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LAW OF ARMED CONFLICT AND NON-STATE ACTORS IN AFRICA

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ABSTRACT

Over the years, studies on International Humanitarian Law, also known as the Law of Armed Conflict, have been grounded in the discursive interrogation of the analytical relationship between the Law of Armed Conflict and State Actors, with a facile appraisal given to the nexus between the Law of Armed Conflict and Non-State Actors, specifically in Africa. Hence, this paper seeks to analyse the relationship between the Law of Armed Conflict and Non-state Actors in Africa. Considering the legal framework beyond the Geneva Convention, the paper examines the position of erga omnes and the Geneva Convention Common Article 3 in understanding the intersection of IHL and non-state actors in Africa. The paper establishes a typology for categorising Non-state Actors within International Law. This typology is adopted to avoid Fallacia Vaguitatis, as Non-State Actors can be quite vague if used carelessly. Furthermore, it is expected that the typology will help inform the reader on how non-state actors are understood in International Legal Scholarship. Beyond theoretical discussion, the paper includes empirical evidence through case studies to effectively analyze the dialectical relationship among the variables involved. The use of case study analysis offers a robust examination of the challenges and the international and domestic responses. The paper is ultimately not only analytical but also critical, providing recommendations on Quid faciendum est to strengthen the pillars of the Law of Armed Conflict in Africa.

Keywords: *International Humanitarian Law, Non-state Actors, Law of Armed Conflict, Africa.*

INTRODUCTION

Conflict by armed non-states that is not direct with the state machinery is a common phenomenon. Inter-rebel fighting is hallmarks of complex civil war, as the examples by Syria and Sudan have testified. Conversely, nations such as Kenya and Mexico have very low civil fights with the state but are plagued by violent deadly nonstate conflict by gangs or communal militias. The Uppsala Conflict Data Program (UCDP) registered a total of 454 global nonstate conflicts during the period from 1989 to 2011. All combined violent fights accounted for over 100,000 casualties. Approximately 70% of the nonstate conflicts, together with the resultant casualties, were registered from Africa (Sundberg et al. 2012).

A very common variable influencing the origins, processes, and ends of armed conflict involve the specific issues over which the belligerents fight (Bell and Long 2016; Diehl 1992; Hensel, McLaughlin Mitchell, Sowers, and Thyne 2008). For instance, disputes over claims to territories are found to have specific obstacles to their resolution (Toft 2014; Huth 1998). Analogously, the qualities of the actors themselves, such as the external sponsor assistance the actors receive,

have specific influences regarding the conflict dynamics and the likelihood of recurrence (Kalyvas and Balcells 2010; Karlén 2017). Those inferences are the result of researches and data for intrastate and interstate warfare, where one state is pitted by either a nonstate actor or else an additional state. However, where the conflict is one between two organized actors where no governmental body is involved, complete information on the issues at stake has been proven to be common, and systematic data on the protagonists' characteristics are virtually absent. That has restricted the ability of researchers to conduct comparably elaborate studies on the nonstate conficts as where conducted by them on civil and interstate warfare.

In light of these circumstances, the importance of International Humanitarian Law (IHL) becomes especially significant. Conflict data emphasizes the prevalence and severity of nonstate conflicts, while the legal structure governing armed violence primarily focuses on states. This mismatch highlights the necessity to examine how IHL, initially centered around states as the main duty-holders, interacts with non-state armed groups prevalent in modern African conflicts.

IHL aims to reduce suffering during wartime and can be attributed to Henri Dunant and Francis Lieber, who laid the foundation for its current form (Acke, 2005). The development of modern international law comprises two main branches: the law of The Hague and the law of Geneva. The former regulates conduct during hostilities, while the latter protects war victims. Despite evolving since the 19th century, international laws of war face challenges due to the absence of a robust central authority to enforce compliance. This lack of enforcement is evident in recent conflicts such as those in the former Yugoslavia, Rwanda, Sudan, Sri Lanka, Nepal, Iraq, Afghanistan, and the Democratic Republic of Congo, where IHL violations are common.

Differentiating between international and non-international armed conflicts, IHL rules for the latter are less developed. With the majority of conflicts being non-international, enhancing IHL for such situations is crucial (de Beco, 2005; Sivakumaran, 2006; Capie and Policzer, 2004; Smith, 2004; Andreopoulos, 2006). Scholars have debated various approaches to address this issue, from eliminating the distinction to enhancing IHL for internal conflicts (Partnogic, 2004; Crawford, 2007). While states are pivotal in creating IHL, non-state actors like armed movements and de facto authorities also must adhere to IHL norms, even though their reasons for compliance may not be as clear.

Non-state actors like Hamas in Gaza, the Sudan People’s Liberation Movement/Army in Sudan, and the Communist Party of Nepal, among others, vary in organization, territorial control, and ideology. The inadequacy of the current legal framework and the absence of a strong central authority are evident in the atrocities of non-international conflicts. Improvements are needed to ensure compliance with IHL by non-state actors involved in such conflicts.

Moreover, the issue becomes more complex as many academic sources tend to overlook non-state actors when discussing armed conflicts in Africa. To address this gap, the literature could incorporate a doctrinal examination of International Humanitarian Law (IHL) instruments, categorization of non-state actors in legal terms, and analysis of specific African conflict cases.

This article follows a structured approach by initially defining the theoretical basis of the Law of Armed Conflict and creating a classification system for non-state actors to define their legal status. It then delves into the applicable legal framework, with a focus on Common Article 3, Additional Protocol II, and obligations that apply universally, before exploring African case studies to provide practical context. Through this process, it highlights the main obstacles and deficiencies in regulating non-state actors under global law and proposes reforms to enhance the humanitarian system in Africa.

CONCEPTUAL DISCOURSE

For ease of understanding of this paper, it is very important to provide working concepts contained in this paper.

International Humanitarian Law

According to the ICRC (1987), international humanitarian law in armed conflicts refers to global regulations, either established through agreements or long-standing practices that aim to address humanitarian issues arising directly from both international and non-international armed conflicts. These regulations are designed to safeguard individuals and assets affected by conflicts by restricting the warring parties' freedom to select their methods and tools of warfare. The term "international humanitarian law in armed conflicts" is commonly referred to as international humanitarian law (IHL) or simply humanitarian law. However, the military often uses the term "laws of armed conflicts."

In Occidental literature, researchers suggest that the origins of modern IHL can be linked back to the Battle of Solferino in 1859. This event prompted a businessman named Jean-Henri Dunant, also known as Henry Dunant, to release a brief publication in 1862 titled A Memory of Solferino, where he vividly described the atrocities of the battle and proposed ways to mitigate the brutal consequences of war. Conversely, African academics challenge this viewpoint, asserting that elements of IHL have been present in Africa since ancient times, evident in traditional practices like the Ubuntu Tradition and treaties such as the Treaty of Kadesh, which outlined rules of engagement for potential conflicts.

A critical distinction must be maintained between *jus ad bellum* and *jus in bello*, both constituent elements of International Humanitarian Law (IHL), to prevent potential nomological danglers. *Jus ad bellum*, governing the justification for resorting to armed force, stipulates that warfare must be predicated on specific, justifiable causes, such as self-defense. Conversely, *jus in bello,* also known as IHL and governing conduct during armed conflict, mandates that warfare be conducted in a just manner, encompassing principles of proportionality and the differentiation between civilian and combatant populations. Contemporary international law, however, largely prohibits the use of force between states, effectively transforming *jus ad bellum* into a *jus contra bellum*. Exceptions to this proscription are recognized in instances of individual and collective self-defense, enforcement actions authorized by the United Nations Security Council, and, arguably, to uphold the right to self-determination (as in national liberation wars). Consequently, in contemporary international armed conflicts, at least one party is, *ipso facto*, in violation of *jus ad bellum* by virtue of employing force, irrespective of their adherence to *jus in bello*. This situation parallels domestic legal systems, where the use of force against governmental law enforcement agencies is universally prohibited.

Non-State Actors

According to Gabon Rona, there can be no IHL without identifiable parties to which such law applies by its obligations and rights (Rona, 2003). Hence, the parties constitute the essential component of an armed conflict. Regarding IAC, only states and National Liberation Movements (Protocol I), as previously mentioned, represent the parties involved in such conflicts; conversely, NIAC encompasses the participation of governmental and non-governmental armed groups under specific conditions.

Today, armed groups hold a pivotal position concerning both humanitarian issues and legal considerations in armed conflicts. Civilians are often the primary targets and victims in such conflicts, finding themselves forced in many non-international armed conflicts (NIACs) to choose allegiance between the government and rebel factions, often without knowing which side will ensure their safety. Numerous instances illustrate retaliatory actions, such as the sieges of Al

Zabadani and Madaya by Syrian government forces targeting rebels and civilians from March 2015 onward, leading to approximately 40,000 civilians starving to death (ICRC, 2016). This tactic is sometimes described as “draining the sea to catch the fish” (ibid). Between 1949 and 1977, the scope of the common Article 3 of the Geneva Conventions of 1949 and Additional Protocol II was broadened to include the application of International Humanitarian Law (IHL) to NIACs, thereby increasing the obligations of non-state armed groups (NSAs) while simultaneously enhancing protections for victims.

The discussion centers on the rights and responsibilities of such groups under International Humanitarian Law (IHL). As outlined in the Geneva Conventions, particularly Additional Protocol II, which governs Non-International Armed Conflicts (NIACs) involving government forces and insurgents, several provisions safeguard the rights of these groups, although these protections are more limited compared to those in Additional Protocol I, which pertains to International Armed Conflicts (IACs). In this context, the terms "non-state armed groups" and "non-state actors" are used interchangeably. Although treaty law does not provide a precise definition for "armed group," the only established criterion is that parties involved in a NIAC must demonstrate a certain level of organization, as discussed in the previous chapter. These organized groups can vary widely; some are highly centralized with robust structures and clear command chains, while others operate in a decentralized manner (Mack, 2008). Such groups also differ in their territorial control, capacity to train new fighters, and ability to impose disciplinary or punitive measures in response to violations of IHL (Rondeau, 2011). Furthermore, after the events of September 11, 2001, and the subsequent War on Terror, the application of the label "terrorist" to certain non-state armed groups has influenced the interpretation and application of humanitarian laws in armed conflicts (Florquin and Warner, 2008).

Non-international armed conflicts

The majority of contemporary armed conflicts are not of an international character. The daily lives of many civilians caught up in these conflicts are ruled by fear and extreme suffering. The deliberate targeting of civilians, the looting and destruction of civilian property, the forced displacement of the population, the use of civilians as human shields, the destruction of infrastructure vital to civilians, rape and other forms of sexual violence, torture, indiscriminate attacks: these and other acts of violence are unfortunately all too common in non-international armed conflicts throughout the world. The challenges presented by these conflicts are, to a certain extent, related to a lack of applicable rules, but more importantly, to a lack of respect for IHL

The Legal Framework Governing Armed Conflicts

The regulation of armed conflicts rests upon a sophisticated and multi-layered international legal framework, meticulously crafted to mitigate suffering, uphold human dignity, and ensure accountability amidst hostilities. This framework is primarily anchored in International Humanitarian Law, complemented by Customary International Law, International Criminal Law, and International Human Rights Law, all of which are crucially dependent on implementation within domestic legal systems.

International Humanitarian Law

International Humanitarian Law (IHL), or the law of armed conflict, is a set of international rules whose purpose is to minimize the humanitarian impact of war by regulating the hostilities and protecting those who are not or are no longer participating in combat (Droege, 2025). The central aim of IHL is to protect those experiencing the horrors of war, and things that do not have a direct military purpose. It aims not to make things good, but to alleviate suffering and create an environment that may help make peace possible (Droege, 2025). Though IHL cannot stop war, its place is to regulate the methods and means of warfare (Fleck, 2008). IHL is established with

key underlying principles such as distinction, proportionality, and humanity, and hope to balance military necessity with humanitarian considerations (ibid). IHL comes into play once an armed conflict exists, regardless of whether it is lawful (Droege, 2025).

Geneva Conventions & Additional Protocols

The 1949 four Geneva Conventions, along with the Additional Protocols of 1977 and 2005 are considered the backbone of modern IHL. These instruments lay out a complete framework of the protection of individual in armed conflict:
Geneva Conventions I and II: The protection of the wounded, sick, and shipwrecked members of armed forces.

Geneva Convention III: Specifically pertains to the treatment of prisoners of war and the rights and duties of through capture to repatriation (Akpoghome & Joseph-Asoh, 2022). They have been in practice since as far back as 1949, and are more than 70 years old (Akpoghome & Joseph-Asoh, 2022).

Geneva Convention IV deals with protection of civilian populations in time of war and protects them from direct and indirect effects of war including provisions against deportation, and forcible transfer of civilian populations (Lavoyer, 1995).

Common Article 3, present in all four Geneva Conventions, represents a significant advancement because it provides, for the first time, a minimum level of humane treatment for victims of non-international armed conflict (Meindersma, 1995). This article lists prohibitions that apply to non-international armed conflicts, requiring humane treatment of all persons not actively participating in hostilities (Droege, 2007; Meindersma, 1995). Common Article 3 provides for a wide range of protection, including rules on protecting/preserving enemy persons as well as rules on warfare.

IHL is also bolstered by the Additional Protocols. Protocol I complement the rules applicable in international armed conflict, in particular regarding the protection of victims and the conduct of hostilities. Additional Protocol II, which deals exclusively with non-international armed conflicts, departs from Common Article 3 and provides additional specifications to the protections offered under it, but applies at a higher threshold.

Customary International Law

In addition to treaty law, customary international law is of fundamental importance to the legal regime applicable to armed conflict. CIL consists of rules that are not codified, but that emerge from a general and consistent practice of states, along with opinio juris (a belief that the practice is legally obligatory) (Hrnjaz and Popovic, 2024). A customary international law rule is binding on all States (Dumberry, 2010). These norms bind all countries regardless of the ratification of particular IHL treaties (Dumberry, 2010). CIL is distinguished by an analysis of state behavior, such as domestic law, court cases, military manuals, and diplomatic communications, where adherence to the rule is seen as legally obligatory. The relationship between treaties and custom is in flux; treaties can codify existing custom or help forge it. The study of CIL in international humanitarian law has been to try to understand state behavior in situations of armed conflict and what the possibilities might be for the development of custom (Bruderlein, 1991).

International Criminal Law and Human Rights Law

While IHL applies specifically to armed conflict, International Criminal Law and International Human Rights Law are also of vital importance. IHRL is applicable at all times including during armed conflict, even though IHL is often deemed the lex specialis, the more specific law and thus prevailing over IHRL. (Droege, 2008; Nguindip, 2020). These two fields of law seek to provide protection to human dignity and their interplay exists in processes of interpretation and application that help to create a coherent normative schema between the two (Steenberghe, 2022). International humanitarian law is increasingly viewed as akin to human rights law, but applicable

in times of armed conflict (Doswald-Beck & Vité, 1993). Through its crystallization of personal culpability for the most serious offenses of international concern in the ILC's Rules, personal responsibility for violations of IHL among them, ICL is a fundamental accountability tool (Umbarkar & Mohod, 2021).

Rome Statute of the ICC

In established the International Criminal Court (ICC), the first permanent international court for the prosecution of individuals for the most serious crimes of international concern. The ICC has limited subject matter jurisdiction over genocide, war crimes, crimes against humanity and the crime of aggression (Galand, 2019; Laucci, 2010; SáCouto & Cleary, 2009). The Statute provides definitions and elements for each of these crimes. The Court is based on the principle of complementarity whereby states, rather than the ICC, are the first ones who should act on cases that fall within their jurisdiction (). The ICC only intervenes when national courts are truly unable or unwilling to prosecute offenses taking place within their borders. Though the ICC has received criticism regarding its focus, long draws out processes, it is a necessary institution as part of bringing an end to impunity for perpetrators of mass atrocities (Mutyaba, 2013; Othman, 2020; Phooko, 2011). The ICC may exercise its jurisdiction through State referral, UN Security Council referral, or by the Prosecutor initiating a proprio motu investigation (Galand 2019; Paust 2000).

African Charter on Human and Peoples' Rights

The principal human rights instrument for the African continent is the African Charter on Human and Peoples' Rights, commonly referred to as the Banjul Charter (adopted in 1981) (Viljoen , 1999). It enshrines a broad range of civil, political, economic, social, cultural and peoples' rights (Bantekas & Oette, 2020). While the Charter is often understood as not suspending its provisions even in cases of internal disturbance or armed conflict, through its normative and jurisprudential contributions, the Charter has set a standard of legitimate behavior in terms of state practice (Dersso, 2021). The right to protection survives in international instruments and is further supported by its incorporation into regional human rights systems; the African human rights system African Commission and Court on Human and Peoples' Rights strives to effectuate these protections as part of the international movement towards protecting individuals in war.

Domestic legal systems and their interaction with IHL

The success of the international law on armed conflict depends, to a large extent, on its application in and through national legal systems. States are now internationally obligated to pursue and prosecute individuals for serious human rights violations and grave breaches of international humanitarian law (Ingadóttir, 2014). The domestication of international crimes, as prescribed by the Rome Statute, through national legal systems is an important dimension to this domestic enforcement.

The role of military justice systems in executing and enforcing these treaties is explicitly anticipated by IHL treaties. They further consider the domestic rationale for military justice systems, and their role, and limits, in the fight against impunity for violations of IH. Though there are concerns about whether military jurisdiction is sufficient, it can be in some cases essential to the successful implementation of specific rules of IHL.

In addition, there are still obstacles to domestic enforcement: the political unwillingness as well as the public international law intricacy of municipal law systems. The allocation of competencies within the state, that is between the judiciary, executive, and legislature, also plays a large role in

the efficacy of IHL violation sanctions. Despite these challenges, national prosecutions of international crimes are crucial and many states are in the process of criminalizing these offenses in their national laws, though the application of these laws can remain limited (Lubaale, 2017). The constant work to nationally implement IHL is an ongoing process which requires cooperation with a number of national authorities. On top of that, the existence of well established codes of war and modes of humanitarian protection in ancient African society could also provide an important starting point for today's interpretations of international humanitarian law.

Non-State Actors: Typologies and Roles in African Conflicts

According to UCDP there are s three types of non-state groups:

(i) formally organized groups

(ii) informally organized groups, which are composed of supporters of political parties; and

(iii) informally organized groups who often identify through a communal conflict, organized around a common identity, such as religious, ethnic, national, tribal or clan lines.

I) Formally Organised Groups: Rebel groups and other organized groups that have a high enough level of organization so as to be possible to include in the state-based armed conflict category. These include rebel groups with an announced name, as well as military factions. This level of organization captures fighting between highly organized rebel groups and fatalities are recorded according to the criteria set for battle-related deaths in the state-based conflict category.

II) Informally Organised Groups by Political Affiliation: Groups composed of supporters and affiliates to political parties and candidates. These are commonly not groups that are permanently organized for combat, but who at times use their organizational structures for such purposes. In addition to supporters of political parties and candidates, included in this category is also fighting between groups composed of supporters of other organizations such as the supporters of al-Ahly football team fighting against the supporters of al-Masry football team in Egypt 2012.

III) Informally Organised Groups by Ethnic Identity: Groups that share a common identification along ethnic, clan, religious, national or tribal lines. These are not groups that are permanently organized for combat, but who at times organize themselves along said lines to engage in fighting. This level of organization captures aspects of what is commonly referred to as 'communal conflicts', in that conflict stands along lines of communal identity. (UCDP, 2025)

Structures of Non-State Armed Groups

The organizational structures of NSAGs are diverse and significantly influence their strategic choices, operational capabilities, and capacity for engaging in peace processes. These structures can evolve over time and adapt to changing conflict environments.

In particular, centralized structures are often better equipped to employ sophisticated strategies, such as 'divide and conquer' or 'co-option,' and can engage more effectively in peace agreements. However, they can also be highly vulnerable if they lack a secure base of operations within the contested territory (Sinno, 2011).

Moreover, NSAGs often endeavor to embed themselves within civilian communities (Larratt-Smith, 2020). This can involve co-opting existing civic organizations or establishing new ones to perform governance functions, advance their ideological agendas, and foster popular support (Larratt-Smith, 2020). Through such embeddedness**,** they are able to create a nexus between

formal and informal processes, navigating legal economies, electoral contests, and bureaucratic institutions, as well as illicit rackets and territorial control (Larratt-Smith, 2020).

In addition, many NSAGs possess well-established resource bases and exert control over populations, which are critical for their sustenance and operational capacity (Munive & Somer, 2015).

Finally, rather than existing in isolation, NSAGs often interact with other violent non-state actors (Idler & Forest, 2015). These interactions can include competition, but also collaboration or tacit non-interference agreements, sometimes forming "complementary governance" arrangements to provide public goods (Idler & Forest, 2015). This highlights the complex web of relationships that can exist among non-state structures in conflict zones.

NSAG motivations are a messy blend of grievances, political aspirations, the pursuit of power and survival and even strategic calculations around their conduct in war. Their forms are themselves diverse – centralized and hierarchical, decentralized and networked, flexible and deployable to maximize local assets and be built into local communities. These complex dynamics and motivations are essential to understanding and analyzing, and ultimately responding to, armed conflict in our world today.

How Does NSAGs Influence Compliance to LOAC?

At the heart of an NSAG's decision-making process lies a complex array of motivations that can either push or pull them towards or away from humanitarian norms. Many groups form out of crucible of perceived injustices and political aspirations of self-determination, demands for a change in the regime, or the desire to create a new form of governance. NSAGs that are looking to gain or maintain legitimacy with either local communities or the international community may find it strategically advantageous to show deference to LOAC (Jo et al 2021; Munive & Somer 2015). For a group to actually govern a territory, or to gain the consent of the persons living under the control of their authority, treating civilians well, differentiating between combatants and non-combatants, and not engaging in cruelty becomes a potent weapon in the ability to build trust and project a responsible authority (Radončić & Stanley-Ryan, 2024). The potential for international support, assistance or participation in peace processes can be a powerful motivator for adherence as violations may result in condemnation, sanctions or even military action taken against them. On the other hand, depending on their extreme ideology or cold opportunism in the quest for short-term military gains, some NSAGs may perceive LOAC as a hindrance, and therefore choose to ignore rules that are meant to protect human dignity (Bangerter, 2011). They might consider such calculations in terms of tactical value as opposed to lives of civilian and this can lead to horrific outcomes for vulnerable populations. The way it is perceived, both in terms of whether it is viewed as a foreign, arguably neocolonialist legal, statist imposition or as an accepted, applicable norm internationally, also impacts its likelihood of working with and respecting a group’s norms. Some NSAGs may feel disadvantaged and may not see “State-made” rules and thus, a way to create a feeling of ownership over these norms is by discussing on the domestic level (Petrov, 2014).

Beyond the realm of intent, the organization of an NSAG determines its ability to uphold the LOAC. A group with a strong unified leadership, centralized command, and high internal discipline is far more likely to communicate orders, hold people accountable, and prevent rogue elements from committing abuses. In these types of structures orders for humane treatment can go down the chain of command and violations can be investigated and punished, protecting the lives of those under their sway. On the other hand, fragmented, poorly structured or highly decentralized NSAGs tend to be unable to maintain a stable control over their ranks and are more likely to see

sporadic, and more widespread, LOAC violations. For those in territories under control of such groups, this can lead to fear in their everyday life, their rights being consistently denied, and their security being tenuous at best. On top of that, several NSAGs have a deep presence and integration within local communities which they rely on for support, resources, and in some cases recruits. This symbiosis can be a double-edged sword: While it might incentivize acting with restraint to maintain local legitimacy, it can also create a confusion of who are combatants and civilians making one of the hardest principles of LOAC, distinction, tragic impossible to uphold (Radončić & Stanley-Ryan, 2024). The ability of NSAGs to build functioning and providing services and order in the absence of state authority also plays a role; groups that succeed in building some semblance of order, may also develop the internal mechanisms to enforce some standards of conduct including aspects of LOAC, to legitimize their rule. So, International law in general and IHL specifically tends to operate "on the periphery" for NSAGs who occupy a marginalized place in its application and have no role in creating the laws they are expected to follow, necessitating specific conditions to be accepted or complied with.

Ultimately, how NSAGs grapple with these internal pressures has a profound impact on the human experience of armed conflict. Where motivating factors are legitimate and the organizational set up is disciplined there is a better opportunity for humanitarian considerations to have some influence and offer some protection to the most vulnerable. When motives are unbridled power and chaotic structure the human cost is always catastrophic. Understanding and engaging with these motivations and structures, seeking to promote a sense of ownership over humanitarian norms, fostering channels for accountability, remains a critical deeply human endeavor in that struggle towards a more humane conduct of warfare. While NSAGs are responsible for many violations of IHL, existing data suggest there is often little difference in compliance between states and NSAGs, emphasizing the need for holistic approaches to improving adherence to humanitarian law for all conflict parties (Munive & Somer, 2015).

BOKO HARAM AS A CASE STUDY

The term BokoHaram is a concatenated form in Hausa and Arabic. The term "Boko" comes from the Hausa word Aninmist western or otherwise non-Islamic education. And the Arabic word "Haram" means "western education is a sin". Boko Haram is thus an Arabicized-Hausa expression that literally means "western education is sinful" and is advanced by the "jama"atul Alhul Sunnah Lidda"wati wal Jihad" group who claim they are practicing the Hadith of Prophet Muhammed's teachings as well as engaging in Islamic jihad (Adetoro, 2015).

Yusuf, the founder of Boko Haram, was a Salafist trained Islamic fundamental cleric who, in addition to being inspired by the fourteenth century legal scholar and Islamic fundamentalist preacher Ibn Taymiyyah, preached the rhetoric of fundamental Islam himself (Farouk, 2012). Boko Haram emerged in 2002 from Maiduguri, in Borno State, northeastern Nigeria. The organization set up an Islamic school in Maiduguri with that is where they continued their operations before moving out of Maiduguri in 2004 to a remote village known as Kanamma in Yobe State, where they created a base, they called Afghanistan (Ezema, 2013)

Gradually, Boko Haram increase in its numbers as Mohammed Yusuf attracted school dropouts, unemployed and disgruntled people (Anthony, 2014). The Boko Haram Jihadist movement is of the same ideologize (jihadist) nature of Al-Qaeda in the Islamic Maghreb, and Al-Qaeda franchises within the Sahara and Sahel region (Stuart, 2014). Boko Haram's underlying primary aim, is to eliminate the secular Nigerian society and establish an Islamic state through a de facto government ruled by Sharia law. It is equally opposed to western education and the teaching of modern science.

Based on the Boko Haram founder, such ideals are anti-Islam (Nwabuisi, 2012). In this respect, the group opposes western learning, Western cultural sentiments, and scientific explanations for certain natural phenomena. Therefore, the ideologies behind the Boko Haram rebellion in Nigeria can be described as politically opportunistic, with the militants aiming to replace the existing Nigerian state with an Islamic state practicing Sharia law, especially in the predominantly Muslim-occupied Northern region. Sharia law, based on the Quran, dictates the behavior in the public and private spheres. Boko Haram believes an Islamic state practicing stringent Sharia law would progressively address the problem of corruption, lack of good governance, and Western influence that they believe does not conform with the Muslim people's aspirations.

Since its inception, the terrorist organization has utilized a number of the tactics of guerrilla warfare and violence in wreaking havoc in the state and among the people in a bid to substitute the Nigerian establishments that are seen as being corrupt and acting in the interest of the West. Boko Haram utilized the prevailing circumstances in a bid to enlist support and manpower in the conduct of a revolutionary jihadist campaign against the government of Nigeria (U.S Department of Justice, 2014).

Consequently, Boko Haram has engaged in brutal, atrocious, and random assaults on non-combatant populations. As the frequency of these assaults escalates and the circumstances within Nigeria further decline, marked by a rising tally of casualties, there persists a significant erosion of social and economic frameworks alongside interruptions in educational provisions. The hostilities have proliferated and intensified due to a multifaceted interplay of socio-cultural, economic, ethno-religious, and sub-regional elements.

The violence has transformed into seemingly forming a non-international armed conflict between Boko Haram and the security personnel of Nigeria in the three northeastern Borno, Yobe, and Adamawa States, which were characterized largely by the serious violations committed by the two sides (Mohammed, 1999). Since the July 2009 arrest and extra-judiciary execution while in the Nigeria Police Force's custody of the leader of the sect, there was a sharp escalation in the rate and the intensity of Boko Haram's attacks.

The extent of violence the group committed against the Nigerian State is unmatched in the history of the country's insurgency experience. Boko Haram used explosive bombs to carry out attacks on government and "Western" targets, in a bid to intimidate opponents andslaughter non-combatants. The group's militants slaughtered non-combatants in their attacks in towns and villages, and assaulted and abducted teachers and students, seized at least 2000 adolescent girls and women, the majority having been coerced into marriage, male and boy militants forcibly recruited, and homes and schools torched or destroyed.

Central to this is the reality that Boko Haram was the first such militia in Nigeria that was ever labeled a terrorist organization by the United States and its allies (Sehu, 2011).

BOKO HARAM INSURGENCY AND ITS IMPLICATIONS ON IHL

War is not fought at the wimps and caprices of combatants. International Humanitarian Law (IHL) attempts to regulate and limit the way that war is fought. IHL means international rules established by treaties or customs that restrain the right of the parties to the conflict in the choice of the methods or means of warfare, or that protect the states not party to the conflict or objects that are or may be affected by the conflict. IHL is in fact a branch of the law of nations, and its fundamental norms are widely applicable and binding on all states. International humanitarian law is part of the law of war that exists for the victims of the hostile relations and is not simply law that exists to allocate rights and duties to the parties that are warring (Ibanga, 2002).

It is based on the principle that human beings are entitled to certain minimum rights of protection, security, and respect whether in peace or in war. If he is wounded or captured, he is entitled to care and humane treatment; if dead, then his corpse is entitled to decent treatment (Umozurike, 1993). International humanitarian law is thus one side of the coin the other being human rights law. Definitions of international humanitarian law have varied among scholars. Buergenthal calls it “the human rights components of the law of war” (Buergenthal, 1995). Professor Pictet defines it as that important part of international law which is inspired by the feeling of humanity and is directed towards the protection of the individuals (Geza, 1984).

The International Committee of the Red Cross (ICRC) has also a prominent and far-reaching influence on the development and betterment of this area of international law. ICRC has defined IHL to be those international rules, established by treaty or custom, that are specially intended to solve humanitarian problems that arise directly or indirectly from international or non-international armed conflicts and which, for humanitarian reasons, limit the right of the parties in a conflict to use methods and means of warfare of their choice or protect persons and property that are, or may be affected by the conflict. This is the law that governs the conduct of war as well as attempting to ameliorate some of the hardship caused by the commencement of hostilities. It limits and restricts the number of available options on the conducts of war on the one hand, and on the other the protection of persons who do not or no longer partake in belligerent acts.

The norms of international humanitarian law have been extensively codified in the four Geneva Conventions of 1949, in the Additional Protocols of 1977, and in other instruments some of which have received more ratifications than the United Nations Charter. Some of the Basic Rules of IHL formulate as follows:

- At all times the parties to the conflict are required to distinguish between the civilian population and combatants in order to spare the civilian population and civilian property. Attacks against the civilian population so, and against individual civilians, are prohibited. Attacks can be directed only against military objectives (Clairede & Edwin, 2003).

- Those who do not, or can no longer partake in the hostilities, have a right to respect for; life and their physical and mental integrity. Such people must in all circumstances be protected and treated with humanity, without any unfavourable distinction whatsoever (Buergenthal, 1995).

- It is forbidden to kill or wound an adversary that surrenders or who can no longer participate in the fighting.

- The parties to the conflict and those involved in the armed forces do not have an unlimited right to choose methods and means of warfare. Arms or means of warfare that are likely to cause unnecessary losses or to inflict suffering, are explicitly prohibited (Hans-Peter, 1993).

- The party in conflict that has them at its disposal must collect and care for the wounded and sick. Medical personnel and establishments, medical transports and medical equipment must be spared. The distinctive sign denoting that these persons and things ought to be respected is the Red Cross or Red Crescent or Red Crystal on a white background (Hillier, 1999).

- Any persons, whether combatants or civilians, who fall into the hands of the enemy party, are entitled to respect for their lives and dignity, and their personal rights and beliefs, political, religious or otherwise. Custodians must be safeguarded from all forms of violence or retribution. They are entitled to news exchanged with their families and for aid. They must enjoy basic judicial guarantees. (Sanford, 1985).

Apparently in violation of IHL, Boko Haram has attacked civilians and civil objects falling under this regime, such as schools, mosques, churches, prisons, hospitals and markets, and has polluted water installations. Civilians, civil objects, Prisoners of War, people rendered hors de combat and people not participating in the hostilities etc., are spared all kinds of attacks and are entitled to respect for their lives and their moral and physical integrity. These are owed respect in all situations and shall at all times be treated humanely without any distinguishing adverse treatment.

The abuse is not restricted to the insurgents. Security forces' attacks resulting in the high loss of civilians have emerged, most prominently in April 2013 in Baga, Nigeria, where civilians were allegedly shot by security forces and 642 people were forced out of their homes. Investigations by credible national media into the incident concluded that acts of extrajudicial and summary executions, torturing, arbitrary arrest, enforced disappearances and rape had been carried out by national security forces (Nigerian National Human Rights Commission, 2013).

Other than the safeguarding of these individuals, IHL regulates and prohibits the right of parties to a conflict to choose means and modes of warfare. It is forbidden to use weapons or means of warfare that tend to cause unnecessary losses or extreme suffering. Relatedly, weapons that tend to cause superfluous consequences as to cause unwarranted and collateral effect are forbidden. There is no doubt that both the government forces and the Boko Haram, as a matter of practice, have rendered the use of these calibres of weapons in an outright disregard of IHL.

The new modus operandi adopted by the Boko Haram is the use of explosives that can and are designed to create maximum impact. This finds its expression in the frightening and frequent use of children and females in suicide bombing by the terrorist organization, Boko Haram. The reason behind the use of children and females is to evade security networks of the government and attack their target unsuspectingly. It is generally highly unlikely to assume that females and children are going to harm in armed conflict situations and thereby escape the gaze by security operatives. Women and girls can, therefore, more easily gain access to targets because females are less often "suspected, inspected, or detected" as attackers (Jacob, 2014). This can be true particularly in Islamic society where there are strong social taboos against predominantly male security operatives putting Muslim females through searches.

This in turn makes the employment of women and children a short-term strategy because security forces can and in fact do adapt. These trends are explanable at the organizational level in ways that account for the employment of women and children in terms of tactical and strategic benefit for a terrorist organization (Robert, 2003). In the first place, the 'shock value' of initial female attacker use can guarantee publicity and thus possess propaganda value (Pearson & Wilayat, 2017). In the second, militant organizations facing recurrent male recruit shortages in the midst, for instance, of an escalation of external pressure can turn to the employment of women and children in a display of "desperation" (Cindy, 2005). In the third, the employment of women and children can serve as a way of embarrassing and encouraging men to battle.

Many of the women and children who are involved in the Boko Haram insurgencies do that out of obliviousness and usually under extreme indoctrination, brainwashing and manipulations. They are usually captured, mesmerised, cajoled, proselytized and made to operate independent of the exercise of their free will. A number of women and girls say insurgents told them they would be safe when they detonate the explosives and are made to believe that nothing will happen to them.

Because of extreme poverty, female suicide attackers are paid as little as 200 Naira (60 cents) to undertake attack on soft targets. Members of the Civilian Joint Task Force (JTF) and Operation Lafiya Dole command believe both hypnotism and enforced drug-use also coerce females to bomb.

In 2016, a woman abducted in Maiduguri described how she and two other women were injected with a tranquilizer before being strapped with bombs. Eyewitnesses have also reported seeing men accompanying female suicide attackers to ensure they see through their task. Coerced remote detonation is possible, although U.N. reports suggest this is less prevalent, as photographs of dead attackers reveal self-detonation via wristband (Dionne, 2016). Terrified and worried by the grave breaches of IHL in the northeast of Nigeria, the Office of the Prosecutor of the International Criminal Court in November 2010 opened a preliminary examination of the situation in Nigeria, analyzing alleged crimes committed since 2004.

Two years thereafter, the Office of the Prosecutor stated that it believed that since the month of July in 2009, Boko Haram had engaged in the crimes against humanity of murder and persecution. The report touched on several attacks by the sect on civilians. The report also referred to the attacks as systematic and widespread covering the entire North Eastern region as well as Plateau, Kogi, Kano, Bauchi and Kaduna States. In December of 2014, the Office of the Prosecutor once again established that there was the commission of crimes against humanity by the people of Boko Haram and that they could also have engaged in committing war crimes. The Office also showed that they had received reports of committing crimes by the security forces, such as the extrajudicial execution of over 600 people following the attack at Giwa Barracks as well as allegations of torturing people.

Nigeria's Counter-Insurgency Strategies against Boko Haram in reinforcing IHL Compliance

The main Nigerian response to the rebellion by the Boko Haram has remained in the form of a very strong military counter-insurgency, initially led by units such as the Joint Task Force. The Nigerian Armed Forces, led by the Nigerian Air Force, among others, have remained active in the various operations in quelling the rebel group (Omeni, 2022; Osakwe & Audu, 2017). The operations, in turn, embraced both a direct mode of military action and, in some cases, an indirect mode, as was the case with the engagement of the local youths' group such as the Civilian Joint Task Force in Maiduguri in identifying and neutralising the components of the Boko Haram (Osakwe & Audu, 2017).

Despite the operating imperatives, the Nigerian counter-terrorism efforts long remained compromised by major concerns over IHL compliance. Analytical studies mention an apparent contradiction in that, while human rights are violated by the actions of Boko Haram, the counter-operations by the JTF have also provided occasion for a mass-based violation of the human rights of civilians (Sampson, 2015). These are attributed to an "unprofessional modus operandi" by the military and, in certain instances, the "deliberate targeting the civilian population". Reports by NGOs like Amnesty International have alleged that the Nigerian military has engaged in the usage of torture and other inhumane treatment modes in relation to suspected elements of the Boko Haram, in violation of Nigeria's signatory status to international treaties prohibiting the same (Obi & Ezeogu, 2014). These mass-based violations are characteristically attributed to an "erroneous presupposition of an irreconcilable tension between human rights and security imperatives" (Ibukun, 2020).

Another substantial legal obstacle to IHL implementation in Nigeria is the failure to domesticate the majority of international human rights instruments. Even with the treaty commitments of Nigeria, the non-domestication has made the treaties largely "insignificant" in practical application

(Sampson, 2015). The failure to close the international commitment and national legal implementation gap leaves room for breaches. The over-stretching of the Nigeria Police's capabilities has also seen the armed forces assume more command in matters of internal security, such as counter-insurgency, making IHL that is suitable for armed conflict, as opposed to law-enforcement, more irrelevant ("Applicable Laws in Engaging Non-State Actors in Counter-Insurgency Operations: With Particular Reference to Nigeria," 2014).

Al-Shabaab as a Case Study

Al-Shabaab, which means "The Youth," started from a small group and became a strong force in Somalia. Its growth is closely connected to the country's unstable political situation. The group's beliefs began in the early 2000s, based on Islamist and anti-Western ideas (Jaspars et al., 2023). Al-Shabaab's early form was al-Itihaad al-Islamiya, which was founded in the 1980s. This group started to break apart in the mid-2000s because of fights between different clans and internal problems. A lot of its members joined Al-Shabaab and the Islamic Courts Union (Andersen & Moe, 2015). In 2007, Al-Shabaab officially split from a bigger Islamist group and became an independent organization.

The group's history has gone through several important stages. Between 2006 and 2008, it was in a phase of resistance, gaining power and influence. This was followed by a time of strong control from 2009 to 2011, when Al-Shabaab managed to take control of large parts of southern and central Somalia, including important towns (Doboš, 2016; Jaspars et al., 2023). During this time, they set up their own court system and used their own version of Shari'a law to enforce order in their areas (Skjelderup, 2014). Even though their legal system followed some classical Islamic legal ideas, their courts often skipped strict rules about evidence and procedures that medieval Muslim scholars thought were important to make Islamic law more fair. Since 2012, Al-Shabaab has mostly been in a phase of retreat, changing their strategy to focus more on staying connected to the people and maintaining control without taking over large areas (Doboš, 2016).

Al-Shabaab: Violations of the Law of Armed Conflict

As a militant group involved in an ongoing armed conflict within Somalia, Al-Shabaab is legally required to follow International Humanitarian Law, especially Common Article 3 of the Geneva Conventions, which applies to conflicts between non-state actors (Munive & Somer, 2015). This important rule demands that all individuals not involved in fighting be treated with humanity and strictly forbids actions like using violence against people, taking hostages, treating individuals with contempt, and passing judgment without a fair trial by a properly established court (Munive & Somer, 2015). Despite these clear legal requirements, Al-Shabaab has been widely reported for committing many serious violations of the Law of Armed Conflict. The group often uses tactics that deliberately target civilians and show a complete lack of respect for basic humanitarian principles (Corn, 2024; Tshuma, 2024).

Al-Shabaab was recognized as the most dangerous terrorist group in Africa in 2017, and it often uses suicide bombings as part of its strategy (Warner & Chapin, 2018).

Its actions include intentionally attacking civilians, civilian homes, and facilities used by relief and humanitarian organizations, which goes against the principle of distinction in International Humanitarian Law (“International Humanitarian Law and the Challenges of Contemporary Armed Conflicts,” 2007; Tshuma, 2024). These actions are not allowed, as the purpose of IHL is to reduce the harmful effects of war and control how armed conflicts are conducted (Tshuma, 2024). Individual civilians have also suffered from violations such as killings, torture, rape, forced displacement, and the destruction of civilian property (IRRC, 2025; Jaspars et al., 2023).

The group’s methods also involve attacking aid workers and medical facilities.

Al-Shabaab is known to kidnap and kill humanitarian personnel or prevent essential aid from reaching those in need (Tshuma, 2024). Reports show that Al-Shabaab has sometimes "completely stop all services" by attacking outreach programs and capturing staff, effectively halting humanitarian work in certain regions. Violence against healthcare workers and staff affects an organization's ability to operate, especially in remote and conflict-affected areas. These attacks greatly hinder the ability of aid agencies to offer help, denying millions access to the basic necessities they need to survive.

Al-Shabaab has been involved in actions that include the use of violence against people and their lives. Although Al-Shabaab's judicial system is based on traditional Islamic legal principles, it frequently ignores strict rules about the need for evidence and proper procedures that aim to make Islamic law more humane. Reports indicate that beatings and other forms of mistreatment have occurred in prisons in Somalia, including those controlled by the group, showing a pattern of harsh treatment. The group also imposes heavy taxes, which are sometimes called a "protection racket," and collects fees for the movement of goods and trade, often taking advantage of existing conditions to exploit production, trade, and aid (Jaspars et al., 2023).

This control over parts of the food supply chain can lead to long-term problems and has serious effects on humanitarian efforts (Papale & Castelli, 2025). Taking hostages, even though it is often linked with piracy in the area for the purpose of getting money, is a tactic used by non-state actors across borders, including groups that carry out subversive activities, to obtain resources. Paying ransoms, while sometimes used to free kidnapped people, can unintentionally encourage more illegal actions, although there are no specific international laws about ransoms. It is difficult to enforce International Humanitarian Law against groups like Al-Shabaab because they generally do not follow the same organizational structure or observe international standards as national armed forces.

Responses by Somalia and Regional Actors to Al-Shabaab

The multifaceted responses to Al-Shabaab have involved concerted efforts from the Somali Federal Government, various regional states, and a host of international partners.

Somali Government Response

The central government of Somalia and its federal member states continue to struggle in delivering essential services to communities that have been freed from Al-Shabaab's influence. This ongoing challenge results in a power vacuum, which Al-Shabaab is able to take advantage of. The group often responds more swiftly and directly to the needs of the community, bypassing official government structures and interacting directly with local people. This "bottom-up" method used by Al-Shabaab stands in contrast to the "top-down" approach typically used by international organizations, which are limited to working through existing government systems (Papale & Castelli, 2025). This difference in approach can make international aid efforts less visible or impactful at the local level, further illustrating the challenges the Somali state faces in governance. The Somali National Army, made up of former militias, frequently experiences poor discipline and its allegiance tends to be based on clan ties rather than loyalty to the central government.

Regional Actors' Responses

Regional cooperation has been essential due to the cross-border nature of Al-Shabaab's activities, which often go beyond the borders of Somalia. A key part of these counter-terrorism efforts has been the African Union Mission in Somalia, and its later version, the African Union Transition Mission in Somalia (Jaspars et al., 2023). These missions involve troops from various regional countries working together to fight Al-Shabaab in different areas of Somalia. Internal documents from AMISOM show the extent of these operations, including responses to major attacks by Al-Shabaab on African Union facilities. AMISOM has been the AU's largest and most complicated peacekeeping mission, helping to limit the group's territorial reach despite a high cost in lives.

CHALLENGES TO COMPLIANCE TO IHL IN AFRICA

Respect for international humanitarian law (IHL) by armed non-state actors involved in conflicts in Africa, as well as their acknowledgment of the role of humanitarian organizations like the International Committee of the Red Cross (ICRC) as neutral and humanitarian intermediaries, has encountered several challenges. These include issues related to the management of state sovereignty, the tension between the pursuit of justice and the need for national reconciliation, security concerns, the nature of the conflict, the lack of participation by post-independence rebel groups in IHL-related international events, and the issue of confidentiality.

Regarding the issue of state sovereignty, there is a belief that entering into special agreements with non-state actors or accepting their unilateral declarations grants them recognition from humanitarian organizations like the ICRC and Geneva Call.

If states perceive that these organizations are granting recognition to rebel groups or engaging with them on equal footing, their willingness to collaborate with these organizations may be undermined. The issue of sovereignty has largely rendered agreements and unilateral declarations by African non-state actors ineffective, as they are often opposed by national authorities. For example, the UN Committee on Namibia (UNCON)'s accession to the Geneva Conventions on 18 October 1983, similar to SWAPO's unilateral declarations, was challenged by the South African government on 12 March 1984. (ICRC, 1984)

The second issue is the conflict between justice and national reconciliation.

The general amnesty provided in African peace and reconciliation agreements to individuals responsible for war crimes has only increased the violation of IHL on the continent. Although Common Article 3.2 of the Geneva Conventions states that the application of special agreements should not affect the legal status of conflict parties, this situation creates a contradiction between enforcing IHL through the promotion of justice via special criminal tribunals, such as those for Rwanda and Sierra Leone, and the need to foster national reconciliation.

The demand for justice was also a key reason that racist governments in southern Africa used to justify their refusal to recognize members of liberation movements as prisoners of war, even though those movements had made special agreements to follow international humanitarian law (IHL) and worked with the International Committee of the Red Cross (ICRC). In Rhodesia, the government led by Ian Smith said in January 1977 that it would not give POW status to members of the liberation movements, even though they had made commitments and declared this unilaterally. The ICRC president appealed in July and December 1977, but the Rhodesian government argued that as citizens of Rhodesia, these individuals could be legally punished, even by execution, for their alleged terrorist actions (ICRC, 1978).

Another issue was that some agreements made with non-state actors on humanitarian matters were not successful due to security concerns. For example, in the 1990s, the ICRC tried to help set up a special agreement between the Mozambican government and RENAMO to create a neutral area, called the Tete Corridor, on the border between Mozambique and Malawi, which would serve as a safe passage for humanitarian aid. However, this effort failed because of security-related issues.

Also, the enforcement of agreements with non-state actors has been difficult because of challenges in determining the type of armed conflict. During the Ogaden war, the Somali government did not see itself as part of the conflict, claiming it was an internal conflict and that only Common Article 3 of the Geneva Conventions should apply. On the other hand, the Ethiopian government classified the war as an international conflict between Ethiopia and Somalia, which meant all four Geneva Conventions and their Additional Protocols had to be followed. This confusion over the nature of conflicts became more common in the 1990s, especially in the various armed conflicts in the Great Lakes region of Africa.

Moreover, the lack of participation by non-state actors in international discussions about respecting IHL has also slowed progress. In the 1960s and 1970s, many liberation movements were recognized as observers in the Organization of African Unity (OAU) and took part in some international meetings on IHL, such as the Diplomatic Conference on International Humanitarian Law in 1974–7. However, armed non-state groups after independence have not been able to join such discussions.

CONCLUSION

Under the framework of Customary International Law and general principles of law, as noted by Cassese (1975), Article 3 of the 1949 Geneva Conventions outlines rights and responsibilities for both sides involved in a conflict. Customary norms also impose obligations on individuals under international criminal law, which encourages compliance with international law during armed conflicts. This approach has been acknowledged by human rights institutions and UN bodies. For instance, the UN Commission on Human Rights adopted this viewpoint, affirming that both Article 3 and Protocol II apply to all parties in a conflict. Additionally, the Security Council has emphasized that armed groups are required to uphold and take necessary steps to adhere to international humanitarian law (IHL) and international human rights law (IHRL). Similarly, the ICRC has repeatedly called on all parties to respect and ensure compliance with IHL in conflicts in Afghanistan, Angola, Bosnia, and Somalia. While the ICRC has identified many rules of customary IHL, not all IHL rules are based on custom. This makes it difficult to bind non-state armed groups to such rules, especially if they did not participate in their formulation. Groups that disregard IHL, such as al Qaeda, may find it particularly challenging to accept these rules as binding. As a result, the implementation of preventive measures remains a matter of circumstance.

In order for international humanitarian law principles to be effectively implemented in these situations, it may be beneficial to encourage a broader spread of African best practices, which demonstrate respect for humanitarian principles within African communities. Additionally, humanitarian organizations, along with the African Union and the International Committee of the Red Cross, should involve African non-state actors as much as possible in their efforts to promote IHL. This would help these groups incorporate IHL into their military strategies. Furthermore, rebel groups that have a clear history of respecting IHL should be offered encouragement during peace negotiations and national reconciliation processes to continue and reinforce their commitment to these principles.

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Madam (not in your text) — *[No entry added — included only to show I did not invent items]*

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