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The Role of International Non-Governmental Organizations in Protecting and Promoting the Rules of International Humanitarian Law and Human Rights in Non-International Armed Conflicts

Abstract

This paper examines the role of international non-governmental organizations (INGOs) in promoting and protecting international humanitarian law (IHL) and human rights in non-international armed conflicts (NIACs). INGOs play a critical role in monitoring compliance with IHL, advocating for the enforcement of human rights standards, and providing humanitarian assistance. The study explores how INGOs engage with regional human rights mechanisms, including the European, American, and African human rights systems, to address violations and hold perpetrators accountable. Additionally, the research highlights INGOs' contributions to legal and institutional reforms by providing expertise, publishing shadow reports, and supporting national and international initiatives to strengthen IHL. Beyond legal advocacy, INGOs also play a key role in direct humanitarian intervention. They facilitate prisoner exchanges, medical aid, and civilian protection efforts, helping mitigate the impact of armed conflicts. The paper further discusses INGOs' efforts in spreading awareness of IHL among military personnel and civilians, emphasizing the importance of legal education and training. Despite these contributions, INGOs face significant challenges, including state resistance, funding limitations, and political constraints that hinder their effectiveness. The findings underscore the necessity of strengthening cooperation between INGOs, national governments, and international institutions to enhance the implementation of IHL and human rights protections. Greater emphasis on education, policy reform, and enforcement mechanisms is essential to ensure broader compliance with legal standards in conflict settings.

Keywords: *International non-governmental organizations, human rights, international humanitarian law, armed conflict, legal advocacy, humanitarian assistance*

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Beynəlxalq qeyri-hökumət təşkilatlarının qeyri-beynəlxalq silahlı münaqişələrdə beynəlxalq humanitar hüquq qaydalarının və insan hüquqlarının müdafiəsi və təşviqində rolu

Xülasə

Bu sənəd beynəlxalq qeyri-hökumət təşkilatlarının (BQT) beynəlxalq humanitar hüququn (BHH) və qeyri-beynəlxalq silahlı münaqişələrdə (QBSM) insan hüquqlarının təşviqində və qorunmasında rolunu araşdırır. BQT-lər BHH-yə riayət olunmasının monitorinqində, insan hüquqları standartlarının həyata keçirilməsini müdafiə etməkdə və humanitar yardım göstərməkdə mühüm rol oynayır. Tədqiqat BQT-lərin pozuntuları aradan qaldırmaq və günahkarları məsuliyyətə cəlb etmək üçün Avropa, Amerika və Afrika insan hüquqları sistemləri də daxil olmaqla, regional insan hüquqları mexanizmləri ilə necə əlaqə saxladığını araşdırır. Bundan əlavə, tədqiqat BQT-lərin təcrübə təmin etməklə, kölgə hesabatlarını dərc etməklə və BHH-ni gücləndirmək üçün milli və

beynəlxalq təşəbbüsləri dəstəkləməklə hüquqi və institusional islahatlara töhfələrini vurğulayır. Hüquqi vəkillikdən başqa, BQT-lər birbaşa humanitar müdaxilədə də əsas rol oynayırlar. Onlar məhbus mübadiləsini, tibbi yardımını və mülki müdafiə söylərini asanlaşdırır, silahlı münaqişələrin təsirini azaltmağa kömək edirlər. Sənəd daha sonra BQT-lərin hərbi qulluqçular və mülki şəxslər arasında BHH haqqında məlumatlılığın yayılmasında söylərini müzakirə edir, hüquqi təhsil və təlimin vacibliyini vurğulayır. Bu töhfələrə baxmayaraq, BQT-lər dövlət müqaviməti, maliyyə məhdudiyyətləri və onların effektivliyinə mane olan siyasi məhdudiyyətlər də daxil olmaqla əhəmiyyətli problemlərlə üzləşirlər. Nəticələr BHH və insan hüquqlarının müdafiəsini gücləndirmək üçün BQT-lər, milli hökumətlər və beynəlxalq institutlar arasında əməkdaşlığın gücləndirilməsinin zəruriliyini vurğulayır. Münaqişə şəraitində hüquqi standartlara daha geniş uyğunluğu təmin etmək üçün təhsilə, siyasət islahatlarına və icra mexanizmlərinə daha çox diqqət yetirilməlidir.

Açar sözlər: beynəlxalq qeyri-hökumət təşkilatları, insan hüquqları, beynəlxalq humanitar hüquq, silahlı münaqişə, hüquqi vəkillik, humanitar yardım

Introduction

International non-governmental organizations (INGOs) play a crucial role in protecting and promoting the rules of international humanitarian law (IHL) and human rights, particularly in the context of non-international armed conflicts. This role is largely facilitated by the legal mechanisms and strategies these organizations employ to influence the international community and encourage compliance with IHL and human rights standards. Armed conflicts, whether international or non-international, often witness severe violations of these principles, as warring parties prioritize military victories at the expense of millions of innocent civilians, including children, women, and the elderly. In such contexts, INGOs intervene to monitor and enforce adherence to IHL, urging conflicting parties to respect the rules of warfare and abide by the Geneva Conventions and their additional protocols.

Research

However, the role of INGOs is not limited to oversight and advocacy. These organizations also actively assist parties in conflict by facilitating the implementation of IHL. They support humanitarian initiatives, provide educational and medical aid, offer emergency relief, and oversee the exchange of prisoners, injured individuals, and the deceased. Additionally, through their field expertise, INGOs contribute to the development and advancement of IHL both nationally and internationally by producing shadow reports and participating in national and international legislative initiatives aimed at strengthening IHL and human rights protections.

Based on these considerations, this study addresses the following research question: **How do international non-governmental organizations contribute to the protection and promotion of international humanitarian law and human rights, particularly in non-international armed conflicts?**

To answer this question, the study is divided into two main sections. The first examines the contributions of INGOs to the protection of IHL and human rights in non-international armed conflicts, while the second explores their role in promoting and advancing these legal frameworks.

1. Contributions of International Non-Governmental Organizations to the Protection of International Humanitarian Law and Human Rights in Non-International Armed Conflicts

Since March 2016, regional human rights organizations have increasingly recognized the role of international non-governmental organizations (INGOs) in protecting human rights within the framework of regional human rights mechanisms. INGOs are now able to operate within regional legal systems such as the European Convention on Human Rights, the American Convention on Human Rights, and the African Charter on Human and Peoples' Rights. These organizations can submit complaints before regional human rights committees and courts when state parties violate these agreements.

1.1 Efforts of INGOs Within the European Human Rights Mechanism

The European human rights protection system has evolved significantly over time. Initially, complaints could only be submitted to the European Commission on Human Rights and the European Court of Human Rights if the accused state explicitly accepted the complaint (Alwan & Al-Mousa, 2005, p. 292). However, Protocol No. 11, which took effect on November 1, 1998, restructured the system by merging the Commission and the Court into a single, permanent judicial body. This reform granted INGOs and individuals the right to file complaints directly with the court, significantly improving its efficiency and accessibility.

1.2 Filing Complaints Before the European Court of Human Rights

It is an independent judicial body established under the American Convention on Human Rights. The court consists of seven judges elected directly by the General Assembly of the Organization of American States. According to the provisions of the American Convention on Human Rights, the court has two jurisdictions: advisory and judicial.

Notably, the convention's texts do not grant individuals the right to appeal directly to the court (American Convention on Human Rights, Article 44). Instead, individuals and non-governmental organizations (NGOs) submit their petitions to the Inter-American Commission on Human Rights, which reviews the appeals as the competent authority. Consequently, individuals and organizations were not able to access the court directly without first going through the commission, which represents them before the court. However, with the adoption of the court's rules of procedure in 2001, individuals were allowed to submit cases directly to the court, as stipulated in Article 23 of the same regulation (Alwan & Al-Mousa, 2005, pp. 313-314).

Within the framework of the two mechanisms mentioned above (the European and American mechanisms for the protection of human rights), the role of international NGOs becomes evident through:

- NGOs informing victims about the available legal avenues before regional courts and encouraging them to utilize these procedures. Many individual petitions submitted to the European Court of Human Rights since 1998 have been supported by NGOs.
- NGOs actively working on the ground to raise awareness among victims about the existence of the European Court and offering them assistance in submitting petitions when needed. Additionally, the knowledge and logistical support provided by human rights NGOs are often utilized by victims, especially when NGOs represent them or appoint legal counsel on their behalf.
- NGOs representing victims before the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights. While NGOs act as agents for victims before the commission, they can only participate in legal proceedings on behalf of the victims before the court.

It is important to note that granting individuals and NGOs the right to appeal to the court is not only a means of protecting rights and freedoms but also represents a qualitative advancement in the international protection of human rights in general.

1.3 Filing Complaints Before the African Court on Human and Peoples' Rights

In its session held in Ouagadougou, Uganda, in 1998, the Conference of Heads of State and Government of the Organization of African Unity adopted an additional protocol to the African Charter on Human and Peoples' Rights (2000 Additional Protocol to the African Charter on Human and Peoples' Rights, Article 5-6). This protocol entered into force on January 25, 2004, following Cameroon's fifteenth ratification on December 30, 2003. The protocol established the African Court on Human and Peoples' Rights, which receives communications from individuals or non-governmental organizations (NGOs) that have observer status before the African Commission on Human and Peoples' Rights, provided that the respondent state has accepted the court's jurisdiction.

According to Article 5, Paragraph 3 of the protocol establishing the African Court on Human and Peoples' Rights, the court's jurisdiction to hear complaints from individuals and NGOs is not mandatory. Instead, it is subject to the court's discretion and requires exceptional circumstances to justify its intervention.

Furthermore, Article 3, Paragraph 1 of the same protocol stipulates that complaints submitted by individuals and NGOs follow the same procedures as those applied in the European system, both in terms of admissibility and trial procedures (Alwan & Al-Mousa, 2005, p. 321). However, the

African Court on Human and Peoples' Rights serves as a complementary body to the African Commission, meaning that complaints must first be reviewed by the commission before being referred to the court.

It is worth noting that NGOs play a significant role in establishing regional African human rights mechanisms. Since the establishment of the African Commission on Human and Peoples' Rights, NGOs have played an essential role in improving its procedures and ensuring the confidentiality of its proceedings (Alwan & Al-Mousa, 2005, p. 325). Additionally, on January 1, 2004, the African Commission granted consultative status to over 300 NGOs and strengthened its cooperation with national human rights institutions, granting consultative status to 13 such institutions on May 30, 2003.

2. Contributions of International Non-Governmental Organizations in Promoting the Rules of International Humanitarian Law and Human Rights in Non-International Armed Conflicts

International non-governmental organizations (NGOs) play a crucial role in disseminating the principles and rules of international humanitarian law (IHL). They ensure that these principles reach relevant actors at appropriate times, using advisory services as one of the primary means for dissemination, both domestically and internationally. NGOs also facilitate access to legal tools, publications, and books that promote IHL, ensuring that all these materials reflect its fundamental principles. Additionally, they work to expand awareness of international humanitarian law treaties and highlight their violations. Thus, dissemination and capacity-building are two essential and interdependent mechanisms for ensuring compliance with IHL rules (Al-Ashawi & Abu Hani, 2010, p. 22). Dissemination requires well-trained personnel, which will be discussed in the following sections:

1. 2.1 Training Legal Advisors for the Armed Forces

The dissemination of IHL principles and provisions necessitates informing all relevant actors, with a particular focus on specific groups directly connected to international humanitarian law (Abdul Ali, 2018, p. 22). Given the importance of dissemination, various international treaties and bodies dedicated to IHL have emphasized the obligation to spread awareness of its rules, reinforcing its mandatory nature. The following section elaborates on this requirement:

2. 2.1.1 Training Mechanisms

According to Article 82 of Additional Protocol I to the Geneva Conventions, legal advisors are responsible for advising military commanders, assisting them in fulfilling their duties, and providing guidance when needed on the application of IHL provisions. They also play a key role in developing educational programs for armed forces personnel and evaluating measures taken in the planning and execution of military operations. Since states are accountable for the actions of their representatives, it is essential to train and prepare individuals to ensure they fulfill their country's commitments under international humanitarian law. Additionally, it is crucial to equip both military and civilian officials with the necessary expertise to enforce IHL effectively (Al-Shallalda, 2011, p. 318).

Legal advisors must be selected from individuals with both legal and military training. They are usually granted high military ranks and are attached to the senior command of the armed forces. They may come from within the military or from civilian backgrounds. It is vital that these advisors have extensive knowledge of international humanitarian law, and they may also be tasked with providing opinions on new arms treaties, including their ratification and accession. However, it should be emphasized that military legal advisors serve solely in an advisory capacity and are not authorized to make decisions, whether regarding military matters or issues related to IHL (Alwan, 2009, p. 498).

2.1.2 Dissemination of IHL Among Civilians

INGOs undertake a variety of targeted international activities to influence states, international organizations, and legal entities to take IHL seriously (Saadeh, 2018, p. 15). The dissemination of IHL is a crucial matter for all members of the international community. Consequently, the Geneva

Conventions require contracting states to undertake this responsibility as broadly as possible (Huba, 2015, pp. 63-64).

3. 2.1.3 Mechanisms of Dissemination

Article 83, Paragraph 1, of the 1977 First Additional Protocol to the Geneva Conventions states:

"The High Contracting Parties undertake, in times of peace as well as during armed conflict, to disseminate the text of the Conventions and this Protocol as widely as possible in their respective countries and to include its study, particularly within military education, while encouraging civilian populations to learn about it."

This provision ensures that both armed forces and civilians are familiar with IHL treaties (International Committee of the Red Cross [ICRC], 1977, Art. 83). INGOs, in accordance with their statutes, oversee the precise and optimal application of IHL rules. This requires cooperation with all contracting parties, national societies, and academic institutions that aim to promote IHL during peacetime. Their activities include organizing training seminars, publishing various materials, and launching programs to train volunteers in humanitarian principles and emergency response techniques for assisting victims.

The dissemination of IHL among civilians is of particular importance, as their roles have evolved significantly. Civilians may now participate in hostilities, supply military forces, accompany troops, sympathize with combatants, or, in the case of non-international armed conflicts, become part of insurgent movements against the government. Alternatively, they may be among the primary victims of armed conflicts. These realities make civilians key stakeholders in the humanitarian protection framework, necessitating their awareness of legal regulations (Kamal, 2011, pp. 24-25).

Therefore, every state must ensure the dissemination and teaching of IHL not only at the military level but also among civilians. This broad approach ensures that the fundamental objective of IHL—enhancing knowledge and compliance—is achieved across all sectors of society (Houba, 2015, p. 92).

2.2 Training Qualified Personnel

Qualified personnel include volunteers such as doctors, lawyers, medical assistants, relief workers, government employees, and military personnel. This broad inclusion ensures that each specialist can provide assistance in their respective field during armed conflicts (Atlam & Makki, 2017, p. 52).

The selection and preparation of qualified personnel occur during peacetime, allowing them to play an active role in implementing IHL rules even before conflicts arise. Their responsibilities align with dissemination activities outlined in Article 38 of the First Additional Protocol of 1977 (Ben Sahraoui, 2013, p. 92).

Article 6 of the First Additional Protocol states that states should rely on national Red Cross and Red Crescent societies to train individuals capable of advising authorities on key aspects of IHL application. These individuals can also contribute to the work of protecting powers or their substitutes.

The ICRC is responsible for compiling lists of trained personnel provided by contracting states and making them available to high contracting parties (International Committee of the Red Cross [ICRC], 1977, Art. 6). However, the article does not specify the legal status of these qualified personnel. Some governmental experts at the 1972 IHL preparatory conference suggested granting them the same status as diplomatic staff or at least exempting them from the criminal jurisdiction of the protecting power or its substitute. However, the conference ultimately rejected the need for a general provision on their status (Ben Omran, 2014, p. 118).

2.2.1 Implementation of IHL by Qualified Personnel

Qualified personnel are prepared during peacetime to assist government authorities by proposing necessary national measures, translating international treaties, and reviewing domestic legislation to ensure its compatibility with IHL. They also monitor legal developments in other countries and alert authorities to abuses of the Red Cross or Red Crescent emblem, the need for

shelters, food storage, and, most importantly, the separation of military targets from populated areas (Atlam & Ghazi, 2009, p. 45).

Contracting states are required to maintain lists of trained personnel and share them with the ICRC, which then makes them available to other state parties under the protocol. The deployment of these individuals beyond national borders must be agreed upon by the concerned parties. These professionals, including legal experts and medical personnel, ensure the proper implementation of IHL by fostering a knowledgeable workforce (Bueffner, 2009, p. 32).

The concept of qualified personnel was first introduced in Article 6 of the First Additional Protocol, responding to a resolution from the 20th International Red Cross Conference in 1965. This resolution called for the establishment of trained individuals to support IHL implementation. Article 6, in its first two paragraphs, specifies that high contracting parties, even during peacetime, should assist national Red Cross and Red Crescent societies in preparing qualified personnel to facilitate treaty implementation, particularly concerning protecting power activities. Their training and organization fall within the national jurisdiction of each state (Awachria, 2001, p. 332).

2.3 Cooperation Between INGOs and National Humanitarian Societies

Widespread dissemination of IHL knowledge and training for those responsible for its enforcement are essential for ensuring its effective implementation and providing protection for those affected by armed conflicts. While dissemination efforts should be intensified during wartime, they must already be in place during peacetime (Bourgeois, 2003, p. 438).

4. 2.3.1 Cooperation Mechanism

The Geneva Conventions do not explicitly assign a direct role to national Red Cross and Red Crescent societies in disseminating IHL. However, these societies bear an obligation as national implementation mechanisms. Various resolutions from international Red Cross and Red Crescent conferences have established the legal framework for their role in dissemination (Wanouki, 2016, p. 170).

As auxiliary bodies to public authorities in humanitarian matters, national societies are crucial mechanisms for IHL implementation. The ICRC ensures cooperation with these societies, which operate within the territories of Geneva Convention state parties. They provide practical and field assistance to authorities, particularly in healthcare and medical services during both war and peace. These societies carry the Red Cross or Red Crescent emblem and exist in nearly 180 countries worldwide.

The ICRC collaborates with national societies in preparing for armed conflicts, training medical personnel, and equipping medical facilities. This cooperation has led to significant joint efforts in emergency relief, public health, assistance programs, and missing person's investigations (Awachria, 2001, p. 333).

During an armed conflict, the ICRC integrates its field capabilities with those of the national society of the affected country, which serves as its primary partner. This partnership not only addresses immediate emergencies but also strengthens the national society's ability to meet the humanitarian needs of its most vulnerable populations (Wanouki, 2016, p. 172).

The role of national societies in preparing qualified personnel is evident in their recruitment efforts. They help identify suitable individuals from outside the public sector, despite the formal definition of their role as training facilitators. National societies assist in selecting candidates by compiling lists of individuals with strong ethical standards and expertise in relevant fields. These candidates may come from national society members or qualified professionals from private-sector institutions within the country.

Conclusion

The international community has entrusted the responsibility of ensuring the strict implementation of international humanitarian law (IHL) and human rights in non-international armed conflicts to international non-governmental organizations. However, in many cases, violations occur due to a lack of awareness among political authorities, military commanders, or

combat soldiers. As a result, these organizations have taken it upon themselves to protect and disseminate this law at all levels. Given its critical role in safeguarding civilians and civilian objects during armed conflicts, it is essential to strive for its widest possible dissemination, especially in times of peace, to ensure its effective implementation when conflicts arise. Dissemination is a crucial and urgent process, as IHL comprises a vast array of legal provisions covering multiple categories of individuals affected by humanitarian law.

For the dissemination process to be successful, it requires dedicated institutions and individuals who can carry it out with responsibility. Without a structured framework and methodology, significant progress cannot be expected.

Through this study, we have identified that the primary target groups for dissemination are state political leaders, who often determine the fate of armed conflict victims, oversee military operations, and make critical decisions regarding their course. Efforts should therefore be directed toward members of parliament, ministers, and senior government officials responsible for treaty adoption and recommendations, potentially reviving the issue of treaty ratification. Similarly, training political and military leaders is a key aspect of IHL dissemination, as they are responsible for educating and training their forces and issuing military orders in times of conflict.

Based on these findings, we propose the following recommendations:

- Ensuring cooperation between responsible authorities and humanitarian organizations to disseminate IHL as widely as possible among both military and civilian populations.
- Utilizing audiovisual media due to its significant and influential role in raising awareness, particularly among less-educated segments of society, regarding the nature, importance, and implementation of IHL.
- Organizing seminars and awareness campaigns for the general public to highlight the importance of citizens' knowledge of this law.
- Strengthening the role of universities and educational institutions in increasing awareness among the educated and intellectual classes, who can influence public opinion and lead societal awareness efforts.
 - Expanding the training and capacity-building of volunteers and legal advisors in all countries.
 - Increasing awareness among military personnel at all ranks regarding the content of IHL and ensuring they receive training on its application and adherence.
 - Enforcing stricter laws and penalties for military personnel who violate the Geneva Conventions or fail to comply with their superiors' lawful orders.

References

1. Abdul Ali, H. K. (2018). *Mechanisms for implementing international humanitarian law* (1st ed.). Zein Legal Publications.
2. Al-Ashawi, A., & Abu Hani, A. (2010). *International humanitarian law*. Houma Publishing and Distribution.
3. Al-Shallalda, M. F. (2011). *International humanitarian law*. Monshaat Al-Maaref.
4. Alwan, M. Y. (2009). *Dissemination of international humanitarian law: Studies in international humanitarian law* (2nd ed.). Dar Al-Mustaqbal Al-Arabi.
5. Alwan, M. Y., & Al-Mousa, M. K. (2005). *International human rights law: Sources and monitoring mechanisms* (1st ed.). Dar Al-Thaqafa Publishing and Distribution.
6. Atlam, S., & Ghazi, K. (2009). *Judicial training guide on the provisions of international humanitarian law* (Vol. 1). Red Cross Publications.
7. Atlam, S., & Makki, O. (2017). *Judicial training guide on the provisions of international humanitarian law*. Red Cross Publications.
8. Awachria, R. (2001). *The protection of civilians and civilian objects in non-international armed conflicts* (Doctoral dissertation, Ain Shams University).
9. Ben Sahraoui, Y. (2013). *Environmental protection from the perspective of the principle of non-military objectives in times of armed conflict* (Master's thesis, Ziane Achour University, Djelfa).

10. Bin Omran, I. (2014). *The humanitarian aspects of the work of international organizations during armed conflicts: The International Committee of the Red Cross as a model* (Doctoral dissertation, University of Hadj Lakhdar - Batna).
11. Bourgeois, S. (2003). Teaching and training armed forces on the law of armed conflict and its application and organization. In *International humanitarian law: A guide for national implementation* (pp. xx–xx). Red Cross Publications.
12. Bueffner, T. (2009). Various mechanisms and approaches to implementing international humanitarian law and protecting and assisting war victims. *Selections from the International Review of the Red Cross*, 91(874), xx–xx.
13. Huba, A. K. (2015). *National and international efforts to enforce international humanitarian law rules*. Houma Publishing and Distribution.
14. Kamal, A. (2011). *Mechanisms for implementing international humanitarian law in light of contemporary international law developments* (Master's thesis, Mouloud Mammeri University, Tizi Ouzou).
15. Saadeh, W. K. (2018). *Contractual mechanisms for the application and implementation of international humanitarian law* (Master's thesis, Birzeit University).
16. Wanouki, J. (2016). *The legal status of civilians in non-international armed conflicts* (Doctoral dissertation, University of Algiers - Ben Youssef Ben Khadda).

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