimbabwe and Angola demonstrate that even if states use child soldiers, they will be more likely to hide it because they will be held accountable. On the opposite, armed groups use child soldiers without even denying it and in far worst proportion.

For example, in the Democratic Republic of the Congo, according to a report published on 23 October 2013 by the MONUSCO (UN Peacekeeping mission in the Democratic Republic of the Congo)²¹, almost 1000 cases of child recruitment by armed groups were verified between 1 January 2012 and 31 August 2013, predominantly in the district of North Kivu. The use of child soldiers in the Kivu conflict constitutes another example of the use of child soldiers in the DRC. The UN has asserted that some of the girls being as belligerents are also subjected to sexual assault.

4.3.3. Human trafficking in non-international armed conflicts

As demonstrated by Human Trafficking Search (HTS), human trafficking and armed conflicts often coincide in almost all regions of the world. Human trafficking can take many forms: forced labor, domestic servitude, the use of child soldiers, or sex enslavement²².

Today, armed groups such as the Islamic State in Iraq and the Levant or Boko Haram, openly advocate for the enslavement of women and children. These two armed groups' way of treating human trafficking differs from other armed groups. Usually, armed groups will

²⁰ Coalition to stop the use of Child Soldiers, *Soldiers Global Report of 2004*, p. 31-113.

²¹ MONUSCO, *Child recruitment by armed groups in DRC from January 2012 to August 2013*, 23 October 2013, <https://reliefweb.int/report/democratic-republic-congo/monusco-alarmed-child-recruitment-drc>

²² Human Trafficking Search's database: <http://humantraffickingsearch.org/>

engage into human trafficking for the very same reasons they use child soldiers: in order to generate free labour. But in the ISIL and Boko Haram's cases, human trafficking is also used as a weapon, just like sexual violence in war time: this is considered by these two groups as a method of degradation, displacement and subjugation of targeted civilian population²³. The Commission of Inquiry on Syria notably reported that ISIL's combatants had participated in the sex-enslavements of women and other human trafficking crimes. In Syria, a centralized ISIL body, the Committee for the Buying and Selling of Slaves even organizes the Yazidi slave market. ISIL forces sex slaves to use birth control drugs to prevent pregnancy, has doctors conducting voluntary examinations to determine female virginity, and even employs medical professionals to administer hormone treatments to facilitate early maturation for young girls and provide drugs to facilitate rape²⁴. Boko Haram also engaged into similar practices: women rescued from Boko Haram reported a slave hierarchy where women who refuse to marry the militants become the slaves of the enslaved wives²⁵.

Besides, as mentioned before, human trafficking can take many other forms than sexual enslavement. For example, in the Democratic Republic of the Congo, internally displaced people have been forced by armed groups to work in mineral and gold mines in order to generate natural resources that are then sold into global markets by the armed groups that control the mines.

4.3.4. How the asymmetrical dimension of some conflicts leads to more human rights violations (human shields)

²³ United Nations University, *'Fighting human trafficking in conflict, 10 ideas for action by the United Nations Security Council'* (Workshop Report, September 2016), p. 6-10.

²⁴ United Nations University, *'Fighting human trafficking in conflict, 10 ideas for action by the United Nations Security Council'* (Workshop Report, September 2016), p. 6-10.

²⁵ Amnesty International, 'Our job is to shoot, slaughter and kill: Boko Haram's reign of terror in North-East Nigeria', *Amnesty International*, 14 April 2015, <https://www.amnesty.org/en/documents/afr44/1360/2015/en/>

Eyal Benvenisti's article *'The legal battle to define the law on transnational asymmetric warfare'* also highlights this issue. His essay seeks to explore the tensions between two radically opposed visions on the regulation of transnational armed conflicts. Eyal Benvenisti reports that two visions coexist on that issue: 1) "Because regular armies fight against irregular ones who not only disregard the law but also abuse its protections, the regular armies should not be expected to comply with the law unilaterally". 2) "Regular armies that enjoy significantly more resources and military might than their irregular enemy must take additional precautions and assumes more limitations on their exercise of power than required in conventional warfare, simply because of the asymmetric power relations"²⁶.

One empirical example of the consequences of asymmetry in armed conflicts is the use of human shield, which constitute one of the worst human rights violations that may occur in war. Human shields are essentially used by non state actors in armed conflicts and they constitute a strong violation of the most elementary human rights. In their common paper *'Human shields in modern armed conflicts: the need for a proportionate proportionality'* (2011), the authors Amnon Rubinstein and Yaniv Roznai assert that the human shield issue reveals the paradoxical approach of the international community. According to them, civilians are exploited as human shield in asymmetric conflicts by the armed groups. But the international community doesn't react as strongly as it would have done if these acts were perpetrated by a sovereign state because conflicts involving non-state belligerents are considered as 'asymmetric ones' in which the non state actors is supposed to have less means than the state one and therefore should have less obligations than the states. They conclude that this approach leads to harmful situations in which powerful armed groups can take the advantage over the states by using legally-sanctioned means such as human shield²⁷. Margaret

²⁶ Eyal Benvenisti, *'The legal battle to define the law on transnational asymmetric warfare'* (Duke Journal of Comparative and International Law, 2010), p. 339-359.

²⁷ Amnon Rubinstein, Yaniv Roznai, *'Human shields in modern armed conflicts: the need for a proportionate proportionality'* (Stanford Law and Policy Review, 2011), Vol. 22, No. 1, pp 93-128.

T. Artz goes further and states, in her 2014 article '*A chink in the armor: how a uniform approach to proportionality analysis can end the use of human shield?*', that the international community's inconsistent response to human shield has placed shield users on an intermittent reinforcement schedule, ensuring that this practice remains part of insurgent strategy²⁸.

In other terms, in warfare, the pressure on armed groups is lighter than the one on states and it leads to human rights violations. Hence, this is a necessity to change modern humanitarian law and the approach of the international community, in order to make armed groups accountable just like states.

4.4. The factors that differentiate human rights violations in international armed conflicts and in non-international armed conflicts are: the response given to these violations; and the level of accountability of armed forces

Both states and armed groups commit war crimes and massive human rights violations during armed conflicts. However, the consequences will not be the same. Since states are considered accountable in front of the international community, if their forces commit crimes, they will have to take measures, at least for saving some appearances, while armed groups will not do so.

4.4.1. The example of the 2012 Minova mass rape in Democratic Republic of the Congo

The MONUSCO reported that widespread sexual assault has been perpetrated against women in North and South Kivu due to this conflict, and this, by all sides of the conflict. These assaults included the incorporation of girls into militia forces as sex slaves. The most publicized example of sexual violence occurred in Minova in November 2012: after having

²⁸ Margaret T. Artz, '*A chink in the armor: how a uniform approach to proportionality analysis can end the use of human shield?*' (HeinOnline, 2014), p. 1448-1449, 1480

retreated to this town, the FARDC troops (official army of the DRC) conducted systematic rape against the women and girls for three days²⁹. This resulted into a widespread international condemnation, prompting the Army of the DRC to begin an investigation in order to prosecute the perpetrators of the sexual assaults. It has also been reported that the soldiers attacked women's children. Hence, in 2014, the "Minova Trial" was conducted. It was the largest rape tribunal in the nation's history. Although more than 1,000 victims were identified from the 2012 attacks in Minova, only 47 testified during the trial.

4.4.2. The example of the Saudi-led coalition and the Houthi in Yemen

The ongoing conflict in Yemen also demonstrates that. In 2016, the Houthi movement (an armed group that fights against the regular government of Yemen and that has already take parts of the country) has been responsible of numerous exactions, violating repeatedly elementary human rights. In areas they controlled the Houthi and their allies arbitrary arrested and detained critics and opponents as well as journalists, and NGOs practitioners. As reported by Amnesty International, arrests were carried out by armed men belonging to the Houthi movement, at homes, workplaces, checkpoints, or public venues. These arrests were carried out without judicial warrant or stated reasons. Some detainees were subject to torture and other barbarian treatments. According to the Amnesty International 2016/2017 report, the Houthi committed these exactions with impunity. The Houthi didn't lead any serious investigations on the violations of IHL by their troops. By contrast, the President Hadi and the Saudi-led coalition both established structures to investigate the alleged violations of IHL and human rights by their own troops such as the National Commission of Inquiry and the Joint Incidents Assessment Team. Even if the two lacked of impartiality and independence³⁰, at

²⁹ Diana Zeyneb Alhindawi, 'They will be heard: the rape survivors of Minova', *Al Jazeera America*, 14 March 2013, <http://america.aljazeera.com/multimedia/2014/3/they-will-be-heard-therapesurvivorsofminova.html>

³⁰ Amnesty International, 'Annual report for 2017/2018: Yemen', 2018, <https://www.amnesty.org/en/countries/middle-east-and-north-africa/yemen/report-yemen/>

least, they tried to give the appearance that they were doing fair investigation, unlike the Houthis who neglect this aspect.

4.4.3. The example of the NATO-led coalition in Libya in 2011

In 2011, following the UN Security Council Resolution n°1973, the NATO-led coalition started an intervention in Libya, on the basis of the responsibility to protect. According to the International Commission of Inquiry on Libya, the NATO “conducted a highly precise campaign with a demonstrable determination to avoid civilian casualties. On limited occasions, the Commission confirmed civilian casualties and found targets that showed no evidence of military utility”³¹. Actually, although the NATO had tried to avoid civilian casualties, it was unable to do so. Observers and critics pointed out that it led to a paradoxical situation: the NATO pretended to protect civilians and at the same, couldn’t avoid their deaths and sometimes has been responsible of some of these deaths. For example, 9 civilians were killed in a NATO airstrike on Tripoli on June 19 and NATO acknowledged being responsible for the civilians’ deaths³².

However, this case demonstrates one thing: the more states are powerful, the more they will be accountable for their actions and will have to, at least, save appearances and minimizes civilian casualties from their side. Hence, if human rights violations occur in both international and non-international armed conflicts, the pursuits and the answers will differ whether they are committed by armed groups, weak states or strong states. This situation shows how much international humanitarian law needs to be adapted to modern warfare since the lack of accountability of armed groups leads to massive human rights violations.

³¹ United Nations Human Rights Council, ‘*Report of the International Commission of Inquiry on Libya*’ (A/HRC/19/68, March 2012), p. 2.

³² Reuters Staff, ‘NATO acknowledges civilian deaths in Tripoli Strike’, *Reuters*, 24 July 2011, <https://uk.reuters.com/article/libya-casualties-idUKLDE75I0EG20110619>

Chapter 5: The necessity to adapt humanitarian law for protecting effectively human rights in non-international armed conflicts

5.1. The legal framework for the protection of human rights in armed conflicts has continuously evolved over the past decades

5.1.1. The creation of the four Geneva Conventions and the 1977 Additional Protocols

The relationship between human rights law and humanitarian law is very close. The level of protection afforded by human rights law is high in times of peace. But it strongly diminishes during armed conflicts. International humanitarian law is only applicable during armed conflicts and its instruments are specifically dedicated to regulate armed conflicts, containing rules for protecting more effectively civilians than human rights law. Its provisions already take into account the principles of humanity, military necessity and proportionality and therefore do not allow for derogation.

Humanitarian law provides protection for the lives and dignity of people; it prohibits torture, prescribes rights for persons subject to a criminal justice procedure, discrimination and sets provisions for the protection of women and children. Humanitarian law also aims to regulate the conduct of hostilities, combatant and prisoner of war status. Humanitarian law is part of the international law of armed conflicts. This branch of law was created earlier than international human rights law. The different phases of the development of humanitarian law are: the Conference of Paris (1856), the Conference of Geneva (1864), of Saint Petersburg (1868), of Brussels (1874), The Hague (1899 and 1907) and Geneva (1949 and 1977). The most relevant instruments adopted at these conferences are the four Geneva Conventions (1949) and their two Additional Protocols (1977).

The first Geneva Convention “*for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field*” was the fourth update of the original 1864 convention and replaced the 1929 convention on the same subject. The second Geneva Convention “*for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea*” replaced the Hague Convention of 1907. It was the first Geneva Convention on the protection of the victims of maritime wars. The third Geneva Convention “*relative to the Treatment of Prisoners of War*” replaced the 1929 Geneva Convention on prisoners of war. A fourth Geneva Convention has been added to these three conventions that were focusing on the conduct of hostilities. This fourth Convention “*relative to the Protection of Civilian Persons in Time of War*” was the first Geneva Convention that didn’t deal with combatants. Its subject was to protect civilians. The 1899 and 1907 Hague Conventions already contained some provisions on the protection of civilians and occupied territory but this Convention went further.

Over time, these conventions were found to be incomplete. As demonstrated before, the nature of armed conflicts changed with the beginning of the Cold War, and the Geneva Convention were addressing an extinct reality. Most conflicts had become internal, civil wars, and to some extent asymmetric conflicts. In addition, the cost of these wars for the civilians became the main concern when it came to international humanitarian law. This led to the adoption of two Protocols in 1977 that extended the terms of the Geneva Conventions with additional protections. The Protocol I is related to the Protection of Victims of International Armed Conflicts and the Protocol II is related to the Protection of Victims of Non-International Armed Conflicts. A last Protocol was added in 2005 and relates to the Adoption of an Additional Distinctive Emblem.

5.1.2. How humanitarian law protects human rights in war

Norms that apply in all circumstances are spelled out in the common Article 3 of all the Geneva Conventions:

“In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

1. Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, color, religion or faith, sex, birth or wealth, or any other similar criteria. To this end the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

a. Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;

b. Taking of hostages;

c. Outrages upon personal dignity, in particular humiliating and degrading treatment;

d. The passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

2. The wounded and sick shall be collected and cared for. An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict. [...] While human rights law provides for derogation of some rights in times of emergency, it is important to note that several human rights may not be derogated from under any circumstance (see I§2.B)”.

The Additional Protocols contained specific rules dedicated to an effective protection of the civilians, notably: 1° The duty to protect the civilian population against dangers from military operations (article 51 and 57 of the Protocol I), 2° The duty to remove civilians from and not locate military objectives in the vicinity of military objectives (article 58 of the Protocol I), 3° The duty to avoid methods or means of warfare that cause unnecessary injury or suffering (article 35 of the Protocol I), 4° The Prohibition of forced movement and displacement of civilian population (article 17 of the Protocol II), 5° The protection of objects indispensable to the survival of the civilian population (article 14 of the Protocol II), 6° The protection of medical units and transports (article 11 of the Protocol II), 7° The protection and care of wounded, sick and shipwrecked persons (article 7 of the Protocol II).

5.1.3. How the International Criminal Court and ad hoc tribunals contribute to protect human rights in armed conflicts by pursuing those responsible of war crimes

While the Geneva Conventions and the Additional Protocols focus on the armed conflict, the Rome Statute is about the response given to crimes committed in war. The Rome Statute is the treaty that established the International Criminal Court (ICC). It was adopted on 17 July 1998 and entered into force on 1 July 2002. The Rome Statute established four core international crimes: genocide, crimes against humanity, war crimes, and the crime of aggression. Under the Rome Statute, the ICC can only investigate and prosecute the four core international crimes in situations where states are "unable" or "unwilling" to do so themselves; the jurisdiction of the court is complimentary to jurisdictions of domestic courts. The court has jurisdiction over crimes only if they are committed in the territory of a state party (an exception to this rule is that the ICC may also have jurisdiction over crimes if is authorized by the United Nations Security Council).

Since World War II and the Nuremberg trials, international criminal tribunals were established in the 1990s for responding to the crimes committed during the wars in former Yugoslavia and Rwanda. The UN Security Council created the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda. Special courts have also been set up to prosecute domestic and international crimes (notably in Kosovo, Lebanon, Sierra Leone, Cambodia, Bosnia Herzegovina).

According to the International Committee of the Red Cross lawyers, “tribunals such as that set up for the former Yugoslavia herald a major step in the implementation of IHL. They have contributed to IHL by affirming the customary nature of certain principles, reducing the gap in the rules applicable to international and non-international armed conflicts and by adapting more traditional provisions of IHL to modern realities through a more flexible interpretation”³³.

5.2. Is this legal framework really adapted to contemporary non-international armed conflicts?

5.2.1. To prevent more human rights violations, international humanitarian law needs to evolve more

Andrew Clapham’s works in this area became a major reference. Clapham’s book ‘*Human Rights Obligations of Non-State Actors*’ explores the threats posed by non-state actors such as multinational corporations, armed oppositions groups, international organizations such as the NATO, the EU or the UN to human rights³⁴. This book is particularly interesting since it approaches human rights’ issues beyond the traditional focus

³³ International Committee of the Red Cross, ‘*Ad hoc tribunals: overview*’, 29 October 2013, <https://www.icrc.org/eng/war-and-law/international-criminal-jurisdiction/ad-hoc-tribunals/overview-ad-hoc-tribunals.htm>

³⁴ Andrew Clapham, ‘*Human Rights Obligations of Non-State Actors*’ (Oxford, 2006), p. 10-12.

on states as the only entities which have human rights obligations. But Clapham's work goes beyond and details the issue related to human rights in armed conflicts through an article called '*Human rights obligations of non-state actors in conflict situations*' and published in the International Review of the Red Cross in September 2006³⁵. In this article, he addresses the legal obligations of armed non-state actors in conflicts. His main argument is that all sorts of non-state actors are increasingly expected to comply with international human rights law. As an example of this "change" in the human rights' approach, we can mention Philip Alston (former Special Rapporteur on arbitrary and summary execution) who addressed, in his country mission to Sri Lanka's report in 2006, recommendations to both the State and the armed group Liberation Tigers of Tamil Ealam.

In the paper '*Privileging asymmetric warfare*', Samuel Estreicher highlights what he calls the "changing paradigm" of armed conflicts. International humanitarian law has moved away from a contractual model to embrace a largely regulatory model. In other terms, before, the paradigm used to essentially involve states³⁶. Therefore, international humanitarian law was shaped by these states, to address issues resulting from interstate conflicts. These treaties were based on traditional international law principles such as the '*Pacta Sunt Servanda*' and reciprocity between parties to the treaty. After World War II, international humanitarian law shifted slowly from a contractual system to a regulatory one: the treaties such as the 1949 four Geneva Conventions essentially contain rules to protect civilians and regulate the operations occurring during armed conflicts. This 'legal shift' is the direct result of the practical shift that occurred in modern armed warfare.

³⁵ Andrew Clapham, '*Human rights obligations of non-state actors in conflict situations*' (International Review of the Red Cross, September 2006), p. 491-523.

³⁶ Samuel Estreicher, '*Privileging asymmetric warfare*' (Chicago Journal of International Law, Vol. 11, No. 1, Winter 2011), p. 1-2.

5.2.2. The necessary equal protection of the victims of non-international and international armed conflicts

Victims of non-international armed conflicts face similar problems and need similar protection as the victims of interstate armed conflicts. Both in non-state and state armed conflicts, fighters and civilians are arrested and detained by the belligerents, forcibly displaced, attacks are launched against towns and villages, food supplies transition is complicated, and the same weapons are used. However, as of today, the rules applying to non-state armed conflicts are different from those applying to state armed conflicts.

The application of different rules to non-international armed conflicts forces humanitarian activists to classify the conflict before those rules can be invoked. This constitutes a major problem, being theoretically difficult and always politically delicate. To classify a conflict implies assessing questions of jus ad bellum (criteria that are to be consulted before engaging in war in order to determine whether entering into a war is permissible). For example, in a war that implies a state and secessionists, invoking the law of non-international armed conflicts implies that the secession is not successful, which is not acceptable by the secessionists and provides less protection to civilians. On the other hand, implying the law of international armed conflicts implies that the secessionists were successful in creating a separate state, which is not acceptable for the actual government. To protect their authority and unity among their territories, states hardly agree to treat international and non-international armed-conflicts equally.

Protocol II contains a provision clarifying that nothing it contains shall affect the sovereignty of the State or the responsibility of the government, by all legitimate means. But on the other hand, the protection of victims of international armed conflicts must necessarily be guaranteed through rules of international law. Such rules have long been accepted by most states: for example, the Geneva Conventions of 1949 were ratified, in whole or with

reservations, by 196 countries. The problem is that today, most conflicts involved non-state actors who are not bound by all these rules. Hence, the civilians in non-international armed conflicts don't benefit from the same protection as the civilians in international armed conflicts. The law of non-international armed conflicts is more recent. States have considered these conflicts as internal affairs governed by domestic law. Hence, they would hardly accept to recognize rules that might legitimate citizens that would fight against their own government. However, applying all the rule of contemporary international humanitarian law to non-international armed conflicts is a necessity today. Since most conflicts today are non-international armed conflicts, humanitarian law must also be binding on non-states parties, which means not only those who fight against the government but also armed groups fighting each other. If international humanitarian law doesn't respect the principle of the equality of belligerents before it in non-international armed conflicts, it would have an even smaller chance of being respected by all armed forces, the states and the non-state ones.

5.2.3. The necessary principle of the equality of the belligerents

According to some scholars and states like the United States of America and Israel³⁷, the 1977 additional protocols to the Geneva Conventions did more privilege the guerilla strategy, rather than the protection of civilians. These texts appeared as legitimizing irregular warfare and as protecting combatants who do not adhere to the traditional criteria for distinguishing themselves from civilians.

In his 2005 paper for the International Review of the Red Cross '*Asymmetrical warfare from the perspective of humanitarian law and humanitarian action*', Toni Pfanner stresses that in most of current conflicts, the different parties are increasingly unequal and that the principle of equality of arms does not apply to them. These asymmetrical conflicts essentially

³⁷ Samuel Estreicher, '*Privileging asymmetric warfare*' (Chicago Journal of International Law, Vol. 11, No. 1, Winter 2011), p. 1-2.

involve non-state actors. Therefore, he states that the weaker belligerent is "tempted to have recourse to unlawful methods of warfare in order to overcome the adversary's strengths". He further insists on the illusory aspect of the reciprocity principle, which has been used for decades as a fundamental motivation for respecting international humanitarian law and basic human rights in armed conflicts. This situation led to the development of perfidious behavior from both sides³⁸.

However, even if parties are not necessarily equal in armed conflicts (especially in the asymmetrical conflicts), the principle of 'equal application' is a necessity for the protection of civilians. This principle means that, in international armed conflicts, the laws of war apply equally to all who are entitled to participate directly in hostilities, irrespective of the justice of their causes. As argued by Adam Roberts, the principle is the strongest practical basis that exists for maintaining certain elements of moderation in war. Hence, presupposing that the rights and obligations of combatants under the laws of war should apply in a fundamentally unequal manner in asymmetrical warfare is "unsound in conception, impossible to implement effectively and dangerous in its effect"³⁹.

5.2.4. Legal arguments asserting that armed groups are bound by international humanitarian law just like states do

Several scholars developed legal arguments asserting that armed groups are bound by international humanitarian law, just like states do. For instance, in the article 'The applicability of international humanitarian law to organized armed groups', Jann K. Kleffner lists numerous of these arguments⁴⁰.

³⁸ Toni Pfanner, 'Asymmetrical warfare from the perspective of humanitarian law and humanitarian action' (International Review of the Red Cross, Volume 87, Number 857, March 2005), p.149-174.

³⁹ Adam Roberts, 'The equal application of the laws of war: a principle under pressure' (International Review of the Red Cross, Volume 90 Number 872 December 2008), p. 931-962.

⁴⁰ Jann K. Kleffner, 'The applicability of international humanitarian law to organized armed groups' (International Review of the Red Cross, Volume 93 Number 882, June 2011), p.443-461.

When the rules applicable to non-international armed conflicts were created by agreement or custom, states implicitly conferred to the non-governmental forces involved in such conflicts the international legal personality necessary to have rights and obligations under those rules. According to this construction, the states have conferred on rebels the status of subjects of international humanitarian law. Otherwise, their legislative effort would not have the desired effect which is to protect civilians in war by a series of rules.

Armed groups may also be considered as bound because a state incurring treaty obligations has legislative jurisdiction over everyone found on its territory, including armed groups. International humanitarian law obligations become binding on the armed groups via the implementation or transformation of international rules into national legislation or by the direct applicability of self-executing international rules. Under this construction, international humanitarian law is indirectly binding on the rebels but it will be directly binding only if the rebels become the effective government.

Furthermore, armed groups are bound because of the general rules on the binding nature of treaties on third parties. This presupposes that those rules are the same for States and State-actors and that a given armed group has actually expressed its consent to be bound. The Vienna Convention of the Law of Treaties of 1969 codified this principle in its article 34: “A treaty does not create either obligations or rights for a third State without its consent”⁴¹.

Finally, the principle of effectiveness of the treaties also leads to consider armed groups to be bound by international humanitarian law. This principle implies that any effective power in the territory of a state is bound by the state’s obligations. The term “effectiveness” has been used in international law since the mid-20th Century, with various meanings since then. Primarily, it refers to the efficacy (actual observance) of law as distinguished from the validity (binding force).

⁴¹ Vienna Convention on the Law of Treaties of 1969, Section 4: Treaties and Third States.

5.2.5. The accountability of individuals who are members of armed groups in front of international criminal courts

The jurisprudence of ad hoc International Criminal Tribunals and the International Criminal Court has discussed the precise range of persons who are addresses of international humanitarian law. This range of persons includes members of armed forces or groups. For example, in 2016, the International Criminal Court trial of Dominic Ongwen, a former child soldier who became a senior commander of the Lord Resistance Army (LRA), an armed group that committed numerous atrocities in Uganda, began. Ongwen, who is between 35 and 40 years old, is the first former child soldier to face trial at the controversial institution and the first defendant to be both alleged perpetrator and victim of the same crimes. Ongwen was abducted by the LRA at the age of 10 when returning from school and is thought to have been forced to participate in combat and violent acts against civilians as a child. Most of the charges against Ongwen focus on a series of attacks on refugee camps between 2002 and 2005. One of the worst involved a four-day raid by the LRA on camps in north-eastern Congo in December 2009, in which about 350 civilians were killed and another 250, including at least 80 children, were abducted. Led by Joseph Kony, a former rebel leader who claimed to be religiously inspired, the LRA waged war across five countries in east and central Africa for nearly 30 years. The group has been blamed for the deaths of about 100,000 people and the abduction of 60,000 children.

5.3. Why legal guarantees are not sufficient, especially in time of war, to protect basic human rights

It appears that even if international humanitarian law becomes perfectly adapted to modern warfare (and it is not totally today), legal guarantees are not sufficient in time of war. Hence, other paths must be explored, and are already explored by human rights practitioners in armed conflicts, to assure an effective protection of civilians' basic human rights.

The ongoing conflict in Yemen, which is shaped by the Shia-Sunni regional rivalry through the opposition between the two local powerful states Iran and Saudi Arabia, illustrates that. More precisely, the Houthi movement is a Shia armed group, indirectly supported by Iran, which fights against the Yemenite government and is military targeted by the Saudi-Arabian-led coalition since 2015. As demonstrated by the Houthi's case, these armed groups' legal obligation to follow international humanitarian law as well as human rights law is largely disrespected in practice. Human rights violations committed by the Houthis can be classified in four categories: attacks against civilian facilities; use of anti-personnel landmines; recruitment of child soldiers; arbitrary arrests. Notably, the Houthi endangered civilians in areas they controlled by launching attacks from the vicinity of school, hospitals, and homes, exposing residents to attack by pro-government forces, including aerial bombing by the Saudi-led coalition. In November 2016, they carried out at least 45 unlawful attacks in Ta'iz, killing and injuring civilians. Although they have been engaged, since 2014, with Geneva Call regarding the use of anti-personnel landmines and child soldiers, in 2016, the Houthi placed anti-personnel landmines that caused civilian casualties⁴². In addition, as of June 2016, it was reported that the Houthi were responsible for 72% of the 762 verified cases of recruitment of child soldiers during the conflict⁴³. And the case of the Houthis is only one example among many others.

⁴² Human Rights Watch, '*Yemen: Houthi-Saleh Forces using landmines*' (April 20, 2017), <https://www.hrw.org/news/2017/04/20/yemen-houthi-saleh-forces-using-landmines>

⁴³ Amnesty International, '*Annual report for 2017/2018: Yemen*' (2018), <https://www.amnesty.org/en/countries/middle-east-and-north-africa/yemen/report-yemen/>

Hence, now, the question is: how to impose, by concrete acts, the respect for basic human rights to armed groups?

Chapter 6: The rationality and opportunism of armed groups: a path to enforce human rights in non-international armed conflicts

6.1. The necessity for human rights practitioners to directly address armed groups:

To enforce the respect for basic human rights and IHL in these territories, NGOs and the international community need both to address the armed group and engage into a 'rational' dialogue. This approach has been recommended before.

6.1.1. NGOs' work in the field already goes in that sense

NGOs' works in the field, like the Geneva Call or the International Committee of the Red Cross, are essential. The Geneva Call, for example, is a neutral and impartial NGO "dedicated to promoting respect by armed non-state actors for international humanitarian norms in armed conflict and other situations of violence". Geneva Call currently focus on the ban of anti-personnel mines, protecting children from the effects of armed conflict, prohibiting sexual violence, and working towards the elimination of gender discrimination. So far, the NGO already engaged in dialogue with more than 90 non-state armed actors. The Geneva Call created an innovative tool called the Deed of Commitment, which aims to implement IHL norms and basic human rights in armed groups' activities⁴⁴. More precisely, the Deed of Commitment is a mechanism that allows armed groups "to pledge to respect

⁴⁴ <https://genevacall.org/>

specific humanitarian norms and be held publically accountable for their commitments”⁴⁵. As of today, Geneva Call has developed three documents in that way:

- The Deed of Commitment for Adherence to a Total Ban on Anti-Personnel Mines and for Cooperation in Mine Action, launched in 2000;
- The Deed of Commitment for the Protection of Children from the Effects of Armed Conflict, launched in 2010;
- The Deed of Commitment for the Prohibition of Sexual Violence in Situations of Armed Conflict and towards the Elimination of Gender Discrimination, launched in 2012.

By signing these documents, armed groups agree to take the necessary measures to enforce their commitments, to allow and to cooperate in the verification of their compliance by Geneva Call. They also recognize the commitment as a first step towards a wider acceptance of humanitarian norms. After a signature, Geneva Call supports and monitors the implementation of the signed Deeds. So far, 52 armed groups have signed the Deed of Commitment banning anti-personnel mines, 26 armed groups have signed the Deed of Commitment protecting children in armed conflict, and 24 armed groups have signed the Deed of Commitment prohibiting sexual violence and gender discrimination.

6.1.2. The necessity to involve armed groups in the international law making process

Also, involving armed groups in the international law making process has been proposed as a potential solution by Anthea Roberts and Sandesh Sivakumaran. In their paper '*Lawmaking by non-state actors*', through the study of powerful armed groups in South Asia or South America, they reported interviews of members of armed groups stating that they would not comply with international humanitarian law because they were never involved in

⁴⁵ <https://genevacall.org/>

the lawmaking process, although they truly feel concerned about international humanitarian law and human rights principles⁴⁶. However, this argument can be contradicted by the strong differences that exist between each armed groups'. Hence, their argument cannot be generalized to all armed groups.

In opposite, the idea of engaging armed group in productive dialogue, encouraging them to allow humanitarian visit in their camps and controlled areas or to make unilateral declarations of recognition of international humanitarian law principles appear as a more realistic approach. This is actually the approach that the International Committee of the Red Cross adopted in Africa⁴⁷ and it needs to be developed.

6.2. These dialogues and actions were possible because of armed groups' rationality

6.2.1. Armed groups need people's support

In his book '*On Guerilla Warfare*', Mao Tse Tong emphasizes to the need for those who engage into guerillas to adapt themselves to local populations ("*like a fish in the sea*"⁴⁸). Popular support is not sufficient but essential. Without this support, an armed group cannot succeed in keeping the territories it conquered. Even one of the most uncontrollable and violent group manifested its need for popular support: the Islamic State in Iraq and the Levant regularly issues its own 'magazine' in order to spread its propaganda and gain people's support.

6.2.2. Armed groups need international recognition to achieve their goals

⁴⁶ Anthea Roberts, Sandesh Sivakumaran, '*Lawmaking by nonstate actors: engaging armed groups in the creation of international humanitarian law*' (Yale Journal of International Law – 2012), p. 111-149.

⁴⁷ Churchill Ewumbue-Monono, '*Respect for international humanitarian law by armed non-state actors in Africa*' (International Review of the Red Cross, Volume 88, Number 864, December 2006), p. 905-924.

⁴⁸ Mao Tse Tong, '*On Guerilla Warfare*' (1937), p. 1.

As demonstrated by Zachariah Mampilly rebel groups can engage in different kind of symbolic governance, through their engagement in international diplomacy. The scope for outsiders to engage politically with violent insurgencies is greater than commonly thought. Rebels look to involve third parties, international community, and even the states they are fighting. Such diplomacy may lead to decrease international support for the incumbent government. Insurgent diplomacy may actually even influence the policies that third parties adopt⁴⁹.

Besides, armed groups look for foreign support. Foreign support can be determining for an armed groups. External political support for the rebellion notably bolsters its ability to provide public goods. For example, in Yemen, the Iranian support for the Al-Houthi has been determining in the armed group's success in taking over Sana'a in 2014. However foreign support from regionally powerful states is not a sufficient factor to explain military and politically success of an armed group⁵⁰. To demonstrate this, Paul Staniland compared two groups materially helped by Pakistan in the Indian-administrated Kashmir from 1988 to 2003, the Jammu and Kashmir Liberation Front and the Hizbul Mujahideen. The first one was extremely popular among the people but failed into creating a robust process of internal control, though it was torn by splits and internal defiance. The second, even if it wasn't popular, didn't collapse as the JKLF did. On the contrary, the Hizb became a "sophisticated political movement, not just a bunch of gun-toting thugs"⁵¹. The Hizb's success can be explained by its members' tight relations with the Jamaat-Al-Islami, which gave the Hizb an effective structure, organization, a network.

⁴⁹ Zachariah Cherman Mampilly - *'Rebel Rulers, Insurgent Governance and Civilian Life during War'* (Cornell University Press, 2011), p. 1-24, 48-92.

⁵⁰ Paul Staniland – *'Organizing insurgency: networks, resources, and rebellion in South Asia'* (International Security – 2012), p. 142-177.

⁵¹ Paul Staniland – *'Organizing insurgency: networks, resources, and rebellion in South Asia'* (International Security – 2012), p. 142-177.

6.2.3. Armed groups' governance

The scholar Ana Arjona, who contributed to Zachariah Mampilly's book '*Rebel Governance*', distinguishes two forms of rebel governance: the 'aliocracy' and the 'rebelocracy'. In the 'aliocracy' system, armed groups do not rule beyond security and taxation: combatants established rules to preserve public order, such as forbidding theft and rape, and they collect contributions, taxes, food, and money in exchange; but they won't go further in term of governance. On the other hand, the 'rebelocracy' system involves intervention that goes beyond security and taxation such as: extralegal justice system in many of the areas ruled by rebels; eradication of delinquency and crime among civilians, providing public goods (health, education, and other public services); intervention in economic matters; norms concerning variety of issues including domestic violence, personal appearance, sexual conduct, and freedom of speech; finally, rebelocracy also tightly controlled politics. Therefore, it appears that armed groups are sufficiently rational for organizing themselves in order to gain legitimacy.

6.2.4. Examples of armed groups that have ruled with effectiveness

UGANDA: Isaya Mukirane on 30 June 1963: declared the formation of the Rwenzururu Kingdom after leading a secessionist campaign from the newly independent Uganda state: Earlier, President Milton Obote had proclaimed a state of emergency over the mountainous region seeking to undermine the kingdom's existence. Despite the efforts of the Ugandan government, the rebel monarchs did not buckle. Instead, Rwenzururu leaders organized a complex governmental bureaucracy composed of eleven ministries headed by a cabinet. They developed a legislature and a public service commission. By 1966, the Rwenzururu government had a salaried staff of 1000 bureaucrats who collected taxes from residents to fund its activities. However, it never gained national or international recognition

but this administration proved more than capable of meeting the needs of the local civilian population (100,000) through the provision of basic public goods, including security force and education system. It worked for 20 years, governmental system of impressive sophistication, before being reintegrated to the Uganda state in 1982 (Kasfir 2004).

COLOMBIA: by the early 1980s, the FARC took the control of a vast territorial enclave in the jungles and plains bordering the Andes Mountains in Colombia's southeast: The FARC administration provided substantial services to the inhabitants of its territory, including health and education systems, a police force to maintain stability, courts to adjudicate civil and criminal disputes, and even loans to farmers and small businessmen. The FARC also engaged in extensive public works projects, building roads and other infrastructure construction. They also achieved considerable international validation during peace negotiations that began in 1998, when President Albert Pastrana effectively partitioned the country in two, officially sanctioning the rebellion's control. However, FARC's territorial holding has been reduced past few years, but the organizations still retains control of large portions of the country, where it continues to govern the daily lives of residents.

6.3. The ways human rights practitioners used armed groups' rationality in the past for helping civilians

The December 2006 International Review of the Red Cross article '*Respect for international humanitarian law by armed non-state actors in Africa*' (by Churchill Ewumbue-Monono) also demonstrates, in a certain way, the rationality of armed groups and the willingness of numerous of them, for opportunistic reasons, to gain legitimacy by complying with international humanitarian law⁵². It argues that armed non-state actors' compliance with

⁵² Churchill Ewumbue-Monono, '*Respect for international humanitarian law by armed non-state actors in Africa*' (International Review of the Red Cross, December 2006), p. 905-924.

international humanitarian law and their recognition of the International Committee of the Red Cross's (ICRC) work have increased the effectiveness of humanitarian aid distributions in armed conflicts. The article stresses on the issues related to the participation of non-state actors in African conflicts with regard to respect for international humanitarian law: respect for protected persons such as children, civilian populations, and prisoners of war; methods of conducting hostilities; type of weapons used in conducting hostilities; recognition of the role of humanitarian organizations such as the ICRC as neutral humanitarian intermediaries. To address these issues, a number of instruments and strategies have already been put in place: the signing of special agreements on visits to prisoners of war; unilateral declarations; provision for amnesties in peace agreements; application of Deeds of Commitments initiated by the international humanitarian organization Geneva Call; integration of international humanitarian law into African peace agreements; the military doctrines of the armed non-state parties to a conflict. The article further mentions and details a series of measures taken by African armed non-state actors to ensure the respect for international humanitarian law such as the Declaration of the 5 April 1988 of the UNITA (Angola) which authorized the ICRC to visit detained persons and captured Angolan soldiers, the Declaration of the Rwandese Patriotic Front of 22 October 1992 in Geneva which recognized the ICRC's activities.

6.3.1. Concrete examples of armed groups who accepted to respect humanitarian law

A number of unilateral declarations by armed non-states parties to a conflict have been used as mechanisms for ensuring compliance with IHL in accordance with Article 96.3 of the Additional Protocol I to the Geneva Conventions (this article gives to “national liberation movements” the option to make unilateral declarations whereby they undertake to apply the

Geneva Conventions). The following unilateral declarations by African non-state actors can be mentioned as examples⁵³:

- Declaration of 23 May 1968 in Kampala by the rebel Biafran authorities: it pledged to respect civilian populations, to give the ICRC facilities for the delivery of humanitarian assistance and organized the exchange of prisoners of war through the ICRC.
- Declaration of 16 June 1977 by Joshua Nkomo of the African National Congress and the Zimbabwean African People's Union (ANC-ZAPU): it pledged to apply the Geneva Conventions and their Additional Protocols.
- Declaration of 23 September 1977 by Bishop Muzorewa of the United African National Council (UANC): it pledged to apply the Geneva Conventions and their Additional Protocols.
- Declaration of 25 July 1980 by the Uniato National para a Independencia Total de Angola (UNITA): it pledged to respect the fundamental rules of IHL.
- Declaration of 28 November 1980 by the African National Congress (ANC, South Africa) president, Oliver Tambo: it pledged that the organization would respect the Geneva Conventions and the Additional Protocols.
- Declaration of the 15 July 1981 of the South West Africa People's Organization (SWAPO) President, Sam Nujoma, to the ICRC on the respect for the Geneva Convention and its Additional protocols.
- Declaration of 6 October 1988 in Geneva by the SWAPO secretary-general Toivo ya Toivo: it assured the application of IHL by the SWAPO.
- Declaration of the Rwandese Patriotic Front of 22 October 1992 in Geneva: it confirmed the application of IHL and recognition of the ICRC's activities.

⁵³ Churchill Ewumbue-Monono, *'Respect for international humanitarian law by armed non-state actors in Africa'* (International Review of the Red Cross, December 2006), p. 916-922.

Apart from these formal declarations, many liberation movements also made a number of statements of commitments to respect the IHL, for example⁵⁴:

- The statements of commitment of December 1975 by Ethiopian liberation movements such as the Eritrean Liberation Front (ELF), Eritrean People's Liberation Front (EPLF), and by the Popular Front for the Liberation of Saugua el Hamra and Rio de Oro in Western Sahara (POLISARIO) to respect IHL.
- The statements of commitments in 1976 by the representatives of nationalist movements in southern Africa, notably the Zimbabwe African People's Union (ZAPU), the ANC and SWAPO, to co-operate with the ICRC in promoting IHL.
- The pledge by various armed groups in Angola, given in January 1976 during the OAU Extraordinary Summit on Angola, to respect their IHL commitments.

6.3.2. Integration of international humanitarian law in military doctrines of armed groups

International humanitarian law's principles have been integrated in the military doctrine of numerous rebel movements such as the Uganda's National Resistance Movement (1980-1986), the Rwandan RPF (1990-1994) or the SPLM in Sudan to some extent. These non-state actors formulated a set of directives governing the conduct of hostilities: to take captives prisoner rather than execute them; to only attack military objectives and combatants; to desist from using terror tactics; to punish violations of international humanitarian law in fair and regular trials⁵⁵.

⁵⁴ Churchill Ewumbue-Monono, *'Respect for international humanitarian law by armed non-state actors in Africa'* (International Review of the Red Cross, December 2006), p. 916-922.

⁵⁵ Churchill Ewumbue-Monono, *'Respect for international humanitarian law by armed non-state actors in Africa'* (International Review of the Red Cross, December 2006), p.911-915.

6.4. The obstacles related to this approach

However, serious obstacles exist regarding the development of the Geneva Call or the ICRC's approaches. The first main obstacle is the one related to states' sovereignty: there is a perception that the negotiation of special agreements with non-state actors or acceptance of their unilateral declarations confers on them recognition by humanitarian organizations. The second main obstacle is the conflict between justice and national reconciliation: starting to negotiate with armed groups will give them legitimacy, strengthen them and exacerbate internal divisions inside the same countries. So the question is: how to overcome these obstacles?

Chapter 7 : Conclusions, lessons learnt, solutions

7.1. Armed groups have different motives and obey to different logics: in order to address effectively this issue, there is a necessity to categorize them

All armed groups do not obey to the same logics and do not have the same goals. The Free Syrian Army in Syria, the Liberation Tigers of Tamil Eelam in Sri Lanka, the Mai-Mai in Democratic Republic of the Congo and the FARC in Columbia will not act the same way and be equally receptive to human rights issues. To allow the human rights workers in the field to address armed groups with effectiveness, it is necessary to categorize these armed groups according to their level of receptivity to human rights issues. Regarding the current situation, three categories of armed groups can be identified (they are ranked regarding their level of receptiveness to human rights issues):

The first category concerns armed groups that are fighting for a political purpose and that have officially declared themselves as concerned by human rights and humanitarian law: this category is the easiest one to dialogue with. Since these armed groups fight for power and to replace the government, they will be more sensitive to the necessity of gaining people's support. Hence, they will be more likely to avoid acts of terror against the population. In addition, their official commitment to human rights already bound them in a certain way, making them accountable, and they will be more likely to try to save appearances like states do when it comes to human rights violations by their own troops. As an example of these armed groups, we can mention the Syrian Democratic Forces, a multi-ethnic and multi-religious alliance of Kurdish, Arab, Assyrian, and Syriac militias.

The second category concerns armed groups that are fighting for a political purpose but that have shown reject towards human rights principles. The only way human rights practitioners have to address these armed groups is to use their rationality: if they fail getting people's support or at least their tacit consent, they will never be able to maintain their power and will quickly loose territories they take. This will be the case for example of the Houthi in Yemen. These groups in particular are often religious extremists. Hence, even if these armed groups need people's support, because of their own paradigm, they will reject basic human rights especially when it comes to women, LGBT, and religious minorities.

The third category concerns armed groups that are fighting for economical purpose and that shows no interest for human rights at all. Since their main purpose is looting and pillage, they are the hardest category to dialogue with: people's support matter less to them than the two other categories.

These categories are inspired by the model developed by Collier and Hoeffler in their work 'Beyond Greed and Grievance'⁵⁶, in which they presented two models of rebellion: the 'looting model of rebellion' in which the objective of rebellion is simply 'the capture of loot'; and a 'justice seeking model' in which the rebels are driven by the desire to rectify perceived injustice.

7.2. According to the category they belong to, specific solutions can apply for building a productive dialogue with these armed groups.

Once these categories are made, specific solutions must be developed for each of them. These solutions must take into account the resistance of states regarding potential dialogue with armed groups and moreover the risk to legitimize these armed groups and creating more disorder and conflicts within a country by doing so. All the recommendations proposed below, except those concerning the first category of armed groups, are meant to be applied with the collaboration of states.

The recommendations are based on four core directing principles: 1) The accountability of armed groups: they must be considered as responsible as states are for any human rights' violations they do; 2) The advocacy, by using rational arguments, for the protection of human rights and civilians in general (through dialogue, public campaigns); 3) Raising awareness about the crimes committed by armed groups; 4) Strengthening the United Nations field capabilities, especially when it comes to the peacekeeping missions.

⁵⁶ Paul Collier, Anke Hoeffler, Dominic Rohner, *'Beyond greed and grievance: feasibility and civil war'* (Oxford University Press, 2008), p. 1-27.

Recommendations for the first category (armed groups with political purpose and who expressed an interest into human rights issues):

- Continuing and deepening the dialogue already opened between them and NGOs, Geneva Call and the International Committee of the Red Cross is a necessity to prevent more human rights violations.
- However, this dialogue should not transform itself into an official support to the armed group and must remain focused on preventing human rights violations. For example, it must consist into the signature of the Deed of Commitment mentioned below or code of conducts and then goes beyond that. Through this dialogue, the goal is to obtain from the armed group to allow access for humanitarian helps and investigations regarding the respect of their engagements. Since these armed groups are looking for power and legitimacy, this will make NGOs' work easier.
- In the long-term, the more this dialogue will be productive, the more these armed groups will be held accountable for their actions. Hence, their leaders will be more concerned by human rights' violations made by their troops.

Recommendations for the second category (armed groups with political purpose and who expressed their reject for human rights issues):

- Starting a dialogue essentially based on the need of these armed groups to obtain people's support. It will be useless to try to use a discourse based on the protection of human rights and civilians in general: if these armed groups, such as the Houthi in Yemen, expressed a certain reject or disinterest for these issues, their leaders will not even try to control their troops' behavior when it comes to this topic. The main way to dialogue with them in order to protect civilians is to use their need for people's support. This is the work of the NGOs. But this 'dialogue' will not be enough.

- A second aspect will be essential when it comes to civilian protection from this category of armed groups' crimes: the military aspect. This aspect will essentially involve the United Nations and, to some extent, neighbors states. The UN peacekeeping missions today often assist military failed and weak states. This is notably the case with the MONUSCO in DRC, which assist and work closely with the national army. This situation also happens between states: when Islamist groups started to take over territories in Mali, the French army, at the request of the Malian government, intervened in 2013 to help the Malian army against these extremist groups.

Recommendations for the third category (armed groups with looting purpose):

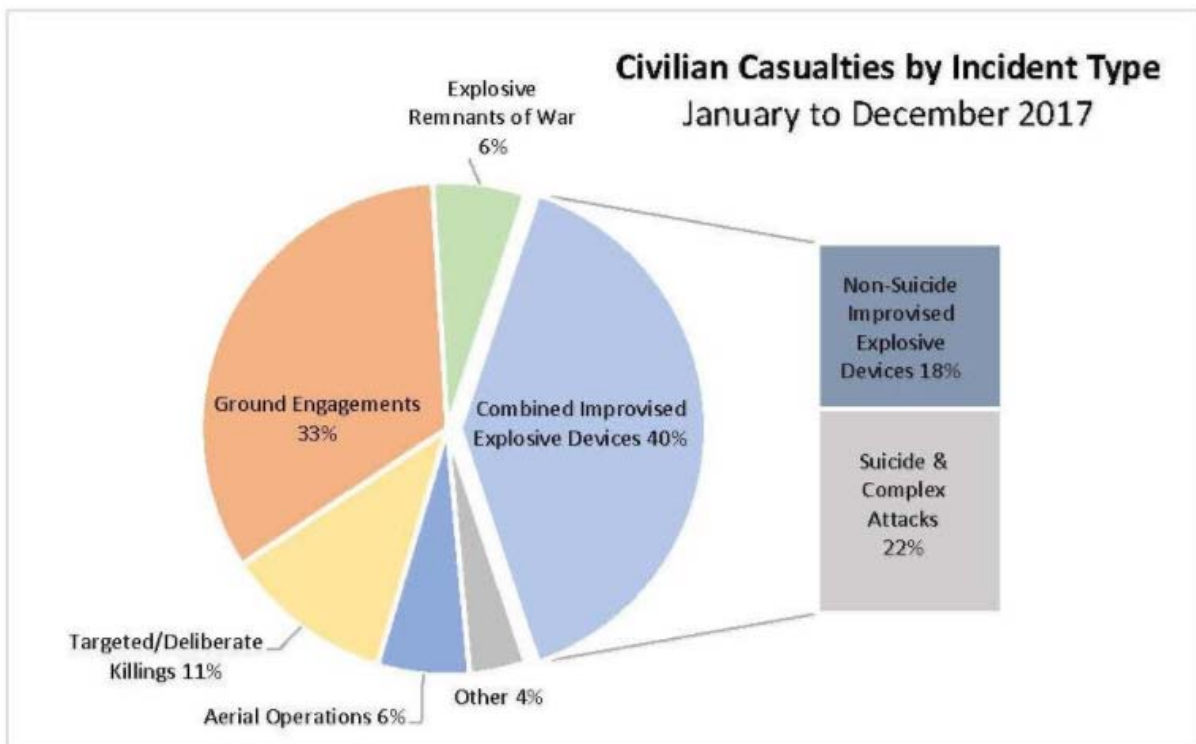
- The use of UN Peacekeeping missions' camps for disarmament, demobilization, and reintegration of former combatants. As of today, the United Nations have settled numerous camps for former combatants. For instance, the Disarmament, Demobilization and Reintegration section of the Department of Peacekeeping Operations leads numerous policies, such as the Community Reduction Violence, in order to teach to former combatants how to reintegrate themselves into the civil society. Advocating in favor of these camps, investing more in them in order to make them more appealing to armed groups' combatants will help to decrease the number of persons that engage into armed groups for looting purpose. For example, numerous individuals from armed groups in DRC joined voluntary these camps to avoid the horror committed by the armed groups they used to belong to.
- Enforcing the jurisdictional system (so that the armed groups can be held accountable for their actions, even if they haven't expressed any concern for human rights law): dialogue with these armed groups would never work; they do not need people's

support, they are not looking for power, and they do not care about human rights. Therefore, a totally different solution should be used: the creation of criminal courts by the United Nations system and that will be protected by UN Peacekeepers. If these groups are active in some countries, it means that the state is not strong enough to pursue them in trial. Hence, this must be done by an international authority, with the authorization of the state.

APPENDIX:

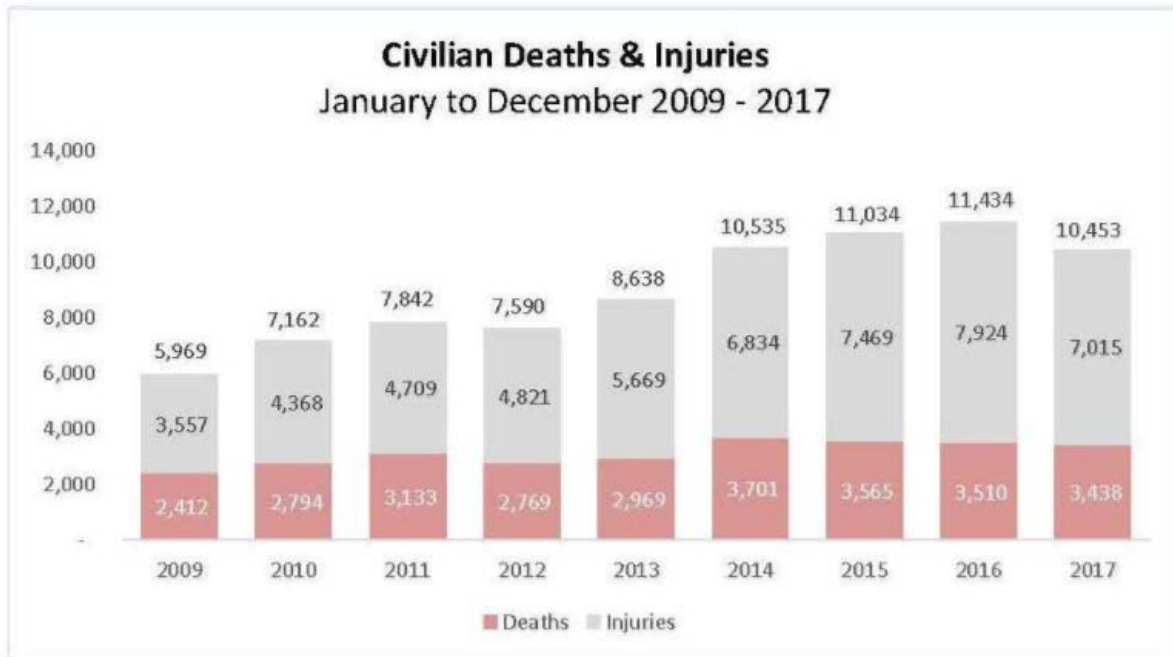
Civilian casualties by Incident Type, from January to December 2017 in Afghanistan

(from the *United Nations Assistance Mission in Afghanistan*):



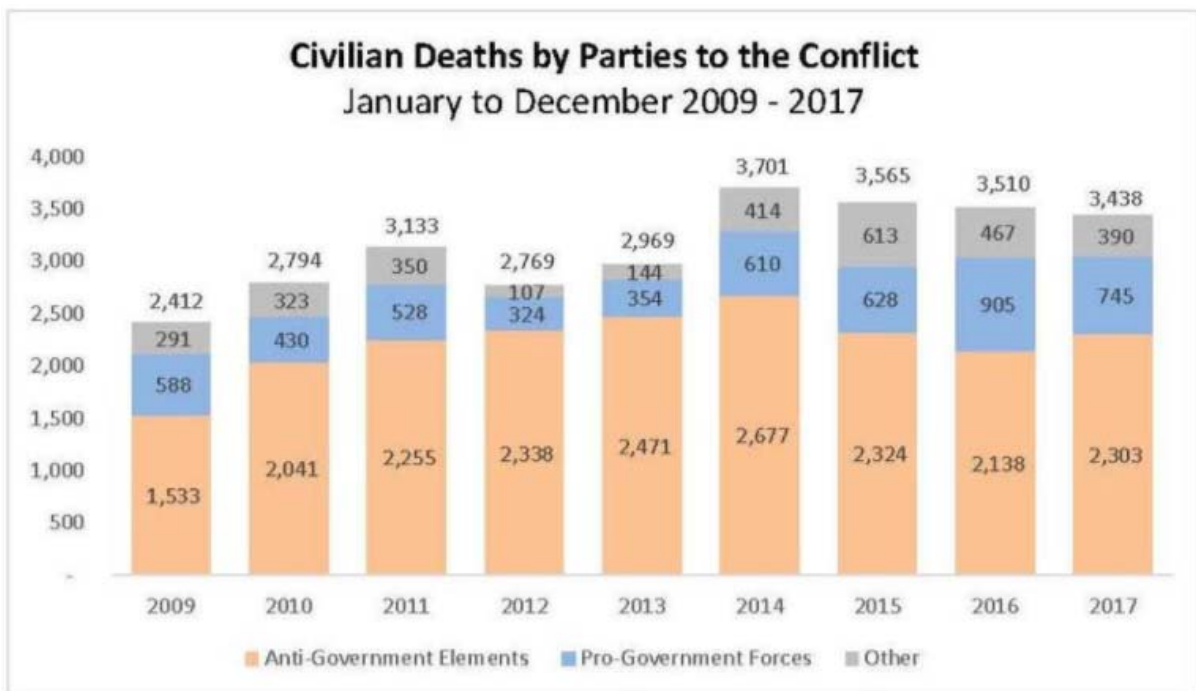
Civilian deaths and injuries, from January to December 2017 in Afghanistan

(from the *United Nations Assistance Mission in Afghanistan*):



Civilian deaths by parties to the conflict, from January to December 2017 in Afghanistan

(from the *United Nations Assistance Mission in Afghanistan*):



Monthly death among the civilian population in Iraq since 2003 (from '*Iraq Body Count*):

Human Rights in Non-International Armed Conflicts

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
2003	3	2	3977	3438	545	597	646	833	566	515	487	524	12,133
2004	610	663	1004	1303	655	909	834	878	1042	1033	1676	1129	11,736
2005	1222	1297	905	1145	1396	1347	1536	2352	1444	1311	1487	1141	16,583
2006	1546	1579	1957	1804	2278	2593	3298	2865	2565	3037	3095	2900	29,517
2007	3032	2679	2726	2566	2851	2216	2696	2481	1387	1324	1124	996	26,078
2008	858	1092	1667	1315	914	750	639	704	612	594	540	586	10,271
2009	372	407	438	589	428	563	431	653	350	441	226	478	5,376
2010	267	305	336	385	387	385	488	520	254	315	307	218	4,167
2011	389	254	311	289	381	386	308	401	397	366	288	392	4,162
2012	531	356	377	392	304	529	469	422	400	290	253	299	4,622
2013	357	360	403	545	888	659	1145	1013	1306	1180	870	1126	9,852
2014	1097	972	1029	1037	1100	4088	1580	3340	1474	1738	1436	1327	20,218
2015	1490	1625	1105	2013	1295	1355	1845	1991	1445	1297	1021	1096	17,578
2016	1374	1258	1459	1192	1276	1405	1280	1375	935	1970	1738	1131	16,393
2017	1119	982	1920	1816	1871	1858	1498	597	490	397	348	291	13,187
2018	474	410	379										1,263

Deaths in East and West Congo by age and sex in 2006

(from '*International Rescue Committee*):

Human Rights in Non-International Armed Conflicts

<i>EAST</i>	Total reported (weighted %)		5yrs and older				Young children	
			Male		Female		0-4yrs	
Fever / malaria	498	26.3%	116	21.0%	83	18.2%	299	34.2%
Other / unknown	395	21.4%	187	34.2%	144	31.1%	64	7.9%
Diarrhea	174	9.1%	59	10.3%	35	6.6%	80	9.7%
Acute respiratory-tract infections	136	7.5%	37	6.7%	35	7.5%	64	8.1%
Neonatal death	142	7.1%	N/A	N/A	N/A	N/A	142	15.5%
Tuberculosis	129	6.6%	69	11.5%	54	11.4%	6	0.7%
Measles	115	5.5%	11	1.7%	10	2.1%	94	9.9%
Malnutrition	75	4.0%	11	2.1%	10	2.3%	54	6.3%
Anemia	71	3.2%	8	1.4%	11	2.4%	52	4.8%
Meningitis	55	2.8%	18	3.2%	15	3.1%	22	2.3%
Accident / injury	45	2.4%	30	5.2%	11	2.5%	4	0.6%
Maternal	42	2.3%	N/A	N/A	42	9.1%	N/A	N/A
AIDS	27	1.2%	9	1.1%	18	3.5%	0	0
Violence	11	0.6%	10	1.8%	1	0.2%	0	0
Total	1915	100.0%	565	100.0%	469	100.0%	881	100.0%

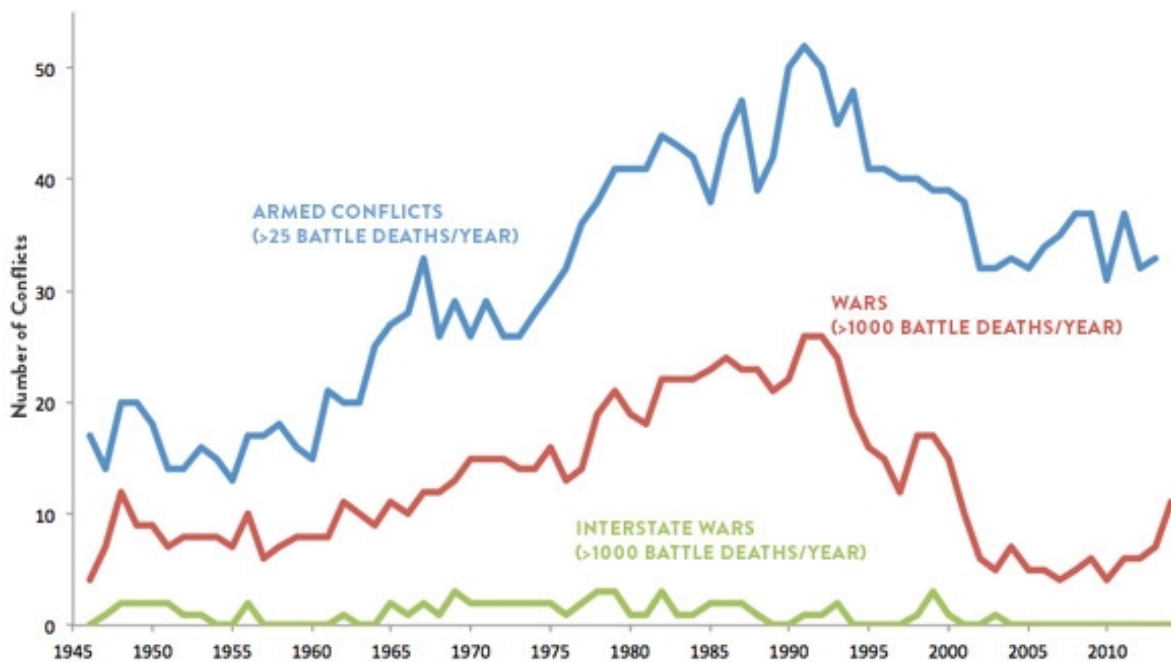
<i>WEST</i>								
Fever / malaria	268	27.7%	51	19.5%	47	21.2%	170	35.0%
Other / unknown	232	22.8%	111	39.9%	80	34.1%	41	8.5%
Diarrhea	86	8.9%	14	5.3%	10	4.6%	62	12.8%
Tuberculosis	68	6.8%	37	13.4%	23	10.5%	8	1.6%
Neonatal death	62	6.5%	N/A	N/A	N/A	N/A	61	12.9%
Acute respiratory-tract infections	55	5.5%	11	4.2%	11	4.6%	33	6.6%
Anemia	41	4.3%	5	2.1%	1	0.4%	35	7.2%
Malnutrition	41	4.3%	8	2.9%	10	5.3%	23	4.5%
Accident / injury	35	3.4%	22	8.1%	6	2.5%	7	1.3%
Meningitis	30	3.2%	6	2.1%	2	0.9%	22	4.7%
Measles	29	2.9%	1	0.4%	3	1.6%	25	4.8%
Maternal death	26	2.8%	N/A	N/A	26	12.7%	N/A	N/A
AIDS	8	0.8%	4	1.4%	4	1.6%	0	0
Violence	3	0.3%	2	0.6%	0	0	1	0.2%
Total	984	100.0%	272	100.0%	223	100.0%	488	100.0%

All percentages are weighted proportions.

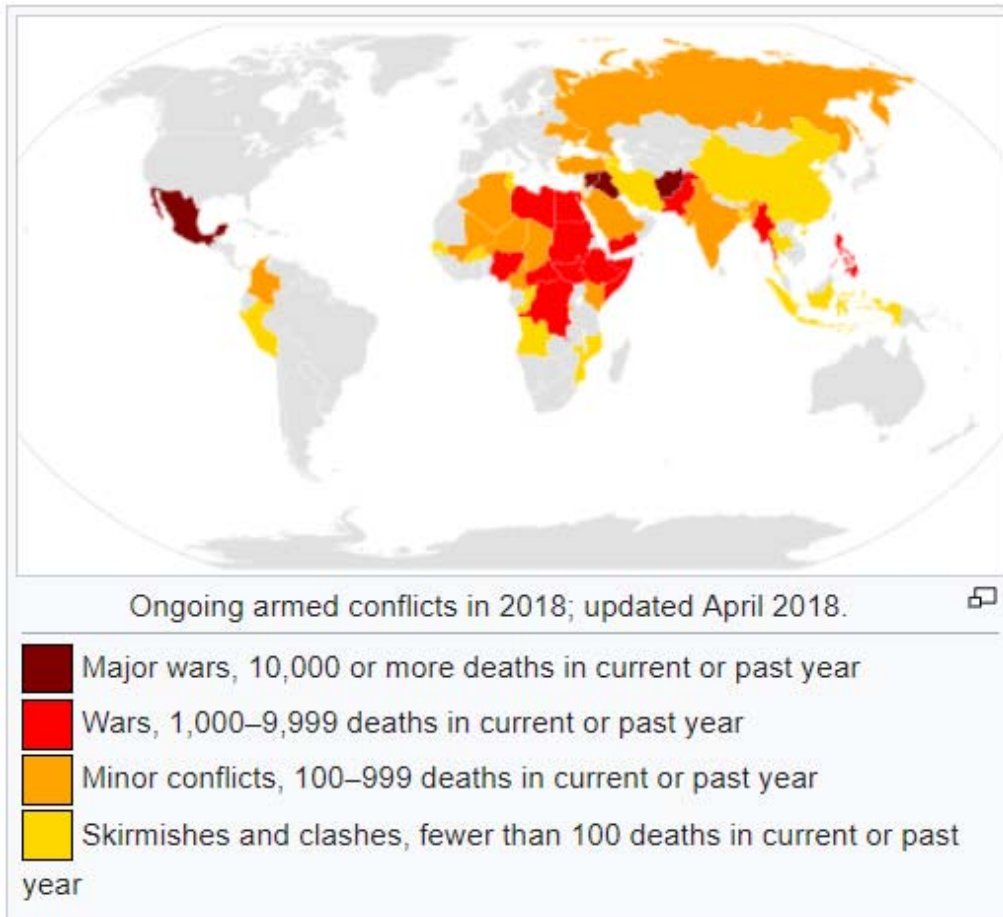
N/A = not applicable



NUMBER OF ARMED CONFLICTS AND WARS 1946-2014



Source: Uppsala Data Conflict Program/Peace Research Institute Oslo Armed Conflict Dataset.



Total number of words (excluding footnotes, references, appendix, table of contents, and abstract: 13, 507.