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The Role of Non-Governmental Organizations

In The Implementation of The International Humanitarian Law.

Master's Dissertation in International Relations.

By

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List of abbreviations.

NGOs: Non-Governmental Organisation.

INGO: International Non-Governmental Organisation.

IGO: International Governmental Organisation.

UN: United Nations.

UNESCO: United Nations Educational, Scientific and Cultural Organisation.

ICRC: International Committee of the Red Cross.

AI: Amnesty International.

BS: Blue Shield.

ICCROM: International Centre for Study of the Preservation and Restoration of Cultural Property.

GC: Geneva Convention.

POW: Prisoner of War.

ICTY: International Criminal Tribunal for the Former Yugoslavia.

ICTR: International Criminal Tribunal for Rwanda.

ICC: International Criminal Court.

NSAG: Non-State Armed Group.

IAC: International Armed Conflict.

NIAC: Non-International Armed Conflict.

GA: Global Assembly.

IB: International Board.

IS: International Secretariat.

ECCHR: European Centre for Constitutional and Human Rights.

HR: Human Rights.

BPUFF: Basic Principles on the Use of Force and Firearms.

JTF: Joint Task Force.

UAE: United Arab Emirates.

GNA: Government of National Accord.

LNA: Libyan National Army.

YPG: Kurdistan worker's Party (PKK).

YPJ: Women's Protection Units.

MFA: Monuments, Fine Art, and Archives Unit.

MSF: Medecins sans Frontiers.

IMCuRWG: International Military Cultural Resources Work Group.

ICA: International Council on Archives.

ICOM: International Council of Museums.

ICOMOS: International Council on Monuments and Sites.

IFLA: International Federation of Library Associations and Institutions.

INTRODUCTION.

The 20th century recorded the deadliest events in the history of mankind. Around 20 million people were killed and 67 million displaced during 140 civil war after 1945.[1] In the 1990's, after the collapse of the Soviet Union, there was a decline in the number of international armed conflicts (IAC), but a growth in the number of non-international armed conflicts (NIAC). The global war on terror after the attacks of 9/11 accelerated the shift toward interventionist policies. But because States started to less interfere directly in others countries, the role of NGOs became greater.

The Eighties, Nineties, and early 21st Century are considered to be the era of international NGOs, where their number has increased at all local, regional and international levels, hence the importance of monitoring the role of NGOs in light of the rapid changes that are taking place at all levels. States are no longer able to satisfy all needs, and therefore these organizations constitute an outlet to satisfy some needs and interests of individuals, and this fact has made attention to them, and activating their role is necessary in the modern world. NGOs are considered a means of strengthening and protecting individuals and civil society as a whole.

Historically, the main role of NGOs was to mitigate the effects of war by providing protection and humanitarian aid to vulnerable people on the peripheries of armed conflicts.[2] Theoretically, the humanitarian action is guided by neutrality from parties to the conflict, proportionality in aid distribution, and independence from political influence of States and governmental organizations. But during the cold war, two main trends appeared; first is the growth in the number, resources, and relief operations of the NGOs, second is that NGOs started a new approach away from the classic human aid, by working on the development, peacebuilding, and conflict resolution. Today, NGOs are involved in multidimensional peace operations, engaging military, diplomatic, humanitarian, and developmental actors. NGOs became main actors in the international response to wars, because unlike States, NGOs work with little bureaucracy, and are flexible in responding to grassroot needs.

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[1] Sambanis,N(2003) Using case studies to expand the theory of civil war, World Bank Conflict Prevention and Restoration Unit working paper nbr.5, World Bank, Washington DC.

[2] Jonathan Goodhand,2006, Aiding peace? The role of NGOs in armed conflict, Intermediate Technology Publications Ltd, p 1.

If States have a role to play in protecting human rights and applying and respecting the rules of international humanitarian law (IHL) through their various organs, NGOs have a role as equally important as the role played by governments as a set of voluntary organizations that arise with the free will of its members and which is not intended to make profit when practicing its activities.[3] During the experience of international non-government organizations in armed conflicts, it has demonstrated its capabilities and abilities to apply the rules of international humanitarian law by protecting victims of armed conflict, providing aid and relief to affected groups, monitoring and receiving complaints about human rights violations, as well as publishing the rules of this law; this has led to the recognition of the international community to the fields of work of these organizations, at a time when governments and intergovernmental organizations have often become unable to play this important role.

International NGOs keep pace with developments in the field of international humanitarian law, which is a branch of international law and consists of a set of international rules established by treaties or customs specifically designed to solve problems of human status.[4] The primary objective of international humanitarian law is to protect people suffering from the scourge of war; other objectives for IHL are the protection of cultural heritage, environment…Because international NGOs play a key role during armed conflicts, it is prominent to highlight the effective role of Amnesty International and Blue Shield International. Amnesty International monitors and detects violations of the rules of IHL aiming the protection of victims of armed conflict and seeking to ensure the protection of the fundamental rights of individuals in all circumstances. As for Blue Shields, it performs activities in order to ensure the protection of the cultural means and sites in armed conflicts under The Hague Convention of 1954 (and its two protocols) related to the protection of cultural heritage.

This dissertation intends to describe the role of NGOs in the implementation of IHL during armed conflicts. This requires to understand the historical evolution of the adaptation of NGOs with the changing nature of wars. NGOs have much evolved

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[3] Brown, D., 2009. The Effectiveness of Non-Governmental Organizations (NGOs) within Civil Society.

[4] International institute of humanitarian law, current problems of international humanitarian law, 28th Round Table, Sanremo, September 2004, p 40.

during the recent years, taking into consideration the changing nature of wars during the recent years, and the challenges that faces the stuff of NGOs.

For this purpose, it is important to highlight the aspects and circumstances of foundation of these NGOs, their diversity, their characteristics and objectives, their non-profit and impartial nature, their legal status in the customary and the conventional law, and their engagement during NIAC and IAC.

Therefore, what are really the NGOs, what is their legal status, their different roles, and their efficiency to implement the IHL rules and to mitigate the effects of wars on civilians? While facing lot of difficulties, many critics for their work, are the NGOs reliable, are they able to stop breaches oh IHL during armed conflicts?

In order to answer the dissertation questions, this subject will be treated into two chapters. The first chapter studies the concept and legal status of NGOs, and its different roles during armed conflicts. The second chapter discusses the experience of AI and the BS in the implementation of IHL during many armed conflicts.

This study is important in terms of the nature of its subjects and the issues it addresses. The importance of human rights in general and the rules of international law in particular has been the motivation to create international non-governmental organizations seeking to protect these rules away from the influence of States and their organs. The NGOs has become one of the most prominent figures in international relations.

The reason that made me address this subject is the emergence of these organizations and the international recognition of the field of their activity, especially after the support of the United Nations and the intergovernmental organizations, as well as the effective role played by these organizations in the application of the rules of the international humanitarian law.

This study relies on the descriptive methodology to identify these organizations and indicate their characteristics and their relationship with the international community, and also rely on the analytical methodology during the discussion of the various roles played by the Amnesty International and the Blue Shield in the implementation of the rules of international humanitarian law.

Difficulties faced during this study are the lack of specialized books and the loose legal terms in the international law that shows some contradictions in the opinions of legal personals and scholars.

PART ONE: THE CONCEPT AND ROLE OF NGOS IN IHL.

It is very important to address first the concept of NGOs as bodies that have diverse definitions, goals and characteristics, and their legal status in conventional and customary law. These concepts are necessary to understand the role of NGOs in armed conflicts, and how they deal with vulnerable people and with NSAGs. NGOs had proven itself as a major player at the international level and during armed conflicts.

Section One: Legal Status of NGOS in IHL.

"Humanitarian organizations" is a key factor that is mentioned several times in the conventional and customary laws. NGOs like ICRC participated effectively in drafting these laws. To understand the legal status of NGOs, it's important to shed light on its different definitions and characteristics.

A. Definition and characteristics of NGOs.

Because of the enormous number of NGOs at the national and international level, and the diversity of its goals, structures, characteristics, and its way of work, the scope of definition of NGOs is very wide.

a) Definition of NGOs.

There is no precise definition of NGOs because of what constitute an NGO, and analysing the phenomenon of NGO still difficult. The reason for this generalisation is because the diversity of NGOs ranging from small groups to large agencies, some NGOs have small or large, formal or informal structures.

NGOs can take different shapes and roles in different societies. This keeps the phenomenon of NGOs unclear. Despite the fact that NGOs are independent from governments and don't aim financial gain, some NGOs receive governmental funding and others try to make some profits to pursue their mission.

Difference between NGOs exist also in the status of the membership, as we can distinguish between community –based organizations or people's organizations, and grassroots support organizations (GSOS) that works from outside the community. In other situations, some NGOs are established as fronts by governments or government-oriented NGOs (GONGO), or by individuals for purely personal gain (briefcase NGO). WE can distinguish between local NGOs (LNGO) and international NGOs (INGO), business oriented international NGO (BINGO),

environmental NGO (ENGO), and quasi-autonomous nongovernmental organizations (QUANGO).[5]

Some NGOs are well funded, while others struggle to survive, some have highly professional staff and recruit, while others rely on volunteers and supporters, some are secular, others are faith based. One basic distinction is between the "Northern NGOs" that are established in the northern developed countries and the "Southern NGOs" established in the southern countries. Some NGOs are seen as a tool for economic progress, while in other places they were part of struggle against dictatorship or supported independence movements from colonialism.

Some scholars call NGOs as third sector organizations or civil society organizations,[6] others like "VAKIL" suggest that the lack of consensus on how to define and classify non-governmental organization has inhibited progress on both the theoretical and empirical fronts in the effort to better understand and facilitate the functioning of the NGO sector.

-Hudson and Bielefeld definition of NGOS:

NGOs are organizations that serve public purpose by providing aids and services, they don't distribute profits to their stuff, they exhibit value rationality, they are voluntary because they are created, maintained, and terminated by voluntary decisions of the members.[7]

"Hildy Teegen" provides another definition, referring to social purpose NGOs as:

An NGO is a private, non-profit organization that serves social interests by using operational and advocacy efforts on economic, social, and political goal, including health, education, protection of human rights, and environment.[8]

As for the legal definitions of international non-governmental organizations issued from international organizations as well as official bodies, they were defined according to the draft agreement prepared by the Institute of International Law in the year 1950 as: "international institutions are groups of persons or groups that are

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[5] Dang, L.H., 2009, Non-governmental Organizations (NGOs) and development: An illustration of foreign NGOs in Vietnam (master's thesis). *Ohio University, Athens, OH*.

[6] Weber, K., 2009. Michael Yaziji and Jonathan Doh: NGOs and Corporations: Conflict and Collaboration.

[7] Hudson, B.A. and Bielefeld, W., 1997. Structures of multinational non-profit organizations. *Non-profit Management and Leadership*, *8*(1), pp.31-49.

[8] Teegen, H., Doh, J.P. and Vachani, S., 2004. The importance of nongovernmental organizations (NGOs) in global governance and value creation: An international business research agenda. *Journal of international business studies*, *35*(6), pp.463-483.

made up freely by individuals and does not seek to make a profit, and it operates internationally for the public benefit, not for a specific people or country".

The World Bank defines that non-governmental organization refers to an association, society, foundation, charitable trust, non-profit corporation, or other juridical person that is not regarded under the particular legal system as part of the governmental sector and that is not operated for profit, if any profits are earned, they are not and cannot be distributed as such. It does not include trade unions, political parties, profit-distributing cooperatives, or churches.[9]

As for the Economic and Social Council, it was defined in its decision issued on February 27, 1950 as: "Organizations that are not created by agreement between governments", as he distinguished them from international governmental organizations established by agreement between governments. It defined it in his Resolution No. 1296 issued on May 23, 1968 as: "international organizations that do not arise in accordance with international agreements, this encompass organizations that include members appointed by the governmental authorities. The government provided that such members do not interfere with the freedom of expression enjoyed by these organizations".[10]

The council retracted the previous definition in 1996 when it issued Resolution No. 31 regulating cooperation between the Economic and Social Council and non-governmental organizations that enjoy consultative status in it, according to article 71 of the United Nations Charter on the basis that it "enjoys a consultative status with the Economic and Social Council any organization not established by a governmental entity or governmental agreement, and such organization is considered a non-governmental organization within the framework of implementing this decision, this includes organizations that accept members who are appointed by government authorities on the condition that such members do not interfere the enjoyment of this organization to express its views freely.[11]

The general conference of UNESCO has set its eleventh session and amended at its fourteenth session the concept of an international non-governmental organization, as he decided that it is: "every international organization that was not established through an agreement between governments, their goals and functions are non-governmental, include a large proportion of groups or individuals as organized members from multiple countries, and have a permanent administrative body with an international composition.

[9] Draft World Bank Handbook on Good Practices Relating to Non-Governmental Organizations, p. 19.
[10] Ibid p 45.
[11] ECOSOC Resolution 1996/31, U.N. Doc. E/1996/L.25

As for the Council of Europe, the council adopted another definition of INGOs. This definition is cited in the European Agreement Concerning the Recognition of Legal Personality of Non-Governmental Organizations of 04/24/1986 through the first article of the agreement. Under this Convention, parties agree to recognize the legal personality of NGOs under the legal rules of the state where that organization has its statutory offices. In order to benefit from the provisions of the Convention, an international non-governmental organization must:

-Be non-profit and have an international utility.

-Be established by an instrument governed by the internal law of a party.

-Carry on important activities in two parties at least.

-Have its headquarter office on the land of a party and central control and management in that State or in another party.[12]

The Convention establishes rules on the proof to be furnished to the authorities in the Party where the recognition is sought, and sets out exceptional cases in which a Party may refuse recognition, for instance where activities of the organization in question contravene national security, public safety, or is detrimental to the prevention of disorder or crime, etc.[13]

According to international law, every organization founded by individuals is classified as non-governmental, even if it offers large governmental work like the ICRC, which works within the framework of the international law and was formed by individuals, and its primary goal is to carry out actions in the public interest and to provide assistance, and it's the idea that underlies all practitioners of humanitarian work within the framework of international non-governmental organizations.

The Union of International Associations counts more than 63,000 international NGOs in all countries, in all humanitarian fields. There is billion of national NGOs working worldwide. Nepal has around 15,000 NGOs, India 3.3 million, Russia 277,000, and in Kenya there are 250 new organizations created yearly, and worldwide there are 3,200 NGOs with consultative status at the U.N, which means they can advise and report conferences and commissions of the IGO.[14] These organizations own enormous capacity and resources. The annual budget of

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[12] European Convention on the Recognition of the Legal Personality of International Non-Governmental Organizations, Strasbourg, 1986, available at: https://rm.coe.int/168007a67c [accessed on 10 FEB 2021].

[13] Ibid, p2.

[14] Diddams, M., 2011. *Non-Governmental Organizations in Conflict: Case Study Analysis in Cote d'Ivoire and Somalia*, master thesis, Arizona State University.

international NGOs is over one trillion dollars, and they employ about 19 million people, in addition to countless volunteers".[15]

For purposes of this thesis NGOs will be considered as independent organizations of legal personality, not established by a governmental entity or intergovernmental agreement, which do not seek political power for themselves, work at the international level, are law-abiding, possess an organizational structure, a consultative status at the ECOSOS, are non-profit, and their main objective and work is in the humanitarian field.

b) Characteristics of NGOs.

1. There are several characteristics and elements of NGOS, these characteristics and elements are as follows:

1. Organizations are established in accordance with the national law of a country, but they carry out their activities in more than one country.

2. The international NGOs acquisition of the international status comes from not being restricted to a specific nationality, it must include in its membership members of various nationalities.

3. These organizations do not seek to make profit, but rather they do volunteer work, which distinguishes them from international governmental organizations of an economic nature as well as international profit-seeking companies.

4. To be formed outside the scope of the government and work independently of it.

5. The members of the international non-governmental organization are from private individuals or private bodies or members appointed by government authorities.

It must also be noted that the primary motive sought by the work of any international organization is the idea of assistance and the duty of humanitarian aid, which allows the State in question to enter neutral humanitarian organizations to their territories, if agreed upon, and this permission may not be suspended in time of war, and this idea paved the way for the emergence of the "right to intervene", especially as these organizations operate at the international level outside the borders of the country of headquarters, and that works in two forms:

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[15] Hall-Jones, P., 2006, May. The rise and rise of NGOs. In *Global Policy Forum*. Available at:
https://archive.globalpolicy.org/component/content/article/176-general/31937.html accessed on [10 FEB 2021].

-Multinational organizations: The organizations whose work is multinational have an initial base in a country, and branches and units in other countries, such as the International Committee of the Red Cross grounded in Switzerland.

-Transnational organizations: These are organizations do not confine their activities to one country, instead its work is international such as Amnesty International.

2. The non-profit organizations must fulfill five cores structural or operational features that distinguish them from other types of social institutions: formal constitution, non-governmental in basic structure, self-governing, non-profit, voluntary to some meaningful extent.[16]

i. Formal constitution.

The activity of international non-governmental organizations is determined through the texts established for them, so that these organizations cannot be established and activated at the local or international level except in accordance with the legal texts established in a statement or a list drawn up by individuals, and these legal texts determine the organization's goals, means, conditions of membership, member's rights and duties, and form a basis for its independence and express the free will of the individuals who drafted the list. International non-governmental organizations consist of different bodies, usually represented in a general body and another executive and an administrative body corresponding to the General Secretariat in governmental organizations, and each body is made up of a group of qualified and serious individuals who are nominated by the founding group for a certain period. These bodies have special tools, means and practices in order to achieve the goals, objectives and common interests stipulated and mentioned in the established texts or any subsequent complementary or amended agreement.

ii. Non-governmental organizations and their basic structure.

ECOSOS Resolution 1996/31 defines an NGO as any organization not established by a governmental entity or intergovernmental agreement.[17] International non-governmental organizations differ from other international organizations in that they do not belong to any government agency because they are not established by an agreement between governments, and they do not receive orders from governments, but rather carry out their activities independently from government activities. Sometimes, the goal of these NGOs is to fight the foundations, principles, ideas, and even decisions supported by these governments, such as segregation, racial

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[16] Salamon, L.M. and Anheier, H.K., 1992. In search of the non-profit sector II: The problem of classification. Voluntas: International Journal of Voluntary and Non-profit Organizations, 3(3), pp.267-309.
[17] ECOSOC Res. 1996/31, U.N. Doc. E/1996/L.25

discrimination and others. International non-governmental organizations do not have an institutional structural relationship with governments, even if it can get financial and technical aid from a government. This makes INGOs more widespread and diverse than IGOs because it is easy to establish and does not require agreement between governments.

iii. Self-governing principle.

Membership in NGO consists of individuals working in local groups, and these NGOs have their headquarters in the capital city for the country. Such local NGOs usually make part of an international NGO that works in regional group of countries and is related to the global body. International NGOs are often structured so that there is an international secretariat that represents national sections in various countries.[18] These national sections tend to have a considerable amount of autonomy. For example, they can sometimes apply separately for consultative status with the various UN bodies.[19] Generally, decision-making within NGOs follows consensus procedures, and most NGOs use voting only in unusual cases.[20] A minority of NGOs conforms to the model of a global democratic hierarchy, in which any person may become a member. One variant is for the NGO to have subscribers or supporters, providing income, receiving newsletters and responding to calls for action, but not having any democratic control either over expenditure or over policy priorities for the organization.[21]

iv. Non-profit principle.

NGOs are organization that operate solely on a non-profit basis and have a tax-exempt status, or that the organization provide an audited annual financial statement conducted by a qualified independent accountant.[22]

The humanitarian goal pursued by non-governmental organizations is to make them organizations that do not aim for profit nor to enhance their material side as an organization. Rather, they aim to spread principles and ideas in support of human rights and work to develop areas of life and international relations, and this is what distinguishes them from multinational companies which are established like international non-governmental organizations according to agreements concluded

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[18] Willetts, P., 2002. What is a non-governmental organization.

[19] Jackie Smith et. al., Globalizing Human Rights NGOs in the 1990s, 20 HUM RTS. Q. 379 (1998), at p. 405-407

[20] Ibid, p 406.

[21] Peter Willets, What is a Non-Governmental Organization?, Article on NGOs for UNESCO Encyclopedia, available at : http://www.staff.city.ac.uk/p.willetts/CS-NTWKS/NGO-ART.HTM[accessed on 10 FEB 2021].

[22] Brown, D., 2009. The Effectiveness of Non-Governmental Organizations (NGOs) within Civil Society.available at : https://fisherpub.sjfc.edu/cgi/viewcontent.cgi?referer=https://scholar.google.com/&httpsredir=1&article=1074&context=intlstudies_masters [accessed on 10 FEB 2021].

between private persons, and are subject to the law of the country in which their headquarters are located or the law of the country in which one of its branches is located or the laws of the countries in which they practice their activities, but they seek to make a profit.

However, some profit-making activities can be undertaken for the organization provided that these profits are not distributed to members of the organization, but allocated to carry out the activities for which the organization was founded.

v. Voluntary principle.

Non-governmental organizations are characterized by being voluntary, meaning individuals often volunteer to join them as a result of their belief in the goals they seek to achieve, and this does not mean that all or most of the resources provided to the organization must be through voluntary contributions and that most of those in charge are volunteers.

3. Also we may identify other characteristics of NGOs:

i. Legal personality.
The IGO are considered a person of the general international law and therefore subject to the provisions of this law, unlike the international non-governmental organizations, which are an internal legal person because they are established under the law of the State in which it was originated and thus it is subject to the rules of the internal law of this State.

Most international non-governmental organizations are considered not to have an international legal personality and are not subject to the rules of international law, but rather are subject to the laws of the host country or the national laws. It should be noted that the cases in which the international legal personality of international non-governmental organizations has been recognized are very limited and its dedicated to The International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies, and to the International Olympic Committee (IOC) based on agreements with the Swiss government.[23] The Strasbourg Agreement signed in 04/24/1986 allowed INGOs to enjoy the legal personality on the territory of all the States members of the Council of Europe and eleven States ratified it in 2014, which is the unique agreement that recognize the

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[23] Ingrid Rossi, 2010, Legal Status of non-Governmental Organizations in international law, master thesis, Katholieke University, Leuven Faculty of Law.

legal personality of INGOs under the international law, at the regional European level.[24]

ii. Continuity.

Continuity means directing organizations as a legal unit whose competence is entrusted to them on an ongoing basis, because the common interests that these organizations sponsor are inherently continuous interests, and permanence does not mean eternity because situations may arise on the international community that lead to the demise of the organization as is the case for the League of Nations that was dissolve because it failed to achieve the desired goals, and was replaced by the United Nations.

iii. Diversity of goals.

NGOs have different goals. A number of them only aim to protect the interests of their members, some of them have charitable or humanitarian goals, and others aim to change the world because it carries with it ideologies private ideas that are trying to protect and spread, and they are mainly political, religious and cultural organizations.

iv. NGO's can be classified according to their goals as follows:

1. Humane: Like Amnesty International, which defends human rights, and prisoners in particular.

2. Religious: The Muslim League for the Propagation of Islam, the Council of the Churches of the World to Spread Christianity.

3. Scientific: Like the Institute of International Law that works on researching the different laws of countries.

4. Economic: International Transparency, an organization whose goal is to eliminate bribery and embezzlement in all countries of the world.

5. Athlete: Such as the International Olympic Committee, which organizes and supervises the Olympic Games and the fight against doping.

6. Environmental: The Greenpeace organization that defends the environment and saves endangered animals

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[24] European Convention on the Recognition of the Legal Personality of International Non-Governmental Organizations, Strasbourg, 1986, available at: https://rm.coe.int/168007a67c [accessed on 10 FEB 2021].

₇. Cultural heritage: The Blue Shield that aim to protect cultural heritage and environment especially in war time.

B. The status of NGOs according to customary and conventional IHL.

Words like "humanitarian relief personnel" and "medical personnel" are mentioned in the customary law, and words like "impartial humanitarian body", "religious organizations" and "relief society" are mentioned in the conventional law. By analyzing these laws, we can deduce the status of NGOs in conventional and customary law.

a) Status of NGOs according to customary IHL.

1. what is customary law?

The international conventions, the four Geneva Conventions (GC) and its two additional protocols are adhered by the States that signed them. But since not all States have ratified the GC and their two protocols, the customary humanitarian law referred as a general international law that binds all States without the need of former adherence. The essence of customary IHL rules apply to international armed conflict (IAC) and non-international armed conflict (NIAC).

The ICRC was assigned during the 26th international conference of Red Cross and Red Crescent (Geneva,1995) to prepare a report on customary law with the assistance of experts from different countries and different organizations, and to circulate the report to States and competent international bodies. This study aims to disseminate the customary law on military personals, governments, tribunals, and governmental and non-governmental organizations, to improve respect of IHL and protection for victims of war.

The IHL has its origins in the customary practices of armies as they developed over the ages and on all continents. The content of the rules generally includes the prohibition of behaviour that was considered unnecessarily cruel or dishonorable. The status of international court of justice (ICJ) describes the customary international law as "a general practice accepted as law".[25]

The existence of a rule in customary law requires the presence of two elements, namely State practice, and a belief that such practice is required, prohibited or allowed. (The physical practice includes battlefield behaviour, and the verbal acts includes military manuals, national legislations, national case law, instructions to armed and security forces, military communiqués during war….)

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[25] ICJ statute, Article 38(1)(b).

The practice of governmental organizations (UN) can participate to customary law, but the decisions of international courts does not constitute State practice, because they are not State organs. The ICRC contribute to customary law because it have mandate from States, and all the rules of this law are applicable in NIAC and IAC. The degree of ratification of a treaty is relevant to the assessment of customary law.[26]

2. NGOs in the customary law.

NGOs are not mentioned explicitly in the rules of the customary law, instead they are tacitly mentioned through many expressions like "medical personnel, human relief personnel, humanitarian organization...", and others with the same meaning. Those expressions mentioned in the customary law, gave the legal legitimacy to the humanitarian NGOs to work during armed conflicts, and precise the scope of their work, permission and restrictions. Rules of the customary law are stressed by State practice.

According to the customary law, medical personnel must be respected in all circumstances, but if they act away from their humanitarian function, or put any of the opponents to harm, they may lose their protection.[27] The term "respect and protection of medical personnel" is embedded in many military manuals (UK, US…). The Canadian military code of conduct explains that symbols used by NGOs like MSF, CARE, and others, don't benefit from an international legal protection even if they work for the protection of victims, but their work should be protected.[28]

In a resolution adopted in 2000 on the protection of civilians in armed conflicts, the UN Security Council called upon all parties to an armed conflict, including non-State parties, "to ensure the safety, security and freedom of movement" of the humanitarian relief personnel. This rule is stressed by State practice and military manuals. This gives the space to relief NGOs (like CARE, ICRC…) to interact in armed conflicts. Also, equipment and assets used by NGOs during humanitarian relief operations, must be protected and respected, because they are civilian objects and enjoy protection from attacks. State practice indicates that in addition to attacks against humanitarian relief objects, destruction, misappropriation and looting of such objects are also prohibited. The freedom of movement essential to the function of the humanitarian relief personnel must be respected by parties to the conflict. Their movement may be restricted temporary in cases of military necessity. The United Nations, in particular, has issued numerous statements and adopted numerous

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[26] Customary International Humanitarian Law, volume 1, 2009, RULES Jean-Marie Henckaerts and Louise Doswald-Beck With contributions by Carolin Alvermann, Knut Dormann and Baptiste Rolle, Cambridge University Press, New York, p xlix.

[27] Ibid, P 79.

[28] Ibid, p 113.

resolutions in this respect. In a resolution on the same subject adopted in 2000, the Security Council reiterated its call to all parties concerned, including non-State parties, to ensure the freedom of movement of personnel of humanitarian organizations. This concerns authorized humanitarian personal. It's evident that a party to the conflict cannot be required to ensure freedom of movement of an organization it has not authorised.

The customary law ensure protection for civilian journalists during their missions in armed conflicts.[29]Journalists are considered as civilians and are protected under the principle of distinction, and this gives the opportunity for NGOs like "Reporters Without Borders" to cover armed conflicts.

Practice recognizes that commanders during armed conflicts may appeal to neutral or impartial organizations, Protecting Powers, or the ICRC, or members of the peacekeeping forces and international organizations to contact or negotiate with the adversary. This must be done on good faith.[30]

During armed conflicts, and after any engagement, parties to the conflict must take all possible measures to collect, search and evacuate the shipwrecked, sick, wounded and dead without any distinction.[31] This includes permitting humanitarian organizations to assist in their search and collection. Practice shows that the ICRC in particular has engaged in the evacuation of the wounded and sick. In practice, humanitarian organizations will need permission from the party in control of a certain area to carry out such activities.

Rescued people must receive medical care and attention without any conditions or distinction. Each party to the conflict must use its best efforts to provide protection and care for the wounded, sick and shipwrecked, including permitting humanitarian organizations to provide for them protection and care. Humanitarian organizations, including the ICRC, have engaged in the protection and care of the wounded, sick and shipwrecked, even though it needs permission from parties of the armed conflict. Practice shows that humanitarian organizations, including the ICRC have engaged in the search for and collection of the dead.

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[29] Customary International Humanitarian law, volume 1, 2009, RULES Jean-Marie Henckaerts and Louise Doswald-Beck With contributions by Carolin Alvermann, Knut Dormann and Baptiste Rolle, Cambridge University Press, New York, p 115.
[30] Ibid, p 228.
[31] Ibid, p 396.

Parties to the conflict must facilitate the return of the remains of the dead and their purposes.[32] There are examples of practice, such as the exchange under ICRC auspices of the mortal remains of more than 1,000 soldiers and LTTE fighters in Sri Lanka in 1998.

Persons who are deprived from their liberty must get good water, food, medical care and clothing. Their personal details should be recorded also. According to practice, if the detaining power is unable to provide the basic needs of the detainees, it must allow humanitarian agencies to provide assistance for them. The ICRC must be granted access to check the conditions of detention of these people and to restore contact with their families. In NIAC, the ICRC asks parties to the conflict the permission to visit the persons deprived of liberty, and restore contact with their families also. Many military manuals recognize the right of the ICRC to visit detainees. This right is supported by official statements and other practices. It is also confirmed by the numerous visits to POW, civilian internees and security detainees carried out regularly by the ICRC in countries affected by international armed conflict all over the world.

Persons deprived of liberty during armed conflicts must be allowed also to communicate with their families after the authorization of the authorities.[33] After the conflict of December 1971 between India and Pakistan, the ICRC facilitated the exchange of 15 million messages between prisoners of war and their families. More recently, during the Gulf War in 1991, the ICRC recorded 683 Red Cross messages sent by detainees and 12,738 received by them. Between 1996 and 2002, 18,341 Red Cross messages were sent and 10,632 messages received by detainees during the conflict in Sri Lanka. During the same period, 2,179 Red Cross messages were sent and 2,726 received by detainees in the conflict in Liberia.[34]

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[32] Customary International Humanitarian Law, volume 1, 2009, RULES Jean-Marie Henckaerts and Louise Doswald-Beck With contributions by Carolin Alvermann, Knut Dormann and Baptiste Rolle, Cambridge University Press, New York, P 411.
[33] Ibid, P 445.
[34] Ibid, p 447.

b) Status of NGOs according to conventional IHL.

1. What is conventional law?

The conventional humanitarian law is a series of international conventions that were enacted after wars in response to humanitarian crises, the most important are as follows:

- Hague conventions of 1899 and 1907.

-Geneva Convention for the amelioration of the conditions of the wounded and sick in armed forces in the field of 12 august 1949.

- Geneva Convention for the amelioration of the conditions of the wounded and sick in armed forces at sea of 12 august 1949.

- Geneva Convention relative to the treatment of prisoners of war of 12 august 1949.

- Geneva Convention relative to the protection of civilian persons in time of war of 12 august 1949.

- Additional Protocol of 1977 to the Geneva Conventions of 12 August 1949 relating to the Protection of Victims of International Armed Conflicts.

-Additional Protocol of 1977 to the Geneva Conventions of 12 August 1949 relating to the Protection of Victims of Non-International Armed Conflicts.

-Additional Protocol of 2005 to the Geneva Conventions of 12 August 1949 relating to the adoption of an additional distinctive emblem.

- Convention for the protection of cultural property in the event of armed conflict of 1954 and its first protocol of 1954 and second protocol of 1999.

- Convention on the prohibition of bacteriological weapons and their destruction of 1972.

-Convention on the Rights of the Child of 1989.

-Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction of 1997.

- Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict of 2000.

- International Convention for the Protection of all Persons from enforced disappearance of 2006.

2. NGOs in conventional law.

Impartial humanitarian organizations are mentioned in the most recognized international conventions like the four Geneva Conventions and their two additional protocols. This is where these NGOs gained their legal status at the international level.

i. Geneva Convention for the amelioration of the conditions of the wounded and sick in armed forces in the field of 12 august 1949:

This convention mentions the right of impartial humanitarian organizations such as the ICRC to provide its services to participants in the conflict.[35] These organizations may provide medical personnel and chaplains to ensure the relief and protection of wounded and sick, after the approval of parties to the conflict. Parties to the conflict may authorise an impartial organization to play the role of a Protecting Power, and they shall accept or request the services of humanitarian organization, such as ICRC, to assume the humanitarian functions performed by Protecting Powers. The Protecting Power may meet with delegates of parties to the conflict to discuss the situation of protected persons. According to the four Geneva Conventions an impartial organization may play the role of a Protecting Power.

Parties to the conflict must search and collect wounded, sick and shipwrecked. They must also exchange sick and wounded people from encircled zones, and allow transfer of religious and medical personnel to the area. The information about dead, sick and shipwrecked must be transmitted to the Information Bureau, which should transmit them to the other party of the conflict through the Central Prisoners of War Agency and the Protecting Power.[36]

Parties to the conflict should in all circumstances protect the mobile and fixed medical units, and the medical personnel searching, collecting and treating sick and wounded.[37] They may establish also hospital zones to protect sick and wounded from the effects of war. The ICRC and the Protecting Powers may lend their offices to facilitate the establishment of such zones.

Members of volunteer aid associations and national Red Cross authorized and recognized by their governments, who work as medical personnel during the conflict are subject to military regulations and laws.[38] Those medical personnel whose

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[35] Geneva convention for the amelioration of the conditions of the wounded and sick in armed forces in the field of 12 august 1949, p 35.
[36] Geneva Convention I, the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, adopted August 12, 1949, P 40.
[37] Ibid, P 41.
[38] Ibid, P 44.

retention is not indispensable should be returned to their country when the military circumstances permit. They shall wear a water-resistant armlet with the distinctive emblem on their left arm, and an identity disc, and they shall carry their identity card issued by the organization which they belong. The distinctive flag of the convention must be printed on the medical apartments and vehicles. Medical personnel of a recognized organization from a neutral country my offer their assistance to a party to the conflict after the consent of this party and their government.

ii. Geneva Convention for the amelioration of the conditions of the wounded and sick in armed forces at sea of 12 august 1949:

Hospitals ships used by relief societies, national Red Cross societies, or private persons, shall be protected and exempted from capture if they are officially commissioned by their countries and the parties to the conflict are notified of their names and description 10 days before their employment.[39] The high contracting parties shall communicate through the Swiss Federal Council, and by the help of the Protecting Powers during hostilities.

iii. Geneva Convention relative to the treatment of prisoners of war:

Prisoners of war (POW) are soldiers captured during an international armed conflict, and must be released by the end of the war. The detaining power must treat them humanly and provide them adequate food, shelter, religious and medical care. Through this convention, the humanitarian organizations gained the right to get access to the POW and provide them adequate care. The ICRC shall propose to the parties to the conflict the establishment of a central prisoners of war Information Agency in a neutral country.

The commander of the prisoner's camp shall have an up to date record of his prisoners, and communicate with the delegates of the ICRC, the Protecting Power or the relief agencies who may visit the camp to give relief aid to prisoners.[40] Representatives of the Protecting Power have the right to visit the detention camp and check the prisoners and refer any claims of a POW for compensation in the result of a disability or injury to his country. Representatives of relief society, religious organizations or other organizations with local or international character shall be able to visit the POW and distribute relief supplies and material intended for educational and religious purposes, and help them to make some leisure activities.[41]

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[39] Geneva Convention II, the Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of the Armed Forces at Sea, adopted August 12, 1949, P 54.
[40] Geneva Convention III, the Convention Relative to the Treatment of Prisoners of War, adopted August 12, 1949, P 102.
[41] Ibid, P 130.

Delegates of the ICRC and Protecting Power shall visit all places where POW may be, after the approval for the appointment by the detaining power.

POW are allowed to receive clothes, food, medical supplies by post or shipment. The ICRC, the Protecting Power or any organization who assist the prisoners and provide them goods, undertake to ensure shipment to prisoners when parties to the conflict are unable due to military operations. These organizations are responsible also for the distribution of the collective shipments.[42]

The humanitarian organizations or the Protecting Powers may assist the prisoners of war to elect their representative before the military authority by secret ballot, and may also attend the trial of POW and protected persons.[43]

iv. Geneva Convention relative to the protection of civilian persons in time of war of 12 august 1949:

This convention legally abides parties to the conflict to take all necessary means to protect civilians. This includes giving a margin of freedom of movement to the humanitarian organization to provide relief, food and medical supplies and shelter to the civilians affected by the war.

The ICRC may propose to the parties to the conflict the creation of a Central Information Agency for protected persons, and in particular for the internees in a neutral country.[44] Any party to the conflict may propose directly or through a humanitarian organization the establishment of a neutralized zone to shelter the civilians from the effects of war. Protected persons should be able to contact the ICRC, the Protecting Power and the national Red Crescent or national Red Cross of the country where they may be, and any humanitarian organization that might assist them.[45]

The distribution of food, medical supplies and clothes must be made by the ICRC, a neutral power or any impartial organization, after the approval of the occupying power. The national Red Cross and Red Crescent societies and other relief societies shall work under the principles defined by the international Red Cross conferences,

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[42] Geneva Convention III, the Convention Relative to the Treatment of Prisoners of War, adopted August 12, 1949, P 108.
[43] Geneva Convention III, the Convention Relative to the Treatment of Prisoners of War, adopted August 12, 1949, P 120.
[44] Geneva Convention IV, the Convention Relative to the Protection of Civilian Persons in Time of War, adopted August 12, 1949, P 199.
[45] Ibid, P 161.

and the occupying power can't ask any change in the structure or the personnel of these societies.

v. Additional protocol 1 of 1977:

This additional protocol of the four GC is related to the protection of victims of international armed conflicts (IAC). Where there is no Protecting Power ready to work in an armed conflict, the parties to the conflict shall assign the ICRC or any impartial organization to act as a substitute.[46] The ICRC, the aid societies and the civilian population shall be permitted to collect and care for the sick, wounded and shipwrecked. None of them should be prosecuted or harmed for such acts. The occupying power shall provide the medical personnel every assistance needed to perform their job. These medical units with their medical vehicles and equipment shall be protected from any attack and respected.[47] Parties to the conflict shall give all the necessary facilities to the ICRC and the humanitarian organization to fulfill their work.

Civilian religious and medical personnel should wear a distinctive emblem and carry an identity card issued by their organizations.

vi. Additional protocol 2 of 1977:

This additional protocol to the four GC is related to the protection of the victims on non-international armed conflicts (NIAC). This protocol gives the relief societies such as the Red Cross and Red Crescent the ability to act during NIAC and to offer their services to the victims.[48]

vii. Convention on Cluster Munitions (30 May 2008):

A lot of work was made by the international community to ban the cluster munitions. This convention gives the right for the UN, national, regional, and international organizations or institutions, the ICRC and the NGOs to assist the victims of cluster munitions.[49]

viii. Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict 26 March 1999:

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[46] Additional Protocol I, the Protocol Additional to the Geneva Conventions of August 12, 194, and Relating to the Protection of Victims of International Armed Conflicts, adopted June 8, 1977, p 241.
[47] Ibid, P 248.
[48] Additional Protocol II, the Protocol Additional to the Geneva Conventions of August 12, 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts, adopted June 8, 1977, p 318
[49] Convention on Cluster Munitions, 30 May 2008.

Many NGOs especially the International Committee of the Blue Shield (ICBS) worked on the achievement of this protocol. This protocol mentioned officially the ICBS, and gave this NGO and other NGOs with relevant expertise the legal status to work during armed conflicts, and to coordinate with the Committee for the Protection of Cultural Property in the Event of Armed Conflicts, and to add a cultural property to the committee's list.[50] The committee may invite to its meetings professional organizations with formal relation with the UNESCO like the ICBS and the International Centre for the Study of the Preservation and Restoration of Cultural Property (Rome Centre) (ICCROM).

According to the conventional and customary law, impartial organizations, medical personnel and relief organizations are allowed to assist the wounded, the civilians, the displaced people and the POW. These organizations and personnel and their equipment are protected under the international law. This means that these impartial organizations, specifically who are recognized by the UN, by possessing a consultative status at the ECOSOC, can work under the International Humanitarian Law during armed conflicts, and will have a bigger role recognized by States. NGOs like MSF, CARE, OXFAM, IFRC, NRC and others can benefit from this legal situation to do their humanitarian job.

Section two: The Role of NGOs in Armed Conflicts.

International non-governmental organizations work to expand the circle of understanding and development of IHL taking a set of measures, whether in the event of confirmed or alleged violations of IHL, in an effort to assist countries in achieving the proper implementation of IHL and cases of providing humanitarian assistance and publication of IHL. In cases of confirmed violations of IHL, NGOs perform a set of measures, such as visiting prisoners, protecting civilians affected by armed conflict, and providing assistance to them. The ICRC depends on secrecy as a general principle, but if it does not work it goes to defamation. In cases of alleged violations, NGOs work on receiving complaints and especially the ICRC who works with the national authorities to convince it taking the correct measures. Then the ICRC asks to open an inquiry according to common article 52 of the first GC, article 53 of the second GC, article 132 of the third GC and article 149 of the fourth GC. These procedures need the consent of the conflicting parties which is difficult for NGOs to have.

Regarding the provision of humanitarian aid, the latter is the general basis for the needs of victims of armed conflicts. The 4 GC stipulated what concerns the sick and

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[50] Second Protocol to The Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict 26 March 1999, p 50.

wounded in the field, which is placed upon the obligation of the mandatory States parties to allow the passage of medical assistance for curative medical services to the victims who need it.

A. NGOs in direct and advocacy operations.

There are multiple kinds of operations for NGOs. The most important are the direct operations where NGOs are on the field during the armed conflict directly involving with the civilians and the belligerents, and the advocacy operations where NGOs aren't directly involved in the field.

a) Direct operations.

NGOs work during direct operations in many fields, the most common are: humanitarian relief, conflict resolution, and dissemination of IHL.

1. Humanitarian relief.

i. What is humanitarian aid?

The term humanitarian is elastic. It can be synonym for the word "compassion", or it can include a wide spectrum of submissions to the shared community, and it can refer to technical assistance and delivery of aids in relief zones during armed conflicts or natural disasters.[51] The emergence of humanitarianism as a component of the international response to war is a recent phenomenon of the 20th century, especially after the fall of the Berlin wall, and the turbulences in the former soviet States.

Many major NGOs were formed responding to war or emergencies: the Red Cross is the result of the Italian unification war, Save the Children after First Word War, and Oxfam responding the Greek famine in 1943.[52] Till the 1980's humanitarian aid took place in safe areas and refugee camps in neighbouring or neutral countries. After the cold war, gaining access to the victims of conflict was considered a humanitarian right. NGOs linked to the rebels, as in Tygray (Ethiopia) and Afghanistan, delivered humanitarian assistance to the populations without the approval of Ethiopian and Afghan government. The operation of Lifeline Sudan took place at the end of the catastrophe. It accessed civilians living in rebels and

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[51] Macrae, J. and Harmer, A., 2003. HPG Report. Humanitarian action and the global war on terror: A review of trends and issues.

[52] Ian Smillie, 1995, The Alms Bazaar: Altruism under fire - non-profit organizations and international development.

government held territories through different agreements between the warring parties and the UN.[53]

During the 1990s NGOs took a significant place in many humanitarian missions under the umbrella of the UN. The British prime minister, Tony Blair, declared the Kosovo war a "humanitarian war".[54] There was a deliberate blurring between military action and humanitarian action. The western governments needed to show the humanitarian aid worldwide to legitimize military and political intervention. Between the 1990 and 2000 the volume of humanitarian assistance rose from 2,1 billion to 5,9 billion.[55] NGOs were the most beneficiaries of this assistance, because donors directed their funds toward them, because they were more efficient than governments and multilateral agencies. Since the 1980's we had a growth in the super-NGOs or transnational NGOs like Oxfam, Care, and Save the Children, who in many conflicts surpassed the UN operational capacity.[56] There are six or seven major NGOs who manage 2.5 to 3 billion, amounting to 45 to 55 per cent of global humanitarian assistance.[57]

In the eyes of many people, humanitarian aid had lost much of its moral currency. Humanitarian assistance is seen by many as worsening the problem, by creating war economies, strengthening criminals of war, feeding fighters, perpetrating crisis, and fueling conflicts.

The western States started scrutinizing the work of NGOs since the 1990s because of its important role. Many events in places like Kosovo, Rwanda, and Somalia focused the attention on the negative impact of aids and its unintended impacts.[58]

ii. Critics of humanitarian aids.

There are many critics of humanitarian aids. It can be divided in three areas: first, aid became manipulated and politicized by non-humanitarian actors; second, the

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[53] Joanna Macrae ,1996, Conflict, Conditionalities and the Continuum: Key issues emerging from the Review of Operation Lifeline Sudan.

[54] Jonathan Goodhand,2006, Aiding peace? The role of NGOs in armed conflict, Intermediate Technology Publications Ltd, p 100.

[55] Joanna Macrae , April 2002, The new humanitarianisms: a review of trends in global humanitarian action, HPG Report .

[56] Jonathan Goodhand,2006, Aiding peace? The role of NGOs in armed conflict, Intermediate Technology Publications Ltd, p 100.

[57] Larry Minear, Ian Smillie,2004, The Charity Of Nations, kumarian press,p 195.

[58] Jonathan Goodhand,2006, Aiding peace? The role of NGOs in armed conflict, Intermediate Technology Publications Ltd, p 101.

perverse effect of humanitarian aid; third, aid actors are unregulated, ineffective, and unaccountable.[59]

1. The politicization of aid.

The most important ambition for humanitarianism is to ensure that the most vulnerable people in conflict and crises are not sacrificed. Humanitarianism should not be a political project, but humanitarian intervention cannot always maintain independent position in relation to politics. The government's humanitarian policies tend to mirror global politics, so the most important programs have been conducted in areas of strategic interest like Kosovo, and less important programs in less interesting areas like Sudan.

Humanitarianism is the continuation of politics by other means. Simply by applying the label "humanitarian" the normal rules of sovereignty are suspended.[60] Concerning the Kosovo, humanitarian intervention turned out to be in the benefit of the imperial States: containing refugee flow to western Europe, control of crimes and drugs….

An analyse of humanitarian funding shows little relationship to humanitarian needs. Generous donations usually flow to emergencies in the spotlight of media: The humanitarian aids to former Yugoslavia fell around 40 % when the media left the country in 1996; a refugee in Kosovo expected to receive 207$ yearly in international aid, while a refugee in Afghanistan received around 23$ yearly.[61]

2. Aid fuels conflict and undermines local capacities.

There has been always a link between humanitarian aid and conflict. There is also a direct or indirect effects on conflict structures and dynamics:

-Humanitarian aid may have perverse political effect. The social contract between governments and their citizens is affected by the services presented by the humanitarian NGOs.

-Aid can have many economic effects on conflicts, this aid can fuel war economies. Relief aid can be directly manipulated by armed groups through taxation, manipulation of population and purchasing of protection. Relief aid can have unintended effects on war economies through substituting or distorting effects.

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[59] Jonathan Goodhand,2006, Aiding peace? The role of NGOs in armed conflict, Intermediate Technology Publications Ltd, p 101.
[60] Ibid, p 102.
[61] Ibid, p 103.

During war, resources are rare, so the relief aids became very important and one of the survival factors to warring parties.

-The social effect of humanitarian aid is that it makes people depending on the delivery of aid, and turn them less coping to their new situation. This creates a rentier economy for the displaced population.

3. Aid actors are unaccountable, unregulated and ineffective:

Bad people try to exploit humanitarian circumstances occurred in conflicts, to gain their own profit, depriving the most vulnerable people from humanitarian aid. The donors in Rwanda crisis couldn't locate third of the 170 registered NGOs, and there was 120 million dollars unaccountable, and due to the lack of coordination, there was a duplication of work and waste of efforts during humanitarian aids.[62]

Usually humanitarian activities attract diverse NGOs that have different and sometimes contradictory approaches. These actions are seen internationally a swift action, not an occasion for criticism. Broadly there have been two reformist responses to the humanitarian critique. One argues for a maximalist approach, which involves broadening the humanitarian mandate to include development and peacebuilding objectives, the other argues for a minimalist approach involving a return to the narrower and more tightly defined classical humanitarianism.[63]

NGOs respond to the critics by adapting a more expansive approach to humanitarianism, by eradicating the old distinction between politics and aid, relief and development, aid and human rights. So, the number of NGOs involved in conflict prevention and resolution increased. The impact of aid on peace and conflict cannot be calibrated or measured, and its impact cannot be understood. The maximalists tend to overestimate the influence of aid on the political process, because in most of the countries affected by conflicts, the aid flows have small political leverage, because there are many economic inputs.[64]

Minimalists stick to provide food and medicine during the conflicts, and don't deal with the political context of the situation. NGO workers recognize operational and political challenges facing NGOs in many countries, like dealing with NSAGs, the

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[62] Michael Bryans, Bruce D.Jones, and janice Gross Stein,1999, Mean times, Humanitarian action in complex political emergencies-Stark choices, cruel dilemmas, Report of the NGOs in complex emergencies project.p 14.
[63] Jonathan Goodhand,2006, Aiding peace? The role of NGOs in armed conflict, Intermediate Technology Publications Ltd, p 103.
[64] Ibid, p 103.

politicization of aid, the effect of aid in prolonging the conflicts, and the denial of access.[65]

Every conflict has specific circumstances. So, the middle ground for NGOs in this matter is to know what to provide, and how much, and with what conditions. Conditions doesn't mean to cut off all aids, but to make balance between the benefit of political leaders and the need to aid the at-risk population. Sometimes doing no harm is less useful than doing benefit-harm.

2. Conflict resolution.

The peace building role of humanitarian NGOS was officially recognized when the Nobel peace prize was awarded to MSF in 1999.[66] Conflict areas are prone to suffer humanitarian crisis, which can lead to worsening the conditions. The need to satisfy human needs is essential to conflict resolution. To maintain stable societies, human basic needs have to be the first target for NGOs working on conflict resolution.

Humans participate to armed conflict and struggle competitively in the representative institutions at all social levels, so they can satisfy their universal and primordial needs such as identity recognition, security, and development.[67] In areas where nature don't fulfill basic resources for people (water, pasture…) for primitive societies, it is expected to have a competition over resources. This is where humanitarian NGOs intervene with provisions of aid and food to eradicate the conflict causes. In most developed societies, communities shift to fulfill needs such as security, identity recognition and development. These needs are realized with other community's need, not at the expense of them. So, the solution for conflicts in theses societies is the ability for NGOs to create an environment in which these needs can be met by all segments of societies.

The unofficial diplomacy has the power to address the root causes of a conflict. It can reveal the human needs that fuel aggression. The face-to-face communication can remove psychological barriers, build relationship and make a collaborative solution for the conflict. Most conflicts these days are between governments and NSAGs or rebels, which brings many methods for peace making. NGOs are often rooted in or deal with local communication. NGOs have a role in monitoring human

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[65] Jonathan Goodhand,2006, Aiding peace? The role of NGOs in armed conflict, Intermediate Technology Publications Ltd, p 104.
[66] Ibid, p 105.
[67] Wasau Mathews Wanyonyi, 2012, role of non-governmental organizations in conflict resolution: the case of west Pokot region, Master thesis, university of Nairoby.

rights and early warnings, and they are capable of establishing a good infrastructure that empower the reconciliation resources in the society.[68]

The big challenge for NGOs is to maintain balance between parties to the conflict, and avoid acting as advocacy for one side of the conflict. NGOs that focus on conflict resolution usually work with community groups, individuals, or official representatives, and they avoid to take side during disputes so they can fulfill their goals by establishing common ground and promoting dialogue between antagonists.[69] NGOs stuff should have negotiation skills and be familiar with psychological issues like victimhood and deception. In Philippines, more than fifty NGOs worked in the "Coalition for Peace", an umbrella organization working in peace building, and in Croatia advisory and educational programmes were formed.[70] The focus of NGOs in Serbia was to create a long-term result by working on reconciliation between Serbs and Croats.

NGOs have adopted different perspectives for public awareness. The public is made aware of conflicts through the dissemination by NGOs of preventive programs and publicity through media. In west Pokot (Kenya) communities are taken through sessions of awareness, creation and sensitization on matters pertaining to conflict and illicit arms. NGOs held inter-community dialogue and peace meetings.

Debates on NGOs and peacebuilding suffer from being too aid-centric. To appreciate the limitations and potential of NGOs in peacebuilding we should look beyond aid, and at the work of NGOs in the wider political framework.[71] Peacebuilding has become an imperial and liberal project lead by developed States to insure their interest and national security by the pacification of unstable regions through political and economic liberalization. Another view of peacebuilding enhanced by human security and soft power is an attempt to operationalize the Agenda for Peace doctrine written by the former Secretary General of UN Boutros Ghali in 1992.

3. Dissemination of IHL.

States are responsible for disseminating of IHL, and it is their duty to introduce and watch the rules of IHL, and in particular its dissemination among its armed forces, health workers and civilians to teach these groups about their duties and

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[68] Wasau Mathews Wanyonyi, 2012, role of non-governmental organizations in conflict resolution: the case of west Pokot region, Master thesis, university of Nairoby.

[69] Pamela RAall,2005, responses to international conflicts highlights from the managing chaos conferen, ngos and conflict management, United States Institute of Peace.

[70] Wasau Mathews Wanyonyi, 2012, role of non-governmental organizations in conflict resolution: the case of west Pokot region, Master thesis, university of Nairoby.

[71] Jonathan Goodhand,2006, Aiding peace? The role of NGOs in armed conflict, Intermediate Technology Publications Ltd, p 108.

responsibilities in time of armed conflicts. This was explicitly mentioned in the article 47 of the 1st GC, article 48 of the 2nd GC article 127of the 3rd GC, article 83 of the first protocol, and article 19 of the second protocol. Dissemination is a fundamental factor in the implementation of the IHL and the protection of victims of armed conflict.

The direct implementer of the dissemination process is the International Movement of Red Cross, which has the lion's share in the dissemination of the rules of the IHL, then came the different NGOs that play a secondary role. The statute of the ICRC put upon it the responsibility of dissemination of IHL and the dissemination of the general principles of the international movement of Red Cross and work to develop them. The ICRC works for explaining and disseminating the IHL to NSAGs and States in all conflict.[72] The special mandate was conferred to the ICRC through the 4 GC and its protocols. The ICRC is adopting two different approaches to increase the respect of IHL by NSAGs in non-international conflict: first through legal tools, and second by integrating and promoting the law in the conduct of NSAGs.[73] The ICRC may patronize special agreements between NSAGs and other party to the conflict, that usually stay confidential. The ICRC push the NSAGs to adapt a code of conduct which includes humanitarian principles. This code is distributed and trained to members of NSAGs. In some cases, NSAGs disseminated codes of conduct distributed to them by the ICRC between their members. The integration process of the provisions of IHL is made through five related elements: a) integrating the rules of IHL into the doctrine of armed groups, b) educating the members of NSAG, c) disseminating IHL norms by training, d) restricting equipment to avoid violation of IHL rules and e) establishing of an effective sanctions system.[74]

In addition to the ICRC, there is also the Association of Red Cross and Red Crescent Societies that has a role in assisting the ICRC in promoting and developing IHL and cooperating with her in disseminating this Law and the fundamental principles of the Red Cross to National Societies who work to introduce and publish the IHL, and to assist countries in preparing qualified personnel to facilitate the implementation of IHL.

Other NGOs working in the humanitarian field are applying program of dissemination of IHL rules in armed forces at international level, like DIAKONIA. The IHL international centre situated in Stockholm works on the coordination of the

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[72] Constraining the Conduct of Non-State Armed Groups, August 2012: Comparing the Prospects of Success of Governmental and Non-Governmental Governance Initiatives Stefanie Herr, Peace Research Institute Frankfurt, Germany, Paper presented at the ECPR Annual Conference Reykjavik, Island, p 9.
[73] Ibid, p 10.
[74] Ibid, p10.

work centres of Mali, Lebanon, and Jerusalem, and form a resource for humanitarian actors from Sweden and Europe.[75]

b) Advocacy operations.

1.The work of NGOs in advocacy operations.

Unlike operational NGOs, advocacy NGOs aren't neutral, because they adopt adversarial and principled positions with regard to the official institutions and to the parties engaged in a conflict.[76]

Traditionally, human right NGOs perform: monitoring, fact finding, and exposure of violations.[77] When public opinion and government pressure are contradictory in maintaining humanitarian standards, fact finding (mentioned in article 90 of Additional Protocol One) and exposure of violations by NGOs will be critical than usual. The public exposure by NGOs is a counterbalance to the confidential role of the ICRC. NGOs are not dealing only with individual violations, but are playing a broader advocacy and education role to remind people about the fundamentals applied in all circumstances, such as prohibition on torture, non-discrimination, and the due process guarantees.[78]

Until recently, monitoring IHL compliance was exclusively for war correspondent and the ICRC that is very expert but very confidential. This has changed. Human Rights Watch is a humanitarian NGO that have one of the longest record in monitoring the compliance of IHL for the last two decades, but many other NGOs, including MSF and Amnesty International, have made big contributions to expert and public reporting, advocacy and analysis.[79] Since the 1980s technology have been used in monitoring and documenting violations and compliance to IHL. The initial work was classic, depending on interviews with people from the field like refugees, displaced persons or victims of war. NGOs are using now technology such as GPS and satellite imagery, and new analytic techniques, such as the statistical regression, so they can understand the conduct of war.[80]

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[75] Diakonia, where we work, available at: https://www.diakonia.se/en/Where-we-work/ [accessed on 11 FEB 2021].

[76] Pamela R.Aall,2005, responses to international conflicts highlights from the managing chaos conferen, ngos and conflict managment ,United States Institute of Peace.

[77] International institute of humanitarian law, , current problems of international humanitarian law, 28th Round Table, Sanremo, September2004, p 40.

[78] Ibid, p 40.

[79] International institute of humanitarian law,current problems of international humanitarian law, 28th Round Table, Sanremo, September2004, p 48.

[80] Ibid, p 48.

The visionary statistician Patrick Ball studied data collected by human right activists and investigators on the movement of refugees and place and time of murders committed in Kosovo, and he presented his results during the persecution of Milosevic as a convincing testimony that killings and flights are correlated with the movement of the Yugoslav army and war planes.[81]

NGOs can have a direct effect on the conduct of warring parties by circulating their concerns directly or through the media. So, it will become difficult for military powers to claim ignorance or mistake especially when civilian facilities are affected (electricity and water stations). NGOs developed the expertise of its staff by recruiting professional military man (veterans). With the help of military professionals, Human Rights Watch has produced influential and sophisticated assessment of bomb damage during the war in Kosovo and the Gulf, and casted the light on IHL standards such as foresee ability, proportionality, and unnecessary suffering. The assessment of war damage by NGOs has two effects:

First: NGOs started to publish reports and guides and made IHL accessible to the media as never before, this made a huge public interest and understanding of IHL matters. Few years ago, IHL was taught only at specialized institutions and military academies, but nowadays many top U.S. law schools are offering the subject in their curriculums.[82]

Second: States felt that they have been relieved from their responsibility of public documentation and explanation. Yves Sandoz pointed to the importance of reporting IHL by States as a mean of control, and the duty of all States to report and assess the compliance with IHL regardless if it's required by outside bodies and experts or not.[83]

This raises the impact of NGOs on standards setting and accountability. NGOs had a role in the campaign to ban landmines and blinding lasers. The creation of special tribunals (ICTY for Yugoslavia and ICTR for Rwanda), and the International Criminal Court (ICC) was the result of a long way of demand for accountability by the civil society. NGOs have a role in accountability even if sometimes they can't produce independent fact-finding, because they cast the light on violations committed by parties and commanders who are supposed to suppress these breaches.[84] This role and impact of NGOs to publish and circulate the breaches of

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[81]International institute of humanitarian law,current problems of international humanitarian law, 28th Round Table, Sanremo, September2004, p 48.

[82] Ibid, p 48.

[83] Ibid, p 49.

[84] International institute of humanitarian law,current problems of international humanitarian law, 28th Round Table, Sanremo, September2004, p 49.

IHL especially by States, became a complaint taken by States, even though these NGOs don't put themselves as representatives. The influence of these NGOs came from being expert organizations that have popular support because of their credibility and neutrality. The perspective of such NGOs especially the ICRC, coming from the battlefield and the academy, is important to the creation and implementation of IHL. The greatest challenge for neutral NGOs is to engage NSA to participate to rules of armed conflict.

Because new warfare is asymmetric, it encouraged the weak forces to attack civilians, and the stronger forces to ignore the legal constraints with few expectations of reciprocity. NGOs are exploring this area knowing that States are unlikely to engage in this endeavour.

The implementation of IHL is the responsibility of parties to the conflict, especially States that ratified the Geneva conventions and its protocols. During armed conflicts NSA are also bound by these basic norms and should abide by them seriously, especially if they aspire to become a member of the international community of the States.[85] NGOs are motivated by moral responsibility, not by legal ones. Each person must fight against inhumanity and injustice. Advocacy NGOs worked on disseminating the IHL and trained parties to the conflicts to practice on IHL rules and to know what their responsibility are.

2. Roles of NGOs in advocacy operations.

i. Watchdogs.

NGOs have usually correspondents in conflict areas and have access to the international media, and through their websites and social media, they bring information about what's happening to the public. NGOs can attract the attention of media and politicians, which may push the international community for intervention or even for the establishment of special tribunals to bring criminals of war to justice.

It is unpleasant for governments that their failures to respect the international norms may be exposed to the public. The watchdog role of NGOs is very important, even if this don't always lead to international concrete sanctions against the culprit.[86]

ii. Training.

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[85] International institute of humanitarian law, current problems of international humanitarian law, 28th Round Table, Sanremo, September2004, p 49.
[86] Ibid, p55.

Integrating the IHL programs in military trainings and institutions is a part of the broader duty to disseminate the IHL to the civilian population.[87]

Insufficient training of the armed forces may lead to failures to implement IHL. According to the 4 GC an international mandate was referred to the ICRC to disseminate the rules of IHL. This is done by many ways including training of armed forces. The ICRC works for the dissemination and the understanding of the IHL by State and NSA in all types of armed conflict.[88]

Training IHL isn't exclusive to the ICRC. In May 2016, the "AFAQ Academy", a partner of the "Geneva Call" organization, started a new series of training sessions for four Syrian armed movements active in the north of Syria. Failaq al-Sham brigade, the First Coastal Division stationed in Latakia and active throughout Syria, and the Noureddine Zenki Brigade and the Levant Front, both operating in Aleppo, participated in these sessions of training on humanitarian norms.[89] In 2012 the Geneva Call relaunched its audio-visual and internet campaign on humanitarian law "Fighters not killers". Selecting armed groups to train isn't an easy mission, training them should have an impact on their behaviour during conflicts. For example, Geneva Call trained factions of the free Syria army, and Kurdish factions (YPG,YPJ), also civilians such as members of the Free Syrian Lawyers association.

iii. Influencing the military.

NGOs are usually distrusted by the military personnel, even though they can influence politicians and public opinion. We may have NGOs that have affiliations to the military to train IHL, and work for the protection of human dignity in armed conflicts.

There are organizations for the veterans who have experience in armed conflicts, and some of them may be ex-prisoners of war. Also, there are organizations for the reserve officers who have one feet in the civil society and the other feet in the military. There are also religious organizations like the Military Christian

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[87] Elizabeth Stubbins Bates, Towards effective military training in international humanitarian law, International Review of the Red Cross 2014.

[88] Constraining the Conduct of Non-State Armed Groups: Comparing the Prospects of Success of Governmental and Non-Governmental Governance Initiatives Stefanie Herr, Peace Research Institute Frankfurt, Germany Paper presented at the ECPR Annual Conference Reykjavik, Island, August 2012.

[89] Syria, Training the Military and Civilians on the Rules of Armed Conflicts, Case prepared by Laura Di Gianfrancesco, Reine Pfister and Thilo Tesing, students at Roma Tre IHL Legal Clinic, under the supervision of Prof. Giulio Bartolini and Dr. Tommaso Natoli. Available at : https://ihl-in-action.icrc.org/case-study/syria-training-military-and-civilians-rules-armed-conflicts [accessed on 11 FEb 2021]

Fellowship, that is strongly interested in military ethics.[90] These special NGOs promote IHL among colleagues in their home and abroad. They speak a military language and understand the thinking of army men, so it will be easy for them to influence the officers and soldiers.

iv. Cooperation in war crimes investigations.

Most NGOs are cooperative in providing all forms of information about the conflict and the country in question, to facilitate prosecution and investigation of criminals who may escaped.[91]

Stuffs of the NGOs may testify at the ICC. Witnesses like professors and NGOs representatives can help the establishment of facts that happened in armed conflicts.[92]

NGOs may become a bridge between the Court, the witnesses and the victims, by sending gathered information from witnesses and victims to the ICC, or representing victims during the trial.[93] NGOs are not working as agents of the ICC, they collect their information independently.

NGOs members may be called to testify in front of the court. NGOs might be asked by the ICC to give answers about the information gathered on crimes and the circumstances of such research.[94] This information could stay disclosed by the court if they were not made public previously. The ICRC can't be forced to testify in front of the court, but the decision is taken by the ICRC, on a case-by-case basis.[95]

B. Role of NGOs engaging NSAGs in humanitarian action.

In 1648 the peace of Westphalia was signed creating a system of modern States and sovereign nations. Modern conflicts differ from the old ones in which States were the only valued actors.[96]

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[90] International institute of humanitarian law, current problems of international humanitarian law, 28th Round Table, Sanremo, September2004, p 55.

[91] Ibid, p 55.

[92] ICC, witnesses, available at: https://www.icc-cpi.int/about/witnesses. [accessed on 11 FEB 2021].

[93] Kippenberg, J., 2004. The International Criminal Court: How Nongovernmental Organizations Can Contribute to the Prosecution of War Criminals, p 18.

[94] Ibid, p 19.

[95] Rona, G., 2002. The ICRC's privilege not to testify: Confidentiality in action. An explanatory memorandum. Int'l Rev. Red Cross, 84, p.207.

[96] Théo Muller, Geneva Call's Humanitarian Engagement with Non-State Armed Groups in Sudan, master thesis, Leiden university.

The majority of conflicts after the second World War took place in countries of third world. Eight from ten of the poorest countries in the world have recently suffered or are suffering from a violent conflict.[97] Most of these conflicts were intra-State. Between 1989 and 1996, 96 armed conflicts took place, five only were between States.[98] The population of these poor countries are at risk to dangerous humanitarian crisis. Usually, NSAGs appear in fragile and failed States, and they control part of the country territory and population.

NSAGs are not recognized as legitimate actors by the international law, but instead they are considered subject to State sovereignty.[99] All NSAGs in NIAC are bound by the common Article 3 of the four GC of 1949, which requires each "party" to respect the humanitarian obligations and the rules of IHL embedded in the customary international law.[100] Additional protocol 2 may apply also at the territory controlled my NSAGs.

From the States point of view, the dialogue with NSAGs might give them legitimacy. From the NSAGs view, the dialogue with States might put them under intelligence surveillance. So, the NGOs are free to engage with NSAGS without giving them a political or diplomatic status. NGOs try to be more problem solving and use a "soft approach" that works on issues like anti-personnel landmines or child soldiers.[101]

The unofficial diplomacy (or track two diplomacy) is used by NGOs to engage NSAGs and to work free from the political sphere. This freedom of working gives the NGOs the ability to push NSAGs to adhere international humanitarian norms. Humanitarian actors have many objectives that need diverse types of engagement. While many of them negotiate with NSAGs so they can access areas to deliver humanitarian aids, others are engaging in policy advocacy to reduce unlawful acts in hostilities.[102]

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[97] Stewart, F., Holdstock, D. and Jarquin, A., 2002. Root causes of violent conflict in developing countries Commentary: Conflict—from causes to prevention? pp.342-345.

[98] Wallensteen, P. and Sollenberg, M., 1998. Armed conflict and regional conflict complexes, 1989-97. Journal of Peace Research, 35(5), pp.621-634.

[99] Hofmann, C., 2006. Engaging non-state armed groups in humanitarian action. International Peacekeeping, 13(3), pp.396-409.

[100] Henckaerts, J.M., 2005. Customary international humanitarian law: Volume 1, Rules (Vol. 1). Cambridge University Press.

[101] Hofmann, C., 2006. Engaging non-state armed groups in humanitarian action. International Peacekeeping, 13(3), pp.396-409.

[102] Théo Muller, Geneva Call's Humanitarian Engagement with Non-State Armed Groups in Sudan, master thesis, Leiden university.

a) Definition of the Geneva Call and the NSAGs.

 Geneva Call is an independent, neutral, and impartial and humanitarian organization that works to improve the protection of civilians during armed conflict. It stresses the NSAGs to respect the law of armed conflict.[103]

There is no clear definition of an NSAG. "Claudia Hofmann and Ulrich Schneckener" have presented the following characterization: distinctive organizations that are a) capable and willing to use violence to achieve their objectives, b) aren't part of formalized State institutions like armies, police, presidential guards, or special forces, c) have some margin of autonomy with regard to military operations, politics, infrastructure, and resources.[104] The International Institute for Strategic Studies' Military Balance compiled around 345 NSAGs active worldwide in 2007.[105]

The humanitarian engagement with NSAGs could lead to improve the situation of civilians in NIAC. Knowing that NSAGs cannot approve or ratify international treaties even if they intend to implement humanitarian norms, the Geneva Call presented the "deed of commitment for adherence to a total ban on anti-personnel mines and for corporation in mine action" which made the NSAGs responsible for their actions through their signature. This deed is alternative to the Ottawa convention of 1997. In this deed the NSAGs pledge not to purchase, stockpile or use anti-personnel landmines, and the Geneva Call pledge to help NSAGs execute their commitments, while the Swiss State serves as a guardian of the deed. This deed created a channel of communication between NSAGs and humanitarian initiatives. By April 2016 eighteen NSAGs had already signed the deed of commitment for the protection of children from the effects of armed conflict, sixteen signed the deed of commitment for the prohibition of sexual violence in situations of armed conflict and towards the elimination of gender discrimination, and forty nine had adopted the deed of commitment for adherence to a total ban on anti-personnel mines and for cooperation in mine action.[106] Various NSAGs from different countries such as Burundi, Sudan, Somalia, Myanmar, India, Iraqi Kurdistan, and the Philippines signed the deed.[107]

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[103] Geneva Call, who we are, available at: https://www.genevacall.org/mission/ [accessed on 13 FEB 2021].

[104] MacLeod, A., Hofmann, C., Saul, B., Webb, J. and Hogg, C.L., 2016. Humanitarian Engagement with Non-State Armed Groups Project.

[105] Hackett, J. (ed.) (2007), The Military Balance 2007, London: International Institute for Strategic Studies, pp. 422–38.

[106] Geneva Call, how we work, available at: https://www.genevacall.org/how-we-work/ [accessed on 13 FEB 2021].

[107] MacLeod, A., Hofmann, C., Saul, B., Webb, J. and Hogg, C.L., 2016. Humanitarian Engagement with Non-State Armed Groups Project.

By signing the deed, the NSAGs allowed the Geneva Call to verify their commitments and they pledged to order their commanders and members to abide by this deed. Geneva Call offered a platform for NSAGs to sign a biding international document and to receive support to implement humanitarian norms. NGOs made access to NSAGs easy. A four-fold mechanism is embedded in the deed of commitment and this includes: assistance for compliance, adherence to humanitarian norms, accountability, and participation in building norms as a basis for future commitments.[108]

b) Engaging armed actors in conflict mediation.

The NSAGs aren't only part of most conflicts today, but also they are usually responsible for breaches of IHL, violence against civilians, facilitating the establishment of informal and criminal economies, and they are responsible of disturbing and undermining States and peacebuilding processes, which leads to more violence and endangers the efforts of peacekeepers, humanitarian aid workers, and development professionals.[109] NSAGs should be engaged especially when the volume of violence increases. This dialogue puts the sovereignty of the host State at risk, and may give the excuse to NSAGs to seek for legitimacy.

NGOs should synchronise their work with each other's and with the host State and private actors to avoid duplicate aid, to make more effective work, and to decrease violence against protected people. NGOs try to use their contacts to facilitate their talks with NSAGs, mediate between the host government and NSAGs, and conduct an informal pre-negotiation.[110]

The objective of private actors and specialized NGOs involved in conflict resolution and mediation when engaging NSAGs is to reduce the violence committed by such groups, and limit the humanitarian consequences during armed conflicts.[111] Some NGOs and private actors try to convince NSAGs to adhere to international humanitarian norms (like the 4 Geneva convention and its 2 protocols). For this purpose, they use strategic communication, information and procedural diffusion. Specialized NGOs use three implementation and behavioural mechanisms: social

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[108] Hofmann, C., 2006. Engaging non-state armed groups in humanitarian action. International Peacekeeping, 13(3), pp.396-409.

[109] Hofmann, C. and Schneckener, U. (2011), 'Engaging non-state armed actorolers in state- and peace-building: options and strategies', International Review of the Red Cross 93(883): pp. 1–19

[110] Hofmann, C. and Schneckener, U., 2011. NGOs and Non-state Armed Actors. United States Institute of Peace Special Report, p 16.

[111] Ibid, p 16.

pressure, negotiation, and persuasion. They also depend on the support of international, regional, and local organizations.[112]

NGOs may create social pressure on NSAGs by using the method of "naming and shaming" if NSAGs don't adhere to humanitarian norms after being alerted. Experts of the NGOs negotiate and persuade the NSAGs to convince them of the benefits of complying with the IHL norms and try to reach written agreements with them such as the Deed of Commitment. Other approaches seek resolving conflict through negotiation, mediation, dialogue, and mediation support.[113] The result of this unofficial negotiation diplomacy would be ceasefires and peace agreements. To achieve these goals, private actors and NGOs created a platform for unofficial diplomacy and dialogue that form a framework for persuasion and public pressure. The dialogue based on humanitarian principles may have positive impact on negotiation and mediation.

There are myriad activities that can take place. This includes "good offices", this procedure aims to make informal consultation and communication to bring parties to the conflict together and ease the way for negotiations; political and diplomatic support for talks; recommendations to decision makers; facilitation of aid from niche organizations; education of the public and local organizations to promote conflict resolution means.

The Carter Center, a US based NGO is a good example. In 1995 Carter Centre resumed a former attempt of mediation, using personal connections between the Sudan People's Liberation Army (SPLA) and Colonel Omar al-Bashir, and achieved a ceasefire that lasted around six months.[114] Carte Center maintained its involvement in the international and regional efforts that led to the signature of a peace agreement between the government of Sudan and the SPLA in 2005. In 1999, the Carter Center brokered the Nairobi agreement signed by the president Bashir and the Ugandian president Yoweri Musevenu, to stop hostilities between them.

Despite success some NGOs have demonstrated in conflict mediation, States and international organizations rarely supported them, because of concerns about giving legitimacy to NSAGs.

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[112] MacLeod, A., Hofmann, C., Saul, B., Webb, J. and Hogg, C.L., 2016. Humanitarian Engagement with Non-State Armed Groups Project, p 27.

[113] Bercovitch, J. (ed.) (2002), Studies in International Mediation, London: Palgrave Macmillan Ltd, pp. 194–212

[114] MacLeod, A., Hofmann, C., Saul, B., Webb, J. and Hogg, C.L., 2016. Humanitarian Engagement with Non-State Armed Groups Project, p 29.

c) Models of cooperation between States, NGOs, international organizations, and private actors.

The work of NGOs forms a part of a broader strategy of international organizations and governments. Currently private actors and NGOs are embedded in official strategies in three ways.[115]

First: NGOs may get financial support from State actors or international organizations during their work on a specific project, in a special country or place. This financial support may be dedicated to humanitarian aid for the survival of the population, or creation of a safe havens for the refugees. To deliver these aids, NGOs and private actors need to negotiate NSAGs. When international organizations and State actors engage in a specific country, they may provide financial aid to NGOs that undertake projects that serve their engagement. This includes the emergency aids such as food and medical supplies after violence outbreak or natural disasters. NGOs tend to create safe areas for displace people to protect them from violence and homelessness, so they have sometimes to engage with NSAGs to secure their path to the target group or safe areas. Nowadays, around 90 per cent of financial donations from the United States and dedicated to the developing world come from private sources, such as private foundations, individual donations, public-private partnerships, and corporations.[116]

Second: States and international organizations may fund NGOs operations as a whole, not for a specific mission or place. While official funding for NGOs to undertake some projects reflect the official policy, engaging NSAGs isn't usually supported by officials. NGOs may be involved in the policy-making and in facilitating the strategies and activities of States and international organizations. However, most of this interaction is focused on humanitarian aid and development and is ad hoc. NGOs try to lobby international organizations and governments to push them to take decisions which are appropriate to their orientations, but governments and international organizations are very aware to this, especially when the subject is engaging NSAGs.

Third: During their work in the field, NGOs and private actors develop an expertise that is consulted by international organizations and State agencies, which can help States and international organizations to develop their official strategies of engagement. Projects executed by NGOs are funded in a way that reflects the official policy, but engaging NSAGs isn't usually an official policy.

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[115] MacLeod, A., Hofmann, C., Saul, B., Webb, J. and Hogg, C.L., 2016. Humanitarian Engagement with Non-State Armed Groups Project, p 29.
[116] Ibid, p 30.

A good example of good relationship of collaboration between an NGO and government regarding engagement with NSAGs, is the efforts of the Centre for Humanitarian Dialogue in the Norwegian facilitation of the peace talks in the conflict between the Philippine government and the Communist National Democratic Front.[117] The centre for Humanitarian Dialogue (HD) is a Swiss based NGO that mandate States and NSAGs during armed conflicts. The HD provides support to the Norwegian government, which facilitate peace talks as a third party.

 The civil society and NSAGs welcomed the involvement of the HD in this process because they think this might broaden the dialogue further than the States scope. The management of the negotiations by an independent NGO gave this process a good credibility, considering that all complains and violations will be processed impartially. The civil society considers that the involvement of NGOs in engaging the complaints and the violations of IHL and HR laws is a strong sign that her concerns are represented during the official negotiations.

Private actors and NGOs may be able to alleviate weaknesses that international organizations and States experience when they engage NSAGs, by assuming responsibility for specific and complete policy components.[118] The ICRC have an international mandate to help victims of war and promote IHL. Although the strategic partnership between the Swiss government and the Geneva Call is part of the official Swiss strategy to eliminate the use of mines especially those used by NSAGs. The Swiss government uses all strategies against landmines without referencing the status of NGOs compromising its relation with the host country.

Due to their presence in the field, NGOs may have a close eye to the events and anticipate occasions to decrease violence against civilians. They may also expect the worsening of situations on ground and provide early warnings. This will help NGOs to begin a dialogue between NSAGs, the civilians and the host government, which may develop to political talks.

The ICRC works as impartial organization to facilitate the exchange of prisoners, assist the wounded and to works on ceasefire agreements. In 2009 the ICRC succeeded to convince the Justice and Equality Movement in Sudan to release 60 military and police detainee.

International organizations and States rely on the expertise of NGOs in the field, however, they neglect the ability of NGOs to assume responsibilities during the

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[117] Hdcentre, activities: available at: https://www.hdcentre.org/activities/philippines-ndf/ [accessed on 14 FEB 2021].

[118] MacLeod, A., Hofmann, C., Saul, B., Webb, J. and Hogg, C.L., 2016. Humanitarian Engagement with Non-State Armed Groups Project, p 31.

engagement with NSAGs. The reason for this uncertainty of international organizations and States about the consequences and the impact that NGO's engagement with NSAGs may provide.

In 2003 the Carter Center and the USAID engaged the peace process in Northern Uganda and in 2007 the Geneva Call facilitated the contact between the African Union and the United Somali Congress to destroy stockpiles of anti-tank mines and antipersonnel landmines under the supervision of NGOs.[119] The strategic consolidation efforts of State actors, international organization, NGOs, and private actors may result to the best opportunities of conflict resolution initiatives.

d) Difficulties facing NGOs engaging NSAGS.

NGOs face many difficulties, especially when they work during armed conflicts, which are dangerous environment, and because they have to deal with the different opponents and local and international players.

1. Attacks on NGOs personnel.

In October 2003 the ICRC office in Baghdad was blasted and more than 12 people were killed.[120] The humanitarian NGOs are targeted in armed conflicts because they are providing humanitarian aid and protection. After the occupation of Iraq and Afghanistan in 2003, the objective of the USA was to restore stability in these countries. Humanitarian workers who helped the local populations were seen by NSAGS as assisting the occupying power, because these NGOs were funded by western governments, so they became vulnerable to deliberate attacks. The attack of workers isn't a matter of perception of impartiality or neutrality. The objective is to cut the supply of aid for the civilian population and to maintain chaos in the country.[121] This will worsen the economic situation and the protective role of the State so that more people recruit in the NSAGs. The Taliban developed positive relation with the ICRC and humanitarian organizations that brings aids to areas under their control. The attacks or positive relations with humanitarian actors depends on the strategy led by NGSGs. Western NGOs and Christian faith-based NGOs face difficulties engaging Islamic NSAGs because they are not seen neutral or impartial.

Humanitarian action during the Rwandan genocide was severely compromised. The protection of civilians and the delivery of humanitarian assistance required that

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[119] MacLeod, A., Hofmann, C., Saul, B., Webb, J. and Hogg, C.L., 2016. Humanitarian Engagement with Non-State Armed Groups Project, p 32.
[120] Ibid, p 9.
[121] Ibid, p 11.

humanitarian organizations work against the Hutu perpetrators aiming to completely eliminate the Tutsi.[122] Humanitarian NGOs are in a controversial situation here, as they were accused by every NSAGs as supporting his adversary.

2. Delivering assistance in territory controlled by terrorist NSAGs.

Because of different national definitions of terrorism, this gives the chance to States to label NSAGs as terrorists especially in operations of counter insurgency. This makes the mission for humanitarian NGOs very difficult. Their staffs can face charges of helping terrorists when they return to their countries. "Jonathan Powell" point out that the terrorist groups can be defeated in negotiation instead of conflict.[123] Usually rebels and NSAGs leaders end after the war in being in governments and authorities. After winning the war, the Rwandan Patriotic Front became the government of Rwanda. It is unrealistic that humanitarian NGOs cannot negotiate NSAGs labelled as terrorists to secure distribution of aids and access to territories controlled by these NSAGs, while politicians can do.

3. The rise of non-traditional donors.

Humanitarian aid isn't exclusive for western agencies anymore. Organizations from countries like Turkey, Saudi Arabia, and UAE are on the stage now, like IHH, International Islamic Relief Organization, Takatof.

These organizations can engage NSAGs where western NGOs cannot. Although it is difficult for western organizations and governments to look at these NGOs as neutral and impartial, especially when they work in areas where some NSAGs labelled Islamic like ISIS control the areas of humanitarian operation. Even if western NGOs can negotiate with different NSAGs in Syria to provide aid, they put themselves and their employee at risk for being persecuted in their countries due to counterterrorism legislations. The case of the Australian nurse "Adam Brookman" is illustrative. He faced criminal charges when he returned to Australia for allegedly assisting ISIS. Brookman confirmed that he was forced to perform humanitarian nursing work while he was kidnapped.[124]

The world has changed since "Henri Dunant" imagined the humanitarian action in his book "A Memory of Solferino".[125] Civilians affected by military operations get the big share of humanitarian aid, because they are targeted more than combatants.

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[122] Prunier, G., 1995. The Rwanda Crisis: History of a Genocide Columbia University Press New York.

[123] Powell, J., 2015. Talking to terrorists: How to end armed conflicts. Random House.

[124] Australian nurse Adam Brookman charged with supporting IS, available at: https://www.bbc.com/news/world-australia-33667348 [accessed on 14 FEB 2021].

[125] Warner, D., 2013. Henry Dunant's imagined community: Humanitarianism and the tragic. Alternatives, 38(1), pp.3-28.

NGOs can work through different strategies like special agreements, cease fire negotiations and peacekeeping to ensure the delivery of aid, but when the delivery of aid became a military strategy, whether a State or NSAG decide to distribute the aids, so it became impossible to maintain the neutrality and impartiality of the provider NGO. The humanitarian space become more and more complex. Even though, humanitarian organizations must engage NSAGs to push them to implement humanitarian norms, respect the law of war, and provide assistance for the sake of people living in areas they control.

PART TWO: AMNESTY INTERNATIONAL AND BLUE SHIELD INTERNATIONAL IN THE IMPLEMENTATION OF IHL.

This chapter discusses the experience of two INGOs in two different fields. The Amnesty International (AI) that works in all fields related to human rights, and the Blue Shield (BS) that focus on the preservation of cultural heritage, archives, and archaeological sites. Those organizations give a good example of how INGOs manage to work and implement the rules of IHL during armed conflicts.

Section one: The experience of Amnesty International in Armed conflicts.

Amnesty International (AI) started its work in the fifties, trying to advocate political prisoners. During the coming years, AI reached many countries worldwide and expanded its scope of work to reach all fields of human rights. AI also worked in armed conflicts sending campaigns to investigate breaches of IHL. AI releases annual reports for every country where there is breaches of HR and IHL.

A. The status and the objectives of Amnesty International.

AI is an organization well known worldwide with millions of supporters. AI have a formal structure and members and sections in multiple countries. AI have a consultative status at the UN and UNESCO, and works in more than 16 fields of human rights, and in many countries where armed conflicts take place.

a) General view.

AI is an INGO founded 60 years ago, its headquarter is located in the UK. In July 1961 the British lawyer and human activist "Peter Beneson" founded the AI after publishing an article entitled "The forgotten prisoners". He started his article by

saying: "Open your newspaper any day of the week and you will find a report from somewhere in the world of someone being imprisoned, tortured or executed because his opinions or religion are unacceptable to his government. The newspaper reader feels a sickening sense of impotence. Yet if these feelings of disgust all over the world could be united into common action, something effective could be done".[126] This article underpinned the international character of this organization because the AI tends to link the available information about oppression in the press with interested readers, so they can support remedies remotely. "Peter Beneson" was elected first president of AI in 1963 and the famous candle of AI was designed and presented. In 1964 the UN gave the AI the consultative status, and in 1969 the UNESCO gave AI a consultative status.[127] In 1965 the AI became an international actor and issued its first annual report and started advocacy for the elimination of death penalty for the political prisoners. By the end of the 1960's the AI had achieved the release of 2000 prisoners.[128] In the 1970's the AI started a movement to ameliorate the conditions of detention for prisoners, and a campaign to abolish torture. This campaign led in 1975 to the adoption of UN Declaration on Torture, and in 1999 AI was awarded a Nobel Prize. Later on, the AI focused on fighting political killing and enforced concealment. In the 1980's, the AI continued to advocate for prisoners of conscience, and started advocacy for sexuality freedom. The AI launched two campaigns against the death penalty and a campaign against torture. The AI focused on the growing number of refugees and argued that States should focus on the violations of human rights that forced people to flee instead of restricting their entry as asylum seekers. Many governments criticized the organization because it was accused of interfering in political issues.[129]

After the fall of the Soviet Union, many AI sections were established in Eastern Europe. During the 1990's, AI started supporting rights of indigenous people and women rights as well as human rights and protection of refugee, and then started a movement to push for the establishment of the ICC. During the 2000's globalisation and global war on terror after 9/11, AI started to focus on economic, social, and

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[126] Britannica, The Editors of Encyclopaedia. "Amnesty International". Encyclopedia Britannica, 23 Oct. 2019, https://www.britannica.com/topic/Amnesty-International. Accessed 13 March 2021.

[127] Chatterjee, D.K. ed., 2011. Encyclopedia of Global Justice: A-I (Vol. 1). Springer Science & Business Media.

[128] ZLOTOS, D., 2013. INGOs and the concept of good governance: the case of Amnesty International (Doctoral dissertation, Vysoká škola ekonomická v Praze).

[129] Amnesty International, who we are, available at: https://www.amnesty.org/en/who-we-are/ [accessed on 10 FEB 2021].

cultural rights, and also on the circumstances of detention of people accused of terrorism. AI worked also on the control of arm trade and the violations of human rights during armed conflicts in Syria, Iraq, and Yemen[130].

Today AI is the biggest humanitarian NGO worldwide, it has more than seven million supporters worldwide[131]. Its core mission is that every person enjoys its right embedded in the Universal Declaration of Human Rights and all international human right treaties.[132]

b) Structure of the organization.

According to its statute, the AI is an international organization based on voluntary membership. The global membership is formed of international members and membership entities. AI is accountable to its activists, members, and supporters worldwide. The main organs of AI are: the Global Assembly, the International Board, Sections, Structures, and the International Secretariat.

1. The Global Assembly.

The Global Assembly is the highest decision-making body, it's formed of members representing the international members and the membership entities. The GA approves the global strategy that contribute to the execution of the mission, the vision and the strategic goals of the AI. It elects and oversees the International Board. The GA approves changes to the statute like the mission, the vision, and the core values including global governance regulations. It approves the core standards, the international financial assessment system, and the policy framework on issues of human rights. The GA receives proposal and reports from the membership entities and the international board, and reports on the compliance of the movement with the organization's view, to take the appropriate decisions.

The GA is formed of one representative for each membership entity, and one for each international member. Theses representatives have the right to vote. The GA makes an annual meeting, or anytime an emergency meeting. During its meetings,

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[130] Power, J., 2013. Amnesty International: The Human Rights Story. Elsevier.

[131] Amnesty International, who we are, available at: https://www.amnesty.org/en/who-we-are/ [accessed on 10 FEB 2021].

[132] Statute of Amnesty International, As amended by the 2017 International Council meeting in Rome, Italy, 11–15 August 2017, available at : https://www.amnesty.org/download/Documents/POL2072982017ENGLISH.PDF [accessed on 10 FEB 2021].

the GA elects the chair of the organization who serves for two years, and may be elected three consecutive times. During its meetings, the GA elects the International Board and other committees like the preparatory committee, the membership review committee, and the international nomination committee to assist her.[133]

2. The International Board.

The International Board is the executive body of the AI. It is formed of eight members and a treasurer, all of them elected by the GA, and the Board may appoint two additional members that can't vote. The International Board is supported by the International Secretariat, it reports the GA and is accountable to it. The International Board do the global management of the organization, so it adheres to its global standards. The IB oversees the work of the International Secretariat. The reputation and the finances of the movement, and monitor the compliance of its organs with the statute of the organization, and the decisions of the GA.[134]

3. Sections.

The section is formed of local AI members in a country or territory, and accomplish the organization's work in advocacy, fundraising, public mobilisation, and media…Sections work with local members, activists, supporters, and is accountable to them. Section search for human right abuse locally under the supervision of the International Secretariat, and make a yearly international contribution to the organization.[135]

4. Structures.

Structure works temporary in a country or territory with the objective to become a section. Structure work with local members and activists to accomplish the organization's work, and is accountable to them.

5. Membership.

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[133] Statute of Amnesty International, As amended by the 2017 International Council meeting in Rome, Italy, 11–15 August 2017, available at: https://www.amnesty.org/download/Documents/POL2072982017ENGLISH.PDF [accessed on 10 FEB 2021].
[134] Ibid, p 4.
[135] Ibid, p 4.

A person that shares the values and vision of AI, join a structure or section, and pay his membership fee, become an individual member. If there isn't a structure or section where this person lives, and he pays his membership fee to the International Secretariat, then he became an international member.

Local members may end their membership by notifying the structure or section. International members and entities may end their membership by presenting a letter to the International Board. The IB may end the membership of any member it sees that this will protect the reputation and the operation of the organization.

6. International Secretariat.

The IS implement and support the work of the movement by conducting and co-ordinating the research for breaches of human rights, communication, campaigning, advocacy, fundraising and education. The IS develops global standards and strategies, and work for the implementation, co-ordination and evolution, and work on the development of the financial health of the organization.

The Secretary General is the representative of the movement. He is the chief executive of the IS. The IB appoint the Secretary General, who is accountable to him. The IS ensure the use and protection of the name and logo of AI, that are used by entities of the movement.[136]

c) **Objectives of Amnesty International.**

The vision of AI is that every human being on earth enjoys his rights of the Universal Declaration of Human Rights. The AI works on actions and research to prevent breaches of human rights. AI is a global group of humanitarian activists of international solidarity, independence, and strong action for victims. AI addresses non-State actors, armed groups, companies, governments, and international organization.

AI tends to expose the abuse of human rights accurately, persistently and quickly. It searches the abuses of human rights in a systematic and impartial way. Findings are presented to public, so the staffs and members of the movement start putting pressure

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[136] Statute of Amnesty International, As amended by the 2017 International Council meeting in Rome, Italy, 11–15 August 2017, available at: https://www.amnesty.org/download/Documents/POL2072982017ENGLISH.PDF [accessed on 10 FEB 2021].

on the authorities to change their behaviour. AI urges governments to implement human rights rules and norms, to ratify international treaties, and to encourage individuals, organizations and all sections of the society to respect and support human rights.[137]

According to its website, the objective of the AI is to work in different fields related to human rights.

1. During armed conflicts.

There are currently numerous armed conflicts worldwide, especially non-international armed conflicts. About 79,5 million individuals had been displaced in 2019 because of armed conflicts. AI documents and organizes campaigns against breaches of IHL in armed conflicts without taking part with victims. AI also helps survivors to demand justice and to present their case in front of national courts, international courts like ICC, and the UN by conducting grassroot and advocacy campaigns.

AI conducts remote investigations of breaches of IHL during armed conflicts. Researchers of AI go to areas affected by conflicts to interview survivors, witnesses, and gather information from military and local organizations. AI uses technological techniques beside direct reporting from conflict zones, like satellite images, videos and images recorded by witnesses.[138]

2. Arm control.

After a 20 years campaign from AI and other NGOs, the Arm Trade Treaty turned out to an international law in 2014. This treaty bans any party State to transfer deadly weapons to people that may use it to violate human rights, or to commit genocides, war crimes, or crimes against humanity. This law wasn't well implemented because the biggest exporters of weapons like Russia and USA didn't ratify the treaty.

AI put pressure so that governments and arm companies don't illegally sell weapons. AI used its experts to track weapons and get them back to their original source, and

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[137] Statute of Amnesty International, As amended by the 2017 International Council meeting in Rome, Italy, 11–15 August 2017, available at: https://www.amnesty.org/download/Documents/POL2072982017ENGLISH.PDF [accessed on 10 FEB 2021].

[138] Amnesty International, what we do, available at: https://www.amnesty.org/en/what-we-do/ [accessed on 20 FEB 2021].

sometimes turns to courts to stop illegal supplies. In 2019 the court of appeal in UK forced the government to stop unlawful licences for exporting arms to Saudi Arabia that used them in her war in Yemen, after efforts made by AI and other NGOS.

AI supported a communication between the ICC and the European Center for Constitutional and Human Rights (ECCHR), which resulted to a call for an investigation by the ICC for the contribution of arm flow from Europe to Yemen in war crimes. AI also documented European and American arms used by unaccountable forces in Yemen. AI worked also on imposing arm embargo on South Sudan, and documented violations of arm embargo in Libya.[139]

3. Climate change.

Climate change is an international issue that affects life of humanity on earth. It can be mitigated by big companies and States. That's why AI is putting this issue in HR conversations and pushing reluctant States for accountability.

After the Paris climate agreement in 2016, AI has deepened its involvement with NGOs and environmental activists involved in climate change, to put pressure on corporations and States to go for a zero-carbon-economy. AI is supporting who works against deforestation and extraction of fossil fuel.[140]

4. Corporate accountability.

Multinational companies with their greedy behaviour are accused of nature destruction, forced labour, and relocation of indigenous populations. This is why AI is calling all companies to work for identifying and preventing the abuse of human rights.

Companies must be accountable for abuses of HR they commit, and abused people must have the right to access justice and receive compensations, even if these people were operating across borders where companies have projects.[141]

5. Death penalty.

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[139] Amnesty International, what we do, available at: https://www.amnesty.org/en/what-we-do/ [accessed on 20 FEB 2021].
[140] Ibid.
[141] Ibid.

Many countries execute death penalty for accusation of terrorism, drug issues, and sometimes execute under age people. Many international treaties were adopted to ban this sentence like the optional second protocol of the International Covenant on Civil and Political Rights.

AI campaigned worldwide for 40 years to abolish death penalty. It watches the use of this inhuman penalty in all countries, and releases an annual report. The AI depends on advocacy, campaigns, and the UN resolution 62/149 for freezing the use of death penalty.[142]

6. Detention.

Detainees could suffer different problems like arbitrary or secret detention, torture, unfair trials, or being prisoners of conscience. Many treaties have been adopted to protect the right of prisoners like the UN Standard Minimum Rules for the Treatment of Prisoners.

AI has also published the Fair Trial Manual which is a guide to the international trial standards. AI call for no torture or secret detention, access to doctors, relatives, lawyers, independent judges, fair trials, good detention conditions, visits to detention places by independent organizations, and the release of prisoners of conscience.[143]

7. Disappearance.

Enforced disappeared people are those who have been taken by officials or NSAGs and never released. They may be tortured or killed. This usually happens during armed conflicts or under dictatorship regimes. In 2010 the international convention for the protection of all persons from enforced disappearance became valid.

AI campaigns cases of enforced disappeared people and put pressure on governments so they determine their fate. In 2017 AI released a report titled "Deadly but preventable attacks: killing and enforced disappearances of those who defend human rights", which show that governments are failing to protect humanitarian activists from secret detention and killings.

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[142] Amnesty International, what we do, available at: https://www.amnesty.org/en/what-we-do/ [accessed on 20 FEB 2021].
[143] Ibid.

AI calls on governments to consider enforced disappearance unlawful and punishable under national law, implement the international conventions, give relatives of disappeared that have been killed compensations, and guarantees for their life, abolish amnesty or impunity laws of such acts.[144]

8. Discrimination.

Discrimination occurs when people can't enjoy their human rights equally with others. It can be related to race, religion, sex, sexual orientation, nationality, ethnicity…

AI is calling on governments to protect people from discrimination or violence, to eliminate discrimination laws, enact laws that encourage diversity and integration in society, and work on the removal of root causes and attitudes of discrimination.[145]

9. Freedom of expression.

People have the right to express what they think, share information and evaluate the performance of officials. Many governments try to supress the voices of activists and journalists.

The Universal Declaration of Human Rights, article 19, ensure the freedom of expression. AI is calling on the governments to release prisoners of conscience unconditionally, eliminate laws that criminalize people from what they declare, not repressing peaceful dissent, giving people access to information, and restrict companies and governments from obtaining information about organizations and individuals.[146]

10.Indigenous people.

There are around 370 million people worldwide, belonging to 500 origins, spread across 90 countries, and speak 4000 languages. Indigenous people usually face discrimination in their countries, and they try to preserve their identity.

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[144] Amnesty International, what we do, available at: https://www.amnesty.org/en/what-we-do/ [accessed on 20 FEB 2021].
[145] Ibid.
[146] Ibid.

The AI calls on governments to implement the UN Declaration on Human Rights of Indigenous People, and specifically maintain their identity, protect them, and give them secure access to their resources and lands.[147]

11. International justice.

The international justice is ensuring accountability for serious crimes like war crimes, genocides, torture against humanity, and enforced disappearance.

Mechanism of this international justice are the ICC, hybrid courts, and the ad hoc courts. AI is calling on all governments to join the ICC and cooperate with it, exercise universal jurisdictions on crimes covered by the international law that happens outside their territories, establish ad hoc international tribunals and hybrid courts, and ensure the right of victims, accused, and witnesses during international investigations.

12. Living in dignity.

Poor people are living in trap because they can't get initial needs to humans like shelter, health care, and education.

In 2013 the Optional Protocol to the Covenant on Economic, Social, and Cultural Heritage became valid, and gave people the opportunity to seek access for their rights through the UN when their governments don't help them. AI is calling on governments to ratify this optional protocol, guarantee social, economic, and cultural rights for their citizens, giving priority in their budgets to ensure basic rights such as education, and developing economic projects to improve life quality of poor people.[148]

13. Police violence.

Police use violence and sometimes deadly weapons against protestors and peaceful citizens in many countries worldwide, and many cases are seen on TV or social media. Police should respect the UN Basic Principles on the Use of Forces and Firearms by Law Enforcement Officials (BPUFF) adopted in 1990.

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[147] Amnesty International, what we do, available at: https://www.amnesty.org/en/what-we-do/ [accessed on 20 FEB 2021].
[148] Ibid.

AI documents theses violations and calls on governments to held their police personnel accountable for their actions. AI released a guideline on the use of force by personnel of law enforcement, which recommend that the use of force by police must be regulated by law, the use of lethal force may be used against imminent threat and not against peaceful protestors, and that cases of injuries or death resulting from the use of deadly weapons must be brought to courts.[149]

14. Refugees, asylum-seekers, and migrants.

People are forced to leave their countries because of armed conflicts, persecutions, violations of their human rights, and because of economic and social situations.

Many international laws were adopted related to these cases like the Universal Declaration of Human Rights, UN Refugee Convention, and the Migrant workers Convention of 1990. The AI "I Welcome Campaign" urges governments to receive people seeking safety through resettlement, AI also calls on governments to allow family reunion, and not to force anyone to return to his original country.[150]

15. Sexual and reproductive rights.

Sexual and reproductive rights are personal freedom, so each person should have the right to choose what to do about his body, have access to sexual information, choose who to marry and how much children he wants. This includes also that people should be safe from rape, forced pregnancy, forced abortion, and sexual violence.

AI is calling on governments to stop using laws to control sex and reproduction, allow access to sexual information, allow people to make their own decisions about their bodies, and prohibit any form of sexual discrimination.[151]

16. Torture.

Torture is the act when official personnel cause physical or mental pain especially for detainees. Many States didn't criminalize torture in their national legislations, even though the International Covenant on Civil and Political Rights, and the UN

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[149] Amnesty International, what we do, available at: https://www.amnesty.org/en/what-we-do/ [accessed on 20 FEB 2021].
[150] Ibid.
[151] Ibid.

Convention Against Torture that Amnesty worked hard to create both prohibit torture. Torture usually happens in prisons and detention places.

AI try to recognize detainees about their rights, and calls on governments to adopt measures to protect detainees from torture by allowing visits of lawyers and independent checks on prisons. AI helps released people to redress from their bad physical or psychological situations, and to bring their cases to justice.[152]

B. The role of Amnesty International in the implementation of IHL.

AI works in all fields of human rights. One of its main fields is the implementation of the IHL. The strategy of AI is to document the breaches of IHL during armed conflicts by the belligerents through investigations and researches on fields and remotely, and to publish theses information by media and through worldwide and local campaigns to alarm the perpetrators to the breaches of human rights, to defend rights of the victims, and to help the persecution of criminals in international trials.

AI researchers investigate victims, witnesses, humanitarian activists, military man, and cooperative people. They confirm their information by using techniques like satellite images or videos and images uploaded by victims. AI researchers document information about armed conflicts, arm control and arm embargo, detention centres, enforced disappearance, torture, refugees, and seek that international justice play her role by persecuting criminals and protecting victims.

AI releases reports on all armed conflicts or incidents where there is breach of IHL or HR, and annual reports about the humanitarian situation in these countries and calls on all parties to protect human rights. AI also conducts advocacy and grassroot campaigns to protect civilians and demands justice through domestic and international tribunals.

AI engaged in many countries during armed conflicts and gained experience in humanitarian work. Some of the places where AI worked are as follows:

a) Bosnia and Herzegovina.

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[152] Amnesty International, what we do, available at: https://www.amnesty.org/en/what-we-do/ [accessed on 20 FEB 2021].

In 1992 ethnic war ignited between the Serb from one side and Bosnians and Croats from the other side. More than 100,000 people were killed, 2,2 million displaced and lot of women raped. The most shocking actions were the siege of Sarajevo and the massacre of Srebrenica where more than 6000 Muslims were killed and buried in mass graves.

AI sent two missions to Bosnia-Herzegovina to investigate the circumstances of the massacre of Srebrenica. Delegates of AI interviewed witnesses and relatives of unaccounted people. AI documented also the disappearance of 27,000 people during the war in Bosnia-Herzegovina. One of the witnesses told the delegates that Serbian soldiers were wearing stolen UN uniforms and equipment and they arrested residents from Srebrenica who never returned. AI delegates received videos from locals showing Serbian soldiers gathering men from Srebrenica in buses and they were never found later. The delegates worked with UN forces, ICRC and other NGOS to confirm their information about killing and mass graves, they also confirmed testimonies of Bosnians about mass graves locations by analysing satellite images. The delegates also documented widespread of rape and torture in detention centres. AI documented around 3000 grave sites, 300 of them are believed to be mass grave sites.[153]

AI called the international community to support a long-term program to ensure the humanitarian needs of relatives and the establishment of a special tribunal to prosecute genocides and crimes against humanity.

AI campaigned for the commitment of the international community to support the UN in exhuming mass graves and conducting autopsies to return bodies to the relatives.[154]

AI is releasing an annual report on the situation there, and calling the local authorities in Bosnia-Herzegovina to redress victims of war, torture, sex abuse, and compensate them. AI calls them also to protect refugee and migrant rights.[155]

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[153] Amnesty International, BOSNIA-HERZEGOVINA "To bury my brothers' bones", Available at : https://www.amnesty.org/download/Documents/168000/eur630151996en.pdf [accessed on 20 FEB 2021].
[154] Ibid, p1.
[155] Amnesty International, Bosnia and Herzegovina: impunity for war crimes and rights of refugees and migrants Amnesty International submission for the UN universal periodic review, 34th session of the UPR working group,

b) Nigeria.

Since 2009 clashes started between the radical Islamic group Boko Haram who advocates for the creation of an Islamic State and the Nigerian government. Since then Boko Haram targeted civilians, churches, schools, prisons, and bombed police and UN offices. In 2011 the Nigerian government established the joint task force (JTF) to restore order in the north east of the country. In 2012 prosecutors of the ICC noted that war crimes were committed by the two adversaries.

AI has sent many researchers to Nigeria and released many reports on the situation there. AI has considered the conflict a non-international armed conflict. AI researchers recorded unlawful acts for Boko Haram like unlawful killings and transportation of bodies, bombing villages, burning of schools and houses, killing of children, forced disappearance and abduction. AI researchers recorded also unlawful acts for JTF like killing of civilians and burying them in mass graves, enforced disappearance, death of people in military custody, use of lethal weapons without imminent threat, bombing villages, war crimes and crimes against humanity.[156]

AI researchers interviewed refugees fleeing their homes, survivals, school stuff, witnesses of war crimes, and human right defenders. A Nigerian witness told the researchers that JTF soldiers have killed more than 190 civilians on a check point. AI also reviewed videos filming war crimes. This includes a soldier killing unarmed civilian and dragging his body next to a pile of dead people on the road.[157] AI researchers also identified places of mass graves by analysing satellite pictures from the Digital Globe's Analysis Centre.

AI calls on the government of Nigeria to:

-Guarantee the safety and security of civilians and their properties.

-Ensure that security forces implement the rules of IHL, and that detainees aren't killed and tortured in military prisons.

November 2019, available at: https://www.amnesty.org/en/documents/eur63/0499/2019/en/ [accessed on 20 FEB 2021].

[156] Amnesty International, Nigeria: more than 1500 killed in armed conflict in north eastern Nigeria in early 2014, available at : https://www.amnesty.org/en/documents/AFR44/004/2014/en/ [accessed on 20 FEB 2021].

[157] Ibid, p 13.

-Provide free access to humanitarian organizations, and visits to detention places.

-Start independent and impartial investigations with international experts in all war crimes.

AI calls on Boko Haram to:

-Stop misappropriate and indiscriminate attacks against civilians and cooperate with independent investigations.

-Condemn unlawful killings and remove members that commit violations of IHL.[158]

c) Libya.

In 2011 a revolution against Colonel Gaddafi took place in Libya. Hundreds of armed groups were formed and a civil war started. War continued in 2014 between the Government of National Accord (GNA) of the prime minister Fayez Al-Sarraj, and the Libyan National Army (LNA) of General Khalifa Haftar.

AI has sent many researchers to Libya to work on the field in the major cities like Tripoli, Ain Zara and Tajoura. Researchers visited many sites of ground and air strikes, they also investigated survivors, residents, witnesses, local officials, members of armed forces, and medical workers. These interviews were made by Amnesty stuff and they were private, and the real names of Libyans weren't titled in the reports for safety concerns. AI also made an open source investigation through videos and pictures from different sources including the warring parties, and data from satellite images. Those data were analysed by AI digital verification corps.[159]

AI visited locations of strikes to examine damages and munitions used in the attacks, and the party responsible of the attack. AI researchers found that the arm embargo placed on Libya in 2011 was violated because weapons and munitions continued to be sent to Libya by many States. They discovered that Turkey has provided drones to the GNA, and UAE has provided drones to LNA.

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[158] Amnesty International, Nigeria: more than 1500 killed in armed conflict in north eastern Nigeria in early 2014, available at : https://www.amnesty.org/en/documents/AFR44/004/2014/en/ [accessed on 20 FEB 2021].
[159] Amnesty International, Libya's relentless militia war, civilians harmed in the battle for tripoly, April-August 2019, available at: https://www.amnesty.org/en/documents/mde19/1201/2019/en/#:~:text=Armed%20Conflict-,Libya's%20relentless%20militia%20war%3A%20Civilians%20harmed%020attacks, [accessed on 20 FEB 2021].

AI researchers documented violations of IHL like war crimes, torture, indiscriminate attacks on residential areas, strikes on detention centers, strikes on refugee's camps, air strikes on civilian homes, attacks on medical facilities, and the violation of the arm embargo. Principles of distinction and proportionality weren't respected.[160]

AI calls on all parties to the conflict to:

-Comply with IHL rules and stop indiscriminate and disproportionate attacks on civilian areas, especially the "Scud" rockets and large air bombs.

-Take precautions to minimize harm to civilians and investigate breaches of IHL.

-Cooperate with the ICC.

AI calls on all governments to:

-Enforce the arm embargo, and inspect the vessels on the high seas which may be carrying weapons.

-Investigate and exercise universal jurisdictions on war crimes committed in Libya.[161]

d) Syria.

Since 2011 the Syrian government and different armed groups fought together. Countries like Russia, Turkey, Iran, and others entered war directly or by supporting pro armed groups. All of them used unlawful weapons like chemical and cluster munitions, and made variant breaches of IHL like killing civilians, torture, forced disappearance, bombarding schools, hospitals and populated areas.

Researches on the situation in Syria were made remotely from outside the country because the Syrian government didn't allow AI researchers to access its controlled areas. AI couldn't also visit areas controlled by NSAGs due to security concerns. AI used technologic means like satellite images, pictures and videos from open sources after being analysed by professionals, and interception of radio waves of the belligerents. AI remotely interviewed humanitarian workers, doctors, teachers,

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[160] Amnesty International, Libya's relentless militia war, civilians harmed in the battle for tripoly, April-August 2019, available at: https://www.amnesty.org/en/documents/mde19/1201/2019/en/#:~:text=Armed%20Conflict-,Libya's%20relentless%20militia%20war%3A%20Civilians%20harmed%020attacks, [accessed on 20 FEB 2021].
[161] Ibid.

citizens, displaced, and UN workers. Some direct interviews took place in Beirut and New York with displaced people.[162]

AI has documented a Systematic targeting of schools, medical centers, civilians, infrastructures, and crimes of war, torture, displacement, and enforced disappearance. The AI reviewed its reports with UN agencies and local NGOS, to make statistics and information more accurate.

AI has released many reports on the humanitarian situation in Syria.

AI called on the Syrian government to:

-End random attacks on populated areas by imprecise explosives such as barrel bombs and cluster munitions, and to protect schools and hospitals.

-Allow access to humanitarian and UN organizations to access all areas, even those controlled by the opposition to implement their humanitarian programs and deliver food and medicine.

-Allow free movement of civilians who wish to leave their areas and the return of displaced to their homes safely and in dignity.

-Cooperate with the independent International Commission of Inquiry in Syria that investigate grave breaches of IHL.

AI called on the opposition groups to:

-Facilitate work of UN and humanitarian NGOs inside and outside camps of internally displaced people to deliver food, medical and educational provisions.

-End random attacks on civilians by imprecise weapons, and allowing unrestricted movement of civilians.

AI called on the Security Council to:

-Allow free access for the Commission of Inquiry on Syria and for humanitarian NGOs to Syria.

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[162] Amnesty International, nowhere is safe for us, unlawful attacks and mass displacement in north west Syria, available at : https://www.amnesty.org/en/documents/mde24/2089/2020/en/ [accessed on 14 FEB 2021].

-Impose sanctions against responsible of war crimes in Syria and referring cases to the ICC.

AI called on the donor States to:

-Increase financial aids and ensure that they comply with obligations under IHL.

-Understand the complexity of working in areas controlled by groups designated as terrorists by the UN security council and cooperate with humanitarian NGOS.[163]

e) Nagorno-Karabakh.

In September and November 2020, and during 44 days, Armenian and Azerbaijani armies carried out indiscriminate attacks committing violations of IHL during the war to control the region of Nagorno-karabakh. The two armies used the internationally banned cluster munitions, missiles and rockets in populated areas, killing and injuring hundreds of civilians.

AI sent an investigation mission to Armenia and Azerbaijan, including the war zone. The delegation recorded that both armies have used missiles and unguided artillery against civilian residential areas. The multiplicity of these attacks show that it was not accidental, instead it was a deliberate aggression to put pressure on the other side. This conflict resulted a huge number of displaced people from both sides who are unable to return to their homes, because they are destroyed and the area is heavily mined.[164]

AI calls on the governments of Azerbaijan and Armenia to:

-Respect the rules of IHL by protecting the civilians during hostilities, and the prohibition of indiscriminate attacks against them such as artillery.

-Investigate impartially and effectively the violations of IHL committed by their armed forces, including the attacks documented by AI, and bring the perpetrators to justice to get their fair trial.

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[163] Amnesty International, nowhere is safe for us, unlawful attacks and mass displacement in north west Syria, available at: https://www.amnesty.org/en/documents/mde24/2089/2020/en/ [accessed on 14 FEB 2021].
[164] Amnesty International, In the line of fire, available at :
https://www.amnesty.org/en/documents/eur55/3502/2021/en/ [accessed on 14 FEB 2021].

-Provide reparation to the victims of violations of IHL.

-Commit to destroy the cluster munitions and never use them in any future conflict.

-Publish information and maps of cluster munitions and mines and all explosives used during the battle to facilitate its clearance and disposal, and to ensure safety to the civilians.

-Work to become parties to the Convention on Cluster Munitions.

-Create safe conditions for displaced people so they can return to their homes in dignity, by reconstructing the destroyed homes and infrastructure.

-Ensure the monitoring of human rights and safety of civilians and religious and cultural buildings, prevent any further damage, and work with International Organizations who can provide experience and impartial oversight.

Section two: The Experience of Blue Shield in Armed Conflicts.

Blue Shield (BS) became internationally recognized by the elaboration of the 2nd protocol of 1999 of the 1954 Hague Convention on the protection of cultural property in the event of armed conflicts. Its main focus is on the preservation of cultural property and cultural and natural heritage. BS works during armed conflicts in many countries, and releases reports about its missions.

A. Status and objectives of Blue shield international.

AI is a unique organization that chose to preserve cultural property and natural and cultural heritage during armed conflicts. It is the combination of four NGOs that unified their efforts. BS have a formal structure, and works with the UN and the ICRC, pre, during, and after the armed conflicts or natural disasters.

a) Status of Blue Shield.

Cultural property is always a victim during armed conflict.[165] It is axiomatic that saving people's life during armed conflicts is a priority for humanitarian

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[165] Stone, P., 2017. Protecting Cultural Property in the Event of Armed Conflict: The Work of the Blue Shield. RUMLAE Research Paper, p1.

organizations, and is more important than saving libraries, museums and archaeological sites. While supporting the primacy of humanitarian action during armed conflicts, it cannot be said that there is nothing to do to mitigate damage of cultural property. Little attention has been paid after the 2nd world war to such protection, even though there was a success made by the allies through the MFAA (Monuments, Fine Art, and Archives unit) during the war. During this war, the protection of cultural property was seen clearly as part of the responsibility of the combatants and the Allies, and some elements of Axis forces took this responsibility seriously.[166] With all the efforts of the MFAA there was a massive destruction of the cultural properties, so after the end of the war the international community developed in 1954 the Hague Convention on protection of cultural property in the event of armed conflict and its first protocol. In 1999 the second protocol of the convention was elaborated. This protocol set the legal base of the Blue Shield on the international level.

According to the 2nd protocol of 1999, a committee for the protection of cultural property in the event of armed conflict was established. This committee is composed of twelve parties and may invite to its meetings the International Committee of the Blue Shield (ICBS) to assist her in the implementation of her functions (article 27,3). The ICBS may also recommend to the committee a specific property to grant it enhanced protection (article 11,3).[167]

The ICBS was established in 1996, anticipating the 2nd protocol, by four NGOs:

The international council of archives (ICA), the international council of museums (ICOM), the international council on monuments and sites (ICOMOS), and the federation of library associations and institutions (IFLA).[168]

These four "pillars" form a group of experts that can work and cooperate with authorities in time of armed conflict and natural disaster that can affect cultural heritage. The four organizations are also working together to organise risk

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[166] Stone, P., 2017. Protecting Cultural Property in the Event of Armed Conflict: The Work of the Blue Shield. RUMLAE Research Paper, p 1.
[167] Second Protocol to The Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict The Hague, 26 March 1999
[168] Charter of the International Committee of the Blue Shield, 14 April 2000.

preparedness at an international level and to encourage it at a local level.[169] The ICBS existed as an organization without any legal entity.[170] In 2000 the ICBS adopted the Strasbourg Charter where his principles were drawn up.[171]

1. The international council of archives (ICA).

The ICA is an INGO that was created in 1948 in France. The ICA is dedicated to preserve archive and records worldwide. The ICA is a neutral, non-governmental organization, funded by its membership, which operates through the activities of that diverse membership.[172] The ICA gathered practitioners and institutions across the world to advocate archival management and protection of record heritage, and to transfer expertise and knowledge between States. The ICA opened its membership to more than 1900 members from 199 countries, to enrich cultural diversity to its members so they can find effective and imaginable solutions. The ICA works with the highest level of decision makers, as well as the UNESCO, the Council of Europe, and the ICBS. The ICA works to protect and grant access to archives and promote the democratic right of individuals and States to get access to archives. It endeavours the international co-operations to respect logistic and cultural diversity. The ICA promote the use and management of archives and records, and works to preserve the archival heritage of the humanity, by sharing experience, research on archival management, and the management of archival institutions. It's a central source of archive for the world.[173]

2. The international council of museums (ICOM).

The ICOM was established in Paris in 1947 by Chauncey j. Hamlin, who became the first president of ICOM. The ICOM represents the global museum community. The governing body of ICOM is the executive Board, which is elected on the head of the organization. The executive board works on the implementation of the

[169] Varlamoff, M.T., 2002. The Blue Shield Initiative. Joining Efforts to Preserve our Cultural Heritage in Danger. LIBER Quarterly, 12(2/3), pp.275-282.

[170] Amendment to the articles of association, association of the national committees of the blue shield, available at : https://theblueshield.org/wp-content/uploads/2018/06/statute-Amendments_BSI_2016.pdf [accessed on 15 FEB 2021].

[171] Charter of the International Committee of the Blue Shield, 14 April 2000.

[172] The International Council on Archives, available at: https://www.ica.org/en/international-council-archives-0 [accessed on 16 FEB 2021].

[173] The International Council on Archives, available at: https://www.ica.org/en/international-council-archives-0 [accessed on 16 FEB 2021].

decisions of the General Assembly, the governance of ICOM, and the supervise of different resources (intellectual, financial, human…)[174]

The ICOM committee consist of 44686 professionals, 119 national committees, 32 international committees, 6 regional alliances, affiliated organizations, and the standing committees and working groups in over 132 countries.

The General Assembly of ICOM is where all members are represented and decisions are made. The advisory council of ICOM is the consulting body of the organization. It's formed from representatives of national and international committees, affiliated organizations and regional alliances.[175]

The ICOM is an INGO which concerns museums and museums professionals, and it works on the conservation of museums and the communication in the society of natural heritage. The ICOM represents the voice of museum professionals and enhance public awareness through an international network.

3. The international council on monuments and sites (ICOMOS).

The ICOMOS is an INGO that works on the conservation of monuments and sites. It was established in Venice in 1964. The ICOMOS includes 10546 individual members in 151 countries, 271 institutional members,102 national committees and 28 international scientific committees.[176]

The board of ICOMOS is the managing body, which includes 20 members including the president that are elected by the General Assembly.

The General Assembly represents all members of the committee and holds an annual meeting who focus on the good management of the organization and receiving the report of the president.[177]

The scientific council and the advisory committee work as advisory bodies to the board of the ICOMOS.

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[174] International Council on Museums, available at: https://icom.museum/en/about-us/ [accessed on 15 FEB 2021].
[175] Ibid.
[176] International council on monuments and sites, available at: https://www.icomos.org/en [accessed on 15 FEB 2021].
[177] Ibid.

The ICOMOS is a unique NGO of its kind in the world. Its works is the protection and the conservation of cultural heritage. Her members form a network of experts (archaeologists, historians, geographers…) who improve the preservation of heritage sites (archaeological sites, historic buildings and sites…). The ICOMOS is associated to UNESCO, and form an advisory body to the world heritage committee according to the UNESCO world heritage convention.

4. The international federation of library associations and institutions (IFLA).

The international federation of library associations and institutions is a unique international organization that oversees the interest of libraries and the interest of information services and their users. It is the voice of information profession and libraries. It was founded in 1927 in Scotland. Now it has about 1500 members in 150 countries. The IFLA aims to ensure the delivery of libraries and information services and to ensure the freedom of access to information. Worldwide we can distinguish institutional membership like individual libraries and association membership like association of libraries and research and educational institutes.[178]

The governing body of IFLA is the General Assembly. The Governing Board which includes the president oversees the work of IFLA according to the guidelines of the Assembly.

The executive committee is responsible for overseeing if the IFLA meets the policies made by the board.[179] The professional committee duty is to coordinate the work between all units of the IFLA.

Since 1999 many national committees of the Blue Shield were founded. In 2006 the Association of National Committees of the Blue Shield (ANCBS) was established.

5. The Association of National Committees of the Blue Shield (ANCBS).

The international initiative of ICBS was supported in many countries worldwide, so many activists in many countries worked locally to join governments, armed forces, and emergency services to form a platform to raise the awareness when cultural

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[178] The international federation of library associations and institutions, available at: https://www.ifla.org/about [accessed on 15 FEB 2021].
[179] Ibid.

heritage is at threat. Members of the founding organizations and interested people may purpose to establish national committees in their countries. Theses national committees urged national governments to ratify and implement the Hague convention of 1954. Since 2000 many committees were founded around the world. Today we can count 27 national committees worldwide. To coordinate the work of these committees the Association of National Committees of the Blue Shield (ANCBS) was established in The Hague in 2006 when The Hague accord was signed, because the ICBS didn't have the capability or the means to do this job. The (ANCBS) is established under the national law of the Netherland.[180]

The ICBS and ANCBS were combined together in 2016 to become "The Blue Shield" who was registered in the Netherland. The General Assembly in Vienna approved the new statutes, and the term ICBS and ANCBS are no longer used.[181]

The Blue Shield is an NGO that works under the Dutch law, and have its corporal seat in The Hague municipality. It is formed from three main bodies: the General assembly, the Board, and the Bureau.[182]

6. The General Assembly.

The General Assembly is formed from all members of the Blue Shield. Every founding organization and every national committee is represented by one individual who participate in the meetings and can vote in the elections. Each member of the Assembly shall pay an annual subscription fee to the organization and shall send an annual report of his activities.[183]

The General Assembly approves the annual activity report and the strategic plan of the organization and the annual accounts and the budget of the period until the next meeting of the General Assembly. The General assembly meets once at least every three years, and elects the president of the organization for three years. The first

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[180] Association of National Committees of the Blue Shield, available at : https://theblueshield.org/about-us/history/association-of-national-committees-of-the-blue-shield-ancbs/ [accessed on 15 FEB 2021].
[181] Stone, P., 2017. Protecting Cultural Property in the Event of Armed Conflict: The Work of the Blue Shield. RUMLAE Research Paper.
[182] Amendment to the articles of association, association of the national committees of the blue shield, available at: https://theblueshield.org/wp-content/uploads/2018/06/statute-Amendments_BSI_2016.pdf [accessed on 15 FEB 2021].
[183] Ibid, p 6.

President of the Blue Shield "Karl Von Habsburg" was appointed in 2017 at the General Assembly. Today the president is Peter Stone.[184]

7. The Board.

The Blue Shield International Board is the initial governing body of the association. It is composed from nine members: the president, four members elected by the General Assembly after being elected by national committees, and four members representing the founding organizations. The Board works on the coordination of these national committees and puts the policies of the association and the framework for the national committees. Every three years a new board is appointed at the General Assembly.[185]

8. The Bureau.

The Bureau includes the president, four representatives of the founding organizations, a secretary and a treasurer. The Bureau will manage the association, implement the Board's decisions and keeps up with his work.[186]

The Blue Shield is the cultural equivalent of the Red Cross with three different keys:[187]

-The Red Cross was established 150 years ago and is well known worldwide; the Blue Shield was established 22 years ago and is only known between its community.

-The Red Cross have a budget of millions of dollars; the Blue Shield have no income at all.

-The Red Cross have 12000 paid staff in around 80 countries; the Blue Shield don't have paid stuff.

A new logo was adopted by the Blue Shield International Board, after the ICBS and the ANCBS merged in 2016. The logo of the Blue Shield became the blue shield

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[184] Blue shield International, available at: https://theblueshield.org/ [accessed on 15 FEB 2021].

[185] Amendment to the articles of association, association of the national committees of the blue shield, available at: https://theblueshield.org/wp-content/uploads/2018/06/statute-Amendments_BSI_2016.pdf [accessed on 15 FEB 2021].

[186] Ibid, p 11.

[187] Stone, P., 2017. Protecting Cultural Property in the Event of Armed Conflict: The Work of the Blue Shield. RUMLAE Research Paper.

emblem of the 1954 GC with a mid-blue circle as a background. This logo indicates the Blue Shield International Board and national committees of Blue Shield around the world.[188]

b) Objectives of Blue Shield.

The Blue Shield is a network of national and international committees that is committed to the protection of the world's cultural property, and is concerned with the protection of cultural and natural heritage, tangible and intangible, in the event of armed conflict, natural or human-made disasters.[189]

The Blue Shield works with UN agencies like UNESCO and the ICRC to bring to its community an international network and knowledge. The objectives of the Blue Shield are:

-Facilitate international response when cultural properties are threatened.

-Train national and international experts to prevent and control disasters.

-Promote risk preparedness to encourage safeguarding cultural property.

-Works as advisory body to protect endangered cultural property.[190]

These objectives are achieved by:

-Promoting for the responsible for cultural heritage like institutions and national governments the best standards of risk management.

-Raising the public awareness related to the damage of cultural heritage.

-Sharing information about threats that affects cultural property, and expertise during emergencies.

-Working with decision makers to push them to adapt recovery response, and precaution measures.

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[188] The Blue Shield Logo and Style Guidelines.

[189] Amendment to the articles of association, association of the national committees of the blue shield, available at : https://theblueshield.org/wp-content/uploads/2018/06/statute-Amendments_BSI_2016.pdf [accessed on 15 FEB 2021].

[190] Varlamoff, M.T., 2002. The Blue Shield Initiative. Joining Efforts to Preserve our Cultural Heritage in Danger. LIBER Quarterly, 12(2/3), pp.275-282.

-Encouraging the initiation of national committees.

In 1998, the UNESCO and ICBS agreed different principles in the "Radenci Declaration":[191]

-Cultural heritage includes movable and immovable property.

-Protection policies should be enhanced at national and international levels.

-Risk preparedness should be integrated in the policy of the institutions that care about cultural property, to avoid sudden losses.

-Strategies like risk reduction, improving response, and improving cooperation between national and international levels, help to avoid damage of cultural heritage during emergencies.

-Training personnel and establishing emergency plans is a continuous process.

-Developing network of voluntary with different competences.

-Promoting implementation and adoption of cultural heritage conventions.

-Ensuring funding and emergency equipment in time of disasters.

In April 2000, the ICBS adopted the Strasbourg Charter, and it declared the respect of the following principles: neutrality, independence, joint action, non-profit, and respect to cultural identity.[192]

The work of the Blue Shield is threefold, so it takes place preceding, during, and after a conflict or a disaster. The most developed in ICBS action was the preventive phase. Prevention isn't useful only in time of disasters, but in the management of institutions and preservation of collections.

The Blue Shield works to become protective to cultural heritage like is the Red Cross to humans.

President Habsburg argues that preserving language is also preserving cultural heritage. There are around 6800 languages worldwide, 96 % of the languages are

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[191] The Radenci Declaration on the Protection of Cultural Heritage in Emergencies and Exceptional Situations, 1998.
[192] Charter of the International Committee of the Blue Shield, 14 April 2000.

spoken by 4 % of the population, and 4 % of the languages are spoken by 96 % of the population. The 96 % of the languages are at risk and should be protected.[193]

In 2019 "The Blue Helmet Forum" took place in Austria, and about 40 lecturers from different countries spoke about preserving cultural heritage in peace time. The president Habsburg stressed the need to protect cultural heritage in time of peace, not only in time of war.[194]

The Blue Shield intervened in many places after armed conflicts or disasters. Recently in 2020 after the explosion of the Port of Beirut in the 4th of August, the Blue Shield collaborated with the UN peace keepers and the Lebanese Army to protect and secure the damaged cultural property.[195]

B. The role of Blue Shield International in the protection of cultural properties during armed conflicts.

It is evident that the primary goal of the belligerent during armed conflict is to win the war, however there are things that can be done to mitigate the destruction of cultural property. After the 2nd world war, the link between the military and the heritage community was lost. The Blue Shield initiative came to convince the military that preserving cultural heritage is their mission, and the effective relationship between them can lead to mitigate the cultural damage.

There are many reasons that push the Blue Shield to preserve cultural heritage: academic, medical, cultural, political, economic, IHL, IHRL, ICL.

The most important motivations for the military are:

-Cultural properties should be protected under IHL and ICL.

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[193] The monarchy is not from yesterday, interview with Carl Von Habsburg, available a: https://rp-online.de/ [accessed on 17 FEB 2021].

[194] Blue Helmet Forum Austria 2019, An Initiative of the Association of Austrian Peacekeepers, Protection of Cultural Heritage in Peace Operations, Vienna, September 26th – 27th, 2019, National Defence Academy, Stiftgasse 2a, 1070 Wien, Austria, Sala Terrena.

[195] Beirut: Habsburg coordinates the protection of cultural property, available at: https://www.krone.at/2216068 [accessed on 18 FEB 2021].

-Modern conflicts are usually followed by the establishment of a post-conflict economy to stabilize the population, so the cultural property can form a part of tourism in this economy.

-Looting cultural properties by the enemy can provide them economic income.

-Giving a good example of an army by preserving the cultural heritage of a people, can be viewed as a "soft power", so if this don't create friends, it won't make enemies.[196]

So the work of the Blue shield during armed conflict is to mitigate the dangers to cultural property, because they are vulnerable to: lack of planning, spoils of war, lack of military awareness, collateral damage, looting; enforced neglect, and specific targeting.[197] The Blue Shield used different techniques to achieve goals like the Four Tier approach, training the military, cooperate with the military to convince them the importance of cultural property protection (CPP), prepare a list of protected sites in areas of conflicts, sending assessment mission during post conflict, distribution of publication to academic and public audience.[198]

Here the cooperation between the military and the Blue Shield is crucial. Any action taken to mitigate one of these dangers will have a positive impact on the overall efforts to protect cultural property. Military may not protect a cultural property for its cultural value, but may protect it to prevent enemies from taking spoils of war and have an economic resource.[199]

The Blue Shield works with armies in post-conflict, during conflict and in case of environmental disasters.[200] So it concerned her work to encourage the military to implement the CPP and cooperate with its Four Tier approach that indicates when cultural heritage professionals should work with military and NGOs: at long term, at pre-deployment, during armed conflict, at post-conflict stabilisation. The CPP will

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[196] Stone, P., 2017. Protecting Cultural Property in the Event of Armed Conflict: The Work of the Blue Shield. RUMLAE Research Paper.
[197] Ibid.
[198] Stone, P.G., 2015. The challenge of protecting heritage in times of armed conflict. Museum International, 67(1-4), pp.40-54.
[199] Stone, P., 2017. Protecting Cultural Property in the Event of Armed Conflict: The Work of the Blue Shield. RUMLAE Research Paper.
[200] Stone, P.G., 2015. The challenge of protecting heritage in times of armed conflict. Museum International, 67(1-4), pp.40-54.

not be priority for the military, however the military is convinced that it does have responsibility and commitment to IHL.[201]

It is necessary to define cultural property: the cultural property is a very important property for the culture of a country. It includes movable properties like buildings, historic and artistic monuments, archaeological sites, and immovable properties like artistic work (sculpture, paintings...), antiquities, old books and archives. The religious or secular origin of the property and the physical condition don't change her status in being considered as cultural property.[202]

The 1954 The Hague convention put three types of protection for cultural heritage:

-A site of great importance to the cultural heritage of a people, is put under protection and to attack it during armed conflict under the military necessity principle, the permission of a battalion commander is required.

-A site of very great importance to the cultural property of a people, is put under special protection and to attack it during armed conflict under the military necessity principle, the permission of a division commander is required.

-A site of greatest importance to humanity, is put under enhanced protection and to attack it during armed conflict under the military necessity principle, the permission of a force commander is required.

There is a debate if the Blue Shield should mark the protected buildings and monuments or not, because during the war in Bosnia the marked buildings were targeted because they had the symbol. But the Blue Shield decided to mark the buildings during peace time to be prepared for wars, even if those buildings were targeted like the ICRC personals are sometimes targeted during armed conflicts.

The Blue Shield International worked in many countries to protect cultural heritage during armed conflicts:

a) Kosovo.

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[201] Stone, P., 2017. Protecting Cultural Property in the Event of Armed Conflict: The Work of the Blue Shield. RUMLAE Research Paper.

[202] The 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, article 1.

During the years 1998 and 1999, an ethnic war took place in Yugoslavia, and each part of the conflict tried to erase the ethnic identity of the other, so many historical sites like churches, mosques, libraries and museums were subject to destruction.

The ICBS through her constituent organizations made several initiatives to protect cultural heritage in Kosovo:[203]

-ICOM and "Patrimoine sans Frontieres" joined a mission to Pristina to check the national museum of Kosovo.

-ICA in association with the Council of Europe and UNESCO, sent a mission to check the archives of Kosovo.

-The European Board of ICA organized a conference that joined the national directors of archives in former Yugoslavia and the neighbouring States. A joint declaration was released.

-The IFLA pledged to salvage the rare manuscripts.

IFLA, the Council of Europe, and UNESCO, sent a mission to the cities of Kosovo, to make an assessment concerning the situation of the libraries, and to prepare a rehabilitation guideline. The mission recorded that most of the books of the national and university library were destroyed, and the public libraries lost half of their books.

The Blue Shield had drawn an action plan of five elements:[204]

-Short and long-term assistance and recovery work, by compiling a list of cultural property, asses their condition, and then put a short-term strategy of protection of cultural property and building a long-term strategy for restoration.

-Improving recovery capacity and emergency preparedness by supporting Kosovo institutions and stuffs, by enhancing dialogue between military and civil administrations and the cultural heritage institutions, and encouraging the initiation of a national Blue Shield committee.

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[203] Herscher, A., & Riedlmayer, A. (2000). Architectural heritage in Kosovo: An assessment of wartime destruction and post-war reconstruction. US/ICOMOS newsletter, p. 4.

[204] Manning, R.W. and Kremp, V. eds., 2013. A reader in preservation and conservation (Vol. 91). Walter de Gruyter.

-Integrating the cultural heritage institutions into the international community by dialogue, training and international conferences.

-Promoting the implementation of the 1954 The Hague Convention and its protocols, by training the military.

-Showing the importance of cultural property to the international community, by collaborating with interested NGOs like "Patrimoine sans Frontieres", and identifying donors.[205]

b) Iraq.

In 2003 during the invasion of Iraq, the president of the ICBS "Ross Shimmon", wrote a letter to the US president "George Bush", the UK prime minister "Tony Blair", and the Iraqi president "Saddam Hussein", urging them to take all necessary measures to protect cultural property during the war. Copies were sent to the representatives of these States at UNESCO, and to their ambassadors in The Hague. Another copy was published in the British journal "The Guardian".[206]

The media showed the destruction and looting of the museum and library of Baghdad, so the ICBS issued a statement condemning the destruction of cultural heritage in Iraq, and urged the coalition troops to adhere the LOAC, referring to the protection of cultural heritage. The UK and the US were urged also to ratify the 2nd protocol of the 1954 The Hague convention.

In April 2003, the UNESCO called for an emergency meeting and the ICBS was present. The committee insisted to include libraries and archives to the report of the meeting. This meeting recommended to send a multi-disciplinary mission to Iraq to investigate the sabotage and make recommendations.[207]

In June the mission traveled to Iraq, and the French librarian "Jean-Marie Arnoult" (general inspector of libraries in France) was assigned by UNESCO as a member of the mission.[208] In this report, Arnoult presented images showing that the national

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[205] Manning, R.W. and Kremp, V. eds., 2013. A reader in preservation and conservation (Vol. 91). Walter de Gruyter.
[206] Shimmon, R., 2004. The international committee of the Blue Shield 1998–2004: An overview. Alexandria, 16(3), p 138.
[207] Ibid, p 138.
[208] Ibid, p 138.

library of Baghdad and Basra were looted and burned. The ICBS posted online information showing the state of Iraqi cultural property.

In 2003 the cultural emergency response (CER) in the Netherland joined the ICBS in an initiative to provide 25,000 euros to restore the reading room of the university of Baghdad.[209]

After the initiative, the IFLA which is an essential part of ICBS requested that the military forces adopt a plan of three points:[210]

-Adhere to The Hague convention and its two protocols, to conserve cultural heritage.

-Combat looting and illicit trade.

-Grant the restoration of libraries.

The IFLA worked with ICBS and other professional bodies to help rebuilding the Iraqi libraries, and they made their work evident to the public.[211]

The US committee of Blue Shield had its role also during the first (1991) and the second gulf war (2003). This committee compiled a no-strike list and sent it the US army.

c) Libya.

In 2011, after the NATO decided to lunch an air strike mission against Gaddafi, the Blue Shield started to establish a "no-strike" list of cultural heritage sites in Libya with geographical locations and coordination. This list was sent to the department of defence of the participating countries.

The Blue Shield and the international military cultural resources work group (IMCuRWG) organized a mission to assess the cultural heritage situation in Libya. The mission was formed of four personnel including the president of Blue Shield

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[209] Shimmon, R., 2004. The international committee of the Blue Shield 1998–2004: An overview. Alexandria, 16(3), p 139.
[210] Qureshi, F., 2009. An assessment of the destruction and rehabilitation of libraries during a period of armed conflict: a case study of Iraq's libraries 2003 (Doctoral dissertation, University of Wales).
[211] Ibid, p 39.

"Karl Von Habsburg". The mission started her work in September 2011 and headed to Tripoli.

First the mission visited the Punic (Roman site) in Sabratha, one of the most important sites in Libya. It turned out that there were little damages, and they visited the statute of the lady also. Then the mission went to Tripoli, where they visited the Arch of Marcus Aurelius, then the national museum who was little hurt because the Misrata Brigade fighters took control and preserved it. The mission met also the commander of Misrata Brigade, then checked the objects of the museum that was hidden in a safe place. Later, the mission met the director of the museum who reported the damage of many museums, so he was encouraged by the team to publish photos of the missing masterpieces in order to be documented and later recognized internationally.[212]

After that the team moved to Leptis Magna, where they met the chief archaeologist who was in charge of the site, who told them how he negotiated with the Gaddafi militant to leave the site without fight, and then he welded the outside doors, which turned out to be better than locking them.

In November 2011 the second mission went to Cyrenaica in Eastern Libya, led by Mr Habsburg. When the team arrived to Bengazi, the Libyan archaeologist "Dr Ahmed Buzain", showed them the department of antiquity's archive, that was kept in a safe warehouse. The team moved to a Roman settlement named "Umm Al Shuga", and the site was seriously damaged, and large excavations were made there. After that the team visited "Tokra" an ancient Greek city, where the revolution had stored objects from the museum and cathedral of Benghazi. The site was well protected, then the team moved to "Tolmetha", and "Qasr Libya". Then the team moved to Cyrene, where he checked the museum. After visiting many historical sites, the team met with Libyans scholars to assess the cultural heritage situation in Libya.[213]

d) Syria.

[212] Blue Shield mission report on Syria, September 2011, available at: https://theblueshield.org/first-mission-to-libya/ [accessed on 25 FEB 2021].

[213] Blue Shield second mission report on Syria, November 2011, available at: https://theblueshield.org/second-mission-to-libya/ [accessed on 25 FEB 2021].

In March 2011 the Blue Shield released its first statement on Syria. This statement cited the most important historical sites in Syria that was put on the UNESCO world heritage list, and mentioned the site of Palmyra, Qal'at Salah-El Dinn, and the Crash des Chevaliers. This put a pressure on the Blue Shield to do its best to help the protection of these sites.

Since Syria is part of the 1954 The Hague convention, and its 1st protocol, and the 1972 world heritage convention, the Blue Shield called on the parties of the conflict to take all necessary measures to protect this cultural heritage fortune, and it put the experience and network of the members of its organizations ready to work out with their Syrian colleague to protect the Syrian heritage, and plan for subsequent restoration.[214]

In April 2012, the Blue Shield released a second statement regretting the loss of lives and the destruction of cultural property in Syria. The statement mentioned the besieging of Palmyra, listed on the UNESCO world heritage list and the looting of museums in Homs, Hama, Daraa, and Idlib, and stressed on all parties to the conflict to preserve the historical identity of Syria. The Blue Shield remembered the Syria State that it is party to the 1954 The Hague convention and the 1972 world heritage convention, and called on it to abide by its law of antiquities of 1963 which states that establishment of military sites should be away at least half kilometer from a registered historical property or non-movable archaeological site. Again, the Blue Shield put its capacities in the hand of its Syrian colleagues.[215]

In April 2016, the Blue Shield released its third statement. This time on Palmyra. The Blue Shield welcomed the removal of ISIS from the site, and urged the international heritage community to support its Syrian colleagues in stabilising the site and preparing to restoration with the participation of archaeologists, academics, local communities and tourism agencies.

The Blue Shield suggested before the restoration of Palmyra the removal of all explosive devices, and the mapping of the remains of destroyed monuments, to facilitate the authentic restoration. The Blue Shield recommended that Syrian

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[214] Blue Shield Statement on Syria, 17 May 2011, available at : https://theblueshield.org/blue-shield-statement-on-syria-17-may-2011/ [accessed on 25 FEB 2021].
[215] Blue Shield – 2nd Statement on Syria, 7 April, 2012, available at : https://theblueshield.org/blue-shield-second-statement-on-syria-7-april-2012/ [accessed on 25 FEB 2021].

colleagues lead the way in actions with the support of a regional conference with the presence of the Blue Shield and UNESCO, after the end of the hostilities, to organise the restoration plan.[216]

e) **Afghanistan**.

In March 2003 the Blue Shield released a statement on the cultural heritage in Afghanistan, after the invasion of the country. The Blue Shield expressed its great regret for the destruction of the historic Baniyan Buddas by the Taliban, the damage of monuments, the disappearance of documents, and the illicit traffic of antiquities. Even that many countries and organizations are helping Afghan activists to restore the national museum and other sites and libraries, there still a lot of work to do. The Blue Shield urged all governments to fulfill their commitments in the restoration of the Afghan cultural heritage.[217]

ICOMOS with cooperation with UNESCO and the Aya Khan Trust for Culture (AKTC), an Afghan NGO and with a fund of 500,000 euros from the German government, was able to the rehabilitation of Babur Park in Kabul and the quarter of Ashekanwa Arefa, and later to secure the remains of the Buddhas of Bamiyan. The ICOMOS with the cooperation of the technical university of Aschen have compiled a list of all cultural sites in Afghanistan.[218]

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[216] Blue Shield reflections on Palmyra, Syria, 22 April 2016, available at : https://theblueshield.org/blue-shield-reflections-on-palmyra-statement-22-april-2016/ [accessed on 25 FEB 2021].

[217] Statement by ICBS on the international support pledged for the reconstruction of the Cultural Heritage in Afghanistan, March 14th 2003, available at : https://theblueshield.org/statement-by-icbs-on-the-international-support-pledged-for-the-reconstruction-of-the-cultural-heritage-in-afghanistan-march-14-2003/ [accessed on 25 FEB 2021].

[218] Actions of ICOMOS for Heritage at Risk in Afghanistan, available at:
https://www.icomos.org/risk/2002/afghanistan2002.htm [accessed on 25 FEB 2021].

Conclusion.

Through this dissertation it became clear that the basic entities of the international community are no longer States and international organizations. NGOs emerged and are increasing every day, they are now active in all fields that concern the international community and are more effective on the international level by playing their role in different fields. These organizations have a set of relationship with different parts of the international society, whereby it enjoys a consultative or observer status while participating in sessions and meetings in UN and governmental organizations and through which highlights its role by participating in making decisions related to various fields of international law, as well as its role in examining the violations of human rights, and pushing States to adhere and abide by legal rules stipulated in international instruments.

It is now evident that the engagement of the NGOs with States and their armies can increase their adherence to IHL, because States try to keep their humanitarian record clean, and because military leaders can be persecuted in front of international courts. But the most important is that the engagement of NGOs with NSAGs had increased their adherence to the norms of IHL, and the Geneva Call showed a good example of that. Even if States are concerned when NGOs engage NSAGs, this barrier should be balanced with the need to protect civilians.[219]

NGOs seeking to promote peace in conflict zones are in the middle of a complicated issue. Because of that, NGOs should adopt a pluralist approach that includes many options that helps the vulnerable people to survive in difficult environments, and to adapt their staff to the complexity of such situations.

There are many INGOs active in the humanitarian field and in the implementation of IHL like Amnesty International and the Blue Shield, who had proven their ability to oversee the application of IHL, and provide aid and protection for victims and cultural heritage during armed conflicts, that even States or governmental organizations can't provide, and this gave NGOs a privileged position in the international community. It became clear the role of AI and the BS in enforcing the rules of IHL, as these organizations played a major role in protecting human rights,

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[219] Constraining the Conduct of Non-State Armed Groups: Comparing the Prospects of Success of Governmental and Non-Governmental Governance Initiatives Stefanie Herr, Peace Research Institute Frankfurt, Germany Paper presented at the ECPR Annual Conference Reykjavik, Island, August 2012.

by publishing reports and developing rules of IHL, as well as uncovering the violations committed in international and non-international armed conflicts.

Many result were found in this study:

-The important field role of AI in detecting, monitoring, and investigating violations of the rules of IHL, which made it one of the most prominent and effective INGO in monitoring the activities and practices of States, and NSAGs that violate human right, because it follows the method of defamation to internationalise cases related to the violations of IHL.

-AI provides information on violations of the rules oh IHL to effective parties in the international community, especially the UN agencies in order to intervene to stop these violations and protect victims.

-AI also provides a set of recommendations in its reports during any violent event, aiming to improve conditions of detainees and refugees, implement the rules of arm control, detention, and stop enforced disappearance, torture, discrimination, police violence, and help international justice to prosecute perpetrators.

-The important role of BS and its field missions to war zones in the documentation and reporting of breaches of the 1954 GC and its two protocols by States, and the destruction of cultural property, cultural heritage, and environment.

-The important role of the BS constituted of four niche NGOs in the preservation of archives, museums, monuments, sites, and libraries.

-The cooperation between the BS and UN agencies and other NGOs in the fast response during armed conflicts, and the international restoration of cultural heritage and properties.

-The BS works is threefold: preceding by preventing, during by alarming the belligerent and the international community, and after armed conflicts or natural disasters by the response and restoration.

The conclusion at the end of this study is that humanitarian NGOs usually have a directive and cautionary role played through reports released, and warnings and requests to the belligerents to abide by the international law. NGOs don't have coercive force and can't impose binding orders, instead they try to disseminate the

rules of IHL, present humanitarian aids to victims, and expose breaches of IHL to the international community and international courts, even if States cooperated or not according to their political interests. The role of the humanitarian NGOs during armed conflict is legal under the international law and their recommendations should be binding to States that are part of the international conventions. NGOs can't stop war but they try hard to mitigate its consequences. Till now they made a huge step in aiding people, and showing war crimes to the international community, even if the perpetrators were not always accountable but one day they will be punished. It is better to document a picture or to release a statement than giving the blind eye.

Some recommendations should be highlighted at the end of this study:

-The role played by humanitarian NGOs, imposes on the international community to put an international legal system that recognise these NGOs and give them an international legal personality like the international organizations.

-The creation of a coordination mechanism between representatives of the humanitarian NGOs and the security council to adapt humanitarian recommendations under the 7th chapter, especially when there are serious violations of the IHL such as genocides and crimes against humanity.

-Humanitarian NGOs must seek self-funding instead of governmental funding to prevent interference in their work.

The humanitarian NGOs were created to mitigate the consequences of conflicts and protect the life of humans, but to which extent can they do their role without affecting the States sovereignty?

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