

The Role of International Human Law in Armed Conflicts Involving Non- State Actors an Analytical Study

ABHAY GOYAL,
Department of Faculty of Law, Graphic Era Hill University,
Dehradun, Uttarakhand, india 248002
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Abstract

International Humanitarian Law (IHL) holds a paramount position in regulating armed conflicts that involve non-state actors. As non-state armed groups are on the rise and their participation in conflicts becomes more prevalent, it becomes imperative to ensure that these actors are bound by the same rules and principles as state actors. The cardinal principles of IHL, including but not limited to the principle of distinction, proportionality, and necessity, are applicable to all involved parties in an armed conflict, irrespective of their status as state or non-state actors. The involvement of non-state armed groups in conflicts is on the rise, presenting distinctive challenges to the implementation of IHL. Due to the lack of a centralized command structure and non-adherence to IHL principles, it becomes strenuous to hold these actors accountable for their actions. However, recent advancements in international law, such as the International Criminal Court's jurisdiction over non-state actors, have fortified the legal framework for holding these actors responsible for their actions.

Keyword: International Law Conflict, Non-State Actor Armed Conflicts, Role Of International Human Law.

Introduction

Armed hostilities entailing non-state actors have increasingly become ubiquitous in the modern era. Clapham (2006) found that non-state actors, comprising dissident factions, insurgent groups, and extremist organizations, operate beyond the state's jurisdiction and habitually resort to violent activities, thereby inflicting considerable harm upon individuals and communities. The intricate nature of these hostilities, which frequently involve numerous stakeholders with conflicting interests, engenders formidable impediments to the application

of the international law governing human rights. International human law, also recognized as international humanitarian law, is a field of international legal principles that govern the conduct of armed conflicts. Its aim is to mitigate the adverse impacts of armed conflicts and safeguard non-combatant individuals, including civilians and captives. This body of law applies to all parties involved in the conflict, irrespective of their affiliation.

In conflicts involving non-state actors, international human law plays a multifarious role. One of its primary functions is to establish a framework of regulations and principles that all parties must adhere to. These regulations include the prohibition of assaults on civilians, the merciful treatment of prisoners of war, and the obligation to offer medical care to the injured and ill. By defining these regulations, international human law strives to limit the damage inflicted by armed conflicts and protect vulnerable individuals from mistreatment.

Droege (2007) explored and found that international human law plays a significant role in armed conflicts that involve non-state actors, chiefly by providing a framework for accountability. Given that non-state actors typically operate beyond state control, it can be challenging to hold them responsible for their actions. Nonetheless, international human law establishes a legal framework that ensures all parties involved in a conflict are accountable for their conduct, including individuals who perpetrate war crimes or violate international human law. International humanitarian law additionally assumes a crucial function in shaping the behaviour of armed conflicts entailing non-state actors. The said law establishes a structure for negotiations and peace accords, which could aid in putting a halt to hostilities and mitigating the detrimental impact caused by violence.

Through the establishment of norms and principles for the conduct of armed conflicts, international humanitarian law could likewise sway the conduct of non-state actors and ultimately curtail the risk of jeopardising the welfare of civilians and other susceptible groups. Despite the paramount importance of international human law in armed conflicts with non-state actors, its effective implementation poses significant challenges. This is particularly true given the intricate and mutable environments in which non-state actors operate, rendering it arduous to apply the law in a consistent and predictable manner. Additionally, non-state actors may resist the authority of international human law, either by not acknowledging it or by rejecting the rules that it sets forth.

Furthermore, the regulatory efficacy of international human law with respect to armed conflicts involving non-state actors may be circumscribed by the actions of states themselves. States may extend support or tolerate non-state actors, bestow them with armaments or other resources, or contravene international human law in their own right. These actions can foster an atmosphere in which non-state actors are emboldened to partake in violent activities, and can complicate efforts to hold all parties accountable for their actions.

Literature review

International humanitarian law, also referred to as global human law, is a legal framework that governs the behaviour of belligerent parties during armed conflicts with the intention of preserving the well-being of non-combatants who are not actively involved in hostilities.

Buergethal, Shelton, and Stewart (2009) found that this pertains to civilians, medical professionals, and other individuals who are not engaged in the conflict directly. The codification of regulations and doctrines constitutes the foundation of international humanitarian law.

These precepts are binding on all parties engaged in an armed dispute, regardless of their statehood or non-statehood. These stipulations encompass the prevention of unwarranted aggression against non-combatants, the fair and humane treatment of war captives, and the safeguarding of cultural artifacts and the ecosystem. The goal of these statutes is to restrict the damage wrought by belligerent acts and to shelter vulnerable individuals from maltreatment.

Sivakumaran (2012) found that by delineating clear-cut regulations and doctrines for the execution of hostilities, the law furnishes a structure for curbing the harm inflicted upon non-combatants and other civilians. International human law, otherwise referred to as international humanitarian law, is *corpus juris* that prescribes the comportment of military conflicts in order to safeguard individuals who are not actively engaged in hostilities, including non-combatant civilians and medical personnel. The primary element of international human law is its codification of principles and regulations that all parties to the conflict must abide by, with the intention of mitigating the deleterious consequences of armed conflicts and shielding vulnerable persons from maltreatment.

Moeckli, Shah, Harris, and Sivakumaran (2014) found that the legislation also mandates that all involved parties handle war captives and other detainees with humanity, ensuring they have adequate sustenance, refuge, and medical attention. Captured combatants must be shielded from violent aggression and maltreatment, and must be authorized to converse with their kin and representatives from their governing body or charitable organizations. Global human law also prescribes regulations to safeguard cultural artifacts and the biosphere during armed clashes.

Byers (2007) found that involved parties are required to take all indispensable precautions to prevent impairment to cultural property and to shield the natural habitat, which includes fauna and the ecological system. The law strictly prohibits any violent acts against civilians, including those that are indiscriminate or disproportionately harmful, leading to injury or death of innocent bystanders. Parties engaged in a conflict must take all necessary measures to prevent any harm to civilians and refrain from using them as targets or shields.

The rules and principles of international human law serve as a crucial safeguard for non-combatants and civilians during war, providing a structured framework to regulate the conduct of hostilities and mitigate the potential harm caused by them. However, the application of the law in governing conflicts involving non-state actors can be considerably hampered by numerous complex and uncertain factors inherent to such conflicts. The law strictly prohibits any violent acts against civilians, including those that are indiscriminate or disproportionately harmful, leading to injury or death of innocent bystanders.

Cameron (2006) found that parties engaged in a conflict must take all necessary measures to prevent any harm to civilians and refrain from using them as targets or shields. The rules and principles of international human law serve as a crucial safeguard for non-combatants and civilians during war, providing a structured framework to regulate the conduct of hostilities and mitigate the potential harm caused by them.

However, the application of the law in governing conflicts involving non-state actors can be considerably hampered by numerous complex and uncertain factors inherent to such conflicts. The intricacies of international human law persist as an indispensable mechanism

for safeguarding vulnerable individuals during armed conflicts. As the challenges presented by non-state actors continue to transform, it is imperative that this body of law undergoes continual scrutiny and adaptation to remain efficacious. The efficacy of international human law in regulating the conduct of non-state actors may be further impeded by the actions of states.

In certain instances, states may offer support or tacitly condone the activities of non-state actors that transgress international human law by furnishing them with arms or other resources, thereby enabling them to pursue their illicit endeavors. Such state actions can augment the challenges to upholding the principles and rules of international human law. International human law encounters a significant challenge when it comes to regulating conflicts involving non-state actors. The law's credibility is jeopardized by states themselves who use excessive force and carry out attacks that harm or kill non-combatants, impeding the ability to hold other parties accountable for their actions. The effectiveness of the law is further hindered by the uncertainty surrounding the legal standing of some non-state actors.

The law's authority may not be recognized by certain non-state actors, or they may operate outside the jurisdiction of states, making it difficult to ensure accountability. Despite these obstacles, international human law remains an essential instrument for safeguarding civilians and non-combatants during conflicts. The law establishes clear principles and regulations for conducting hostilities and provides a framework for reducing harm and preventing violations. To confront the difficulties of regulating armed conflicts that encompass non-state actors, it is imperative to engage in ongoing exploration and adjustment of the law. This may encompass developing innovative legal mechanisms that hold non-state actors accountable for their deeds and bolstering states' ability to enforce the law. Additionally, it is vital for states to acknowledge their responsibilities under international humanitarian law and to take proactive measures to guarantee that they do not provide support or participate in activities that breach the law. By adhering to the principles and regulations of the law, states can help to ensure that it endures an effective instrument for promoting the safeguarding of vulnerable individuals in armed conflicts that involve non-state actors. International humanitarian law also plays a crucial role in holding belligerent parties accountable for their actions during armed conflicts.

The law establishes legal frameworks to scrutinize and bring to justice individuals responsible for committing heinous war crimes, egregious crimes against humanity, and other egregious violations of the law, regardless of whether they are state or non-state actors. Notwithstanding the clear advantages of international humanitarian law, its effectiveness in regulating armed conflicts involving non-state actors can be constrained by a multitude of factors. For instance, non-state actors may disavow the authority of the law and engage in actions that are contrary to its fundamental principles. Furthermore, the fluid and capricious nature of many non-state actor conflicts can make it challenging to apply the law with any degree of efficacy.

According to Shelton (2015) the established precepts and canons of international human law persist as a pivotal instrument in advocating for the shelter of civilians and non-combatants in warfare where non-state actors are involved. To ensure that it remains effectual in tackling the exclusive quandaries presented by these conflicts, it is indispensable to continually research and modify the law.

Wimmer, Cederman, and Min (2009) found that a fundamental obstacle to the efficacy of international human law in regulating armed conflicts involving non-state actors is the intricate and mutable nature of these confrontations. In contrast to conflicts between states, the ones with non-state actors can be immensely decentralized and challenging to foresee. These actors might execute their operations across borders, thereby complicating the identification of the legal jurisdiction to hold them accountable for their actions.

Furthermore, non-state actors may have varying levels of authority over the groups they associate with, making it difficult to pinpoint the responsible parties for violating international human law. Consequently, it becomes more arduous to apply the law and hold accountable the parties responsible for the violations.

The fluid nature of conflicts with non-state actors may also hinder the establishment of clear channels of communication and coordination between the involved parties, which makes it harder to enforce the principles and regulations of international human law and guarantee the adherence of all parties to the law.

To address these challenges, it is necessary to continue researching and adjusting international human law. This might entail formulating new legal mechanisms that address the exclusive challenges of non-state actor conflicts, such as formulating unequivocal legal frameworks for holding non-state actors liable for their actions.

Additionally, it is vital that states and other parties involved in conflicts acknowledge their obligations under international human law and take measures to ensure compliance. This could involve imparting training to military personnel and other individuals partaking in armed conflicts to guarantee their awareness of their obligations under the law.

Despite the hurdles presented by conflicts involving non-state actors, international human law remains a crucial instrument in promoting the shelter of civilians and non-combatants in armed confrontations. By establishing unambiguous precepts and regulations for the conduct of hostilities, the law can help reduce harm and prevent abuses. Continual research and modification of the law are vital to ensure that it remains effective in addressing the shifting challenges presented by conflicts involving non-state actors.

Objectives of the study:

To understand the role of international human law in armed conflicts involving non- state actors

Research Methodology:

This study is empirical in nature. In this study 190 respondents were contacted to give their viewpoints on the role of international human law in armed conflicts involving non- state actors. The data analysis was done with the help of the frequency distribution and pie charts were used to present the data.

Data Analysis and Interpretation:

Table 1 Protection of those people who are no more fighting any war

Particulars	Agree	Disagree	Can't Say	Total
Respondents	167	14	9	190

% age	88.0	7.0	5.0	100
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Table 1 presents that with the statement **protection of those people who are no more fighting any war**, it is found that 88.0% of the respondents agree with this statement.

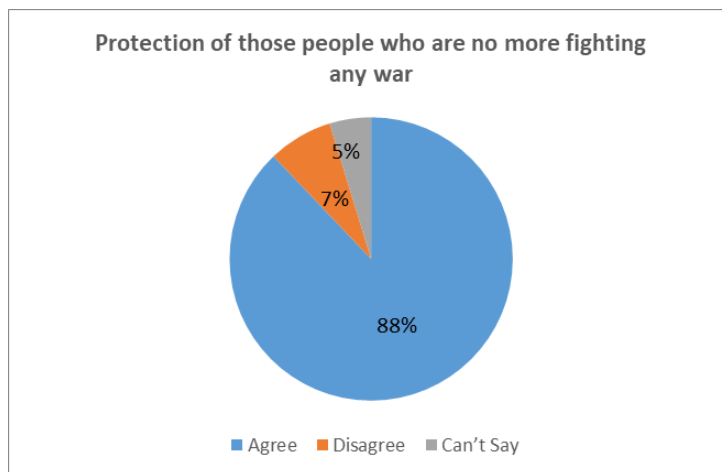


Figure 1 Protection of those people who are no more fighting any war

Table 2 Limitation on the means of warfare in special weapons

Particulars	Agree	Disagree	Can't Say	Total
Respondents	162	17	11	190
% age	85.0	9.0	6.0	100

Table 2 presents that with the statement **limitation on the means of warfare in special weapons**, it is found that 85.0% of the respondents agree with this statement.

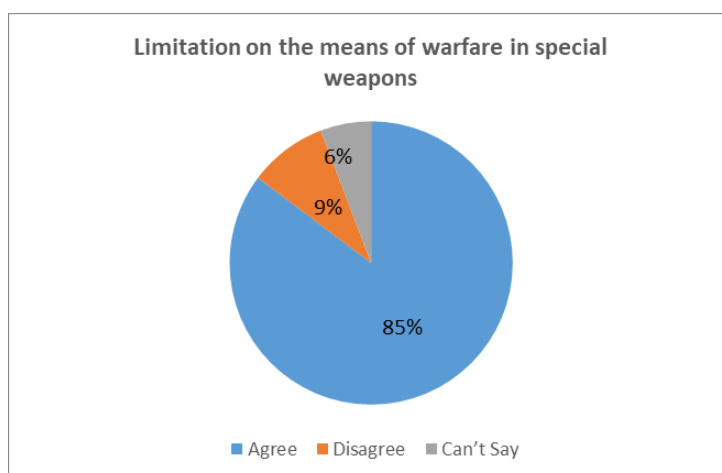


Figure 2 Limitation on the means of warfare in special weapons

Table 3 Limits the suffering caused by warfare and to mitigate its effects

Particulars	Agree	Disagree	Can't Say	Total
Respondents	173	12	5	190
% age	91.0	6.0	3.0	100

Table 3 presents that with the statement **limits the suffering caused by warfare and to mitigate its effects**, it is found that 91.0% of the respondents agree with this statement.

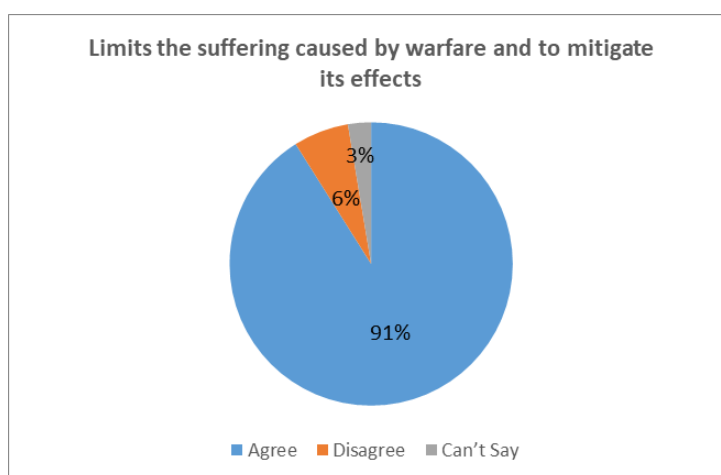


Figure 3 Limits the suffering caused by warfare and to mitigate its effects

Table 4 It limits the effects of armed conflicts

Particulars	Agree	Disagree	Can't Say	Total
Respondents	170	13	7	190
% age	89.0	7.0	4.0	100

Table 4 presents that with the **it limits the effects of armed conflicts**; it is found that 89.0% of the respondents agree with this statement. Considering all the responses of the statements, it was found that to a good percentage, the respondents have agreed which means that

international human law plays an important role in armed conflicts involving non- state actors.

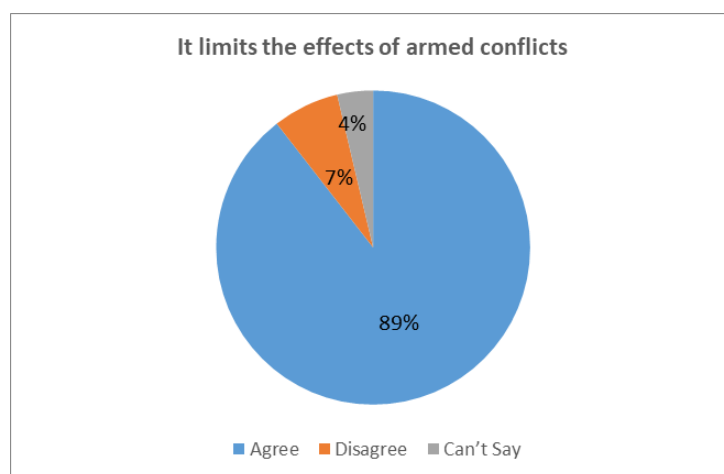


Figure 4 It limits the effects of armed conflicts

Conclusion

This literature review sheds light on the crucial role of international human law in governing armed conflicts involving non-state actors. The research has elucidated the various principles and regulations of international humanitarian law that provide a structured framework for safeguarding the well-being and survival of non-combatants and civilians amidst war. It has also underscored the significance of adhering to the law in minimizing harm and preventing violations during armed conflicts. Furthermore, the analysis has spotlighted the complexities associated with the implementation of international humanitarian law in regulating conflicts involving non-state actors. The research identifies numerous intricate and unpredictable factors that can hinder the efficacy of the law, such as the lack of clear chains of command, the difficulty in identifying non-state actors, and the absence of mechanisms for accountability. Notwithstanding these obstacles, the importance of international humanitarian law in armed conflicts involving non-state actors is paramount. Compliance with the law is crucial in preserving the rights and dignity of non-combatants and civilians, and the international community must continue to work towards fortifying the structure of international humanitarian law to ensure its comprehensive implementation.

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