

# Engaging non-state armed groups or listing terrorists? Implications for the arms control community

Nicolas FLORQUIN and Elisabeth DECROY WARNER

Although non-state armed groups (NSAGs) played an active role in conflict as early as the fifteenth century BC,<sup>1</sup> it is only since the 1949 Geneva Conventions that the international community has begun to recognize that such actors' respect of international norms would contribute to the protection of people living in zones affected by armed conflict and human rights abuses.<sup>2</sup> Since the late 1990s, international and regional organizations have provided strong political support to initiatives aiming at engaging NSAGs in adhering to the anti-personnel (AP) mine ban.<sup>3</sup> The majority of states has prohibited this type of weapon since 1997 because of its indiscriminate and inhumane effects. Advocating non-state armed groups to follow suit has been a necessary and largely successful strategy complementing the state process to ensure that all users of landmines—state and non-state—adhere to the AP mine ban norm. As a result, the engagement of NSAGs—efforts to explore, instigate, enable or sustain contact with an NSAG—on weapons issues is no longer at an experimental stage and has produced positive, measurable impacts on people's lives.<sup>4</sup>

However, since 11 September 2001, the use of the "terrorist" label to describe some NSAGs, although not a new phenomenon, has regained momentum, and this has challenged many efforts to tackle security issues in ways that are inclusive of NSAGs.<sup>5</sup> This article discusses how this development, and in particular reliance on "terrorist lists", has affected international peace and humanitarian efforts, and why it should also be of concern to the arms control community.

## *Toward ever broader definitions of NSAGs*

Academic understanding about the significance of NSAGs to global security is increasing, as illustrated by discussions on how to define NSAGs and who to engage.<sup>6</sup> While humanitarian and human rights actors have tended to limit their definition of NSAGs to armed organizations independent of state control that use violence to achieve political ends,<sup>7</sup> expert Pablo Policzer proposes to define them as *any* "challengers to the state's monopoly of legitimate coercive force".<sup>8</sup> This broad understanding paves the way for engaging not just traditional, politically motivated rebel movements, but also paramilitary organizations, criminal organizations and private military companies.

While engaging such a wide variety of entities on international norms may seem impossible in practice, at least in the short term, broad definitions can only gain prominence as states' monopoly

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Nicolas Florquin, Programme Officer for Africa at Geneva Call, has previously worked as a researcher with the Small Arms Survey and recently took part in the United Nations Panel of Experts on Liberia. Elisabeth Decroy Warner is President and co-founder of Geneva Call. She has served as a member and President of the Parliament of the Republic and Canton of Geneva, and has also worked with various NGOs on issues relating to refugees, torture and landmines. Colleagues at Geneva Call, as well as Glenn McDonald, Pablo Policzer, Marco Sassoli and Camilla Waszink made very useful suggestions on earlier drafts. The usual disclaimers apply.

of force appears to lose ground. The vast majority of active conflicts involve at least one NSAG; some involve only NSAGs. In line with the international community's resolve to embrace the broader notion of human security and the linkages between development and armed violence,<sup>9</sup> comprehensive notions of NSAGs, which encompass all actors, appear the most relevant conceptually and in practice. Humanitarian action and conflict resolution efforts will require the engagement of a wide array of NSAGs if they are to have any impact on contemporary challenges.

### *From defining to labelling NSAGs*

In contrast to academics' broader understanding, there has been a trend among states "affected" by NSAGs, as well as intergovernmental organizations, of using labels such as "terrorist" to refer to organizations that would otherwise fit perfectly into Policzer's definition. Thirteen international conventions already exist to prevent and suppress specific terrorist acts,<sup>10</sup> but there is to date no internationally agreed definition of a terrorist. The frequent use of this label in recent years appears to be politically charged; it dismisses the challenges NSAGs present to state sovereignty and territorial control and justifies responses based on—at times unrestrained—force rather than dialogue. It also helps in soliciting financial support in the context of the "global war on terror". It has been argued that the international community's portrayal of the Union of Islamic Courts (UIC) as jihadis, which is partly due to the presence of some of its senior members on the United States' terrorist list, overshadowed the regional dynamics and roots of the conflict between Eritrea and Ethiopia.<sup>11</sup> The Ethiopian government was able to take advantage of this simplified rhetoric to justify its invasion of Somalia and garner international support, despite the fact that the UIC had succeeded in providing some sense of safety in the capital Mogadishu during much of the second half of 2006—for the first time since the early 1990s—and might have been more productively engaged through peaceful means.

More problematic than political rhetoric is the institutionalization of "terrorist blacklists" at the international and national levels. Although the official designation of certain NSAGs as terrorists can be traced back to the early twentieth century, the use of blacklists has become a particularly prominent part of global efforts to address terrorist threats since the events of 11 September 2001.<sup>12</sup> Lists maintained by intergovernmental organizations such as the European Union (EU)<sup>13</sup> and the United Nations Security Council<sup>14</sup> usually involve member states making requests to the international bodies to include organizations and individuals, which then become subject to targeted sanctions—such as travel bans, asset freezes and arms embargoes. The criteria for inclusion on these lists, and the level of evidence required, are unclear, however, leaving room for politically motivated listing. National lists are usually more transparent with respect to procedures and criteria. States such as Australia,<sup>15</sup> Canada,<sup>16</sup> the United Kingdom<sup>17</sup> and the United States<sup>18</sup> maintain terrorist lists that are generally embedded into national legislation and can provide for tough punishment through criminalization, although procedures and lists vary from country to country.<sup>19</sup>

Procedures for establishing international blacklists have been harshly criticized from a legal and human rights standpoint.<sup>20</sup> While the use of targeted sanctions can be seen as an improvement over country-wide sanctions and embargoes that impact upon entire populations, a recent review of the Security Council and EU lists by the Council of Europe's Committee on Legal Affairs and Human Rights concluded that these sanction regimes:

...fail to provide satisfactory protection of fundamental human rights, including both procedural and substantive rights.

87. Individuals or entities listed under the UNSC sanctions regime are often even unable to appeal their listing, and have no access to any type of independent and impartial review mechanism. ...

88. Furthermore, parties listed under targeted sanctions regimes lack adequate remedies to address any cases of unlawful listing. Some type of compensation should be available for the economic, and even emotional, losses suffered by such parties as a result of their listing.<sup>21</sup>

The difficulties of delisting are best illustrated by the case of the People's Mujahedin Organization of Iran (PMOI). This Iranian opposition movement has repeatedly yet unsuccessfully sought to be removed from the EU's list, despite favourable rulings by the Court of First Instance of the European Communities in 2006, which stressed defects in the listing procedures, and the UK-based Proscribed Organisations Appeal Commission in 2007, which, in addition to procedural concerns, provided evidence that the group had ceased military action since 2001 and called the group's listing "perverse".<sup>22</sup>

These discrepancies among listing procedures have resulted in lists of organizations and individuals that are different in size and content. Lists end up including a wide range of NSAGs, from groups clearly using terror tactics, such as Al-Qaida, to reportedly unarmed<sup>23</sup> opposition political movements, such as the PMOI. Not only does such practice seem unfair, it is also confusing, particularly for humanitarian actors and scholars. The latter fear, for instance, that such lists will affect the principle of humanitarian impartiality. Humanitarian actors receiving funding from states maintaining such lists risk being perceived as biased by listed NSAGs. Targeted sanctions may also impede the right to engage all actors in conflict so that access and protection to civilians living in areas controlled by NSAGs are ensured,<sup>24</sup> as provided for in Common Article 3 of the Geneva Conventions, which reads: "An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict" [emphasis added].<sup>25</sup>

What the terrorist label means in practice appears to be as politically motivated as the procedures establishing lists. In some cases, the simple fact that a government refers to a NSAG appears to proscribe any contact with it, even if motivated by humanitarian or conflict resolution purposes. Governments and humanitarian organizations have faced sanctions from national authorities for operating in areas controlled by NSAGs or for holding talks with them. In July 2007, the government of Ethiopia expelled the International Committee of the Red Cross (ICRC) from the Somali Regional State on the basis that it provided support to the Ogaden National Liberation Front (ONLF), a movement the government regularly refers to as terrorist.<sup>26</sup> More recently, the Afghan government expelled two diplomats of the European Union and the United Nations who had been holding talks with the Taliban, reportedly following pressure from the United States.<sup>27</sup> In other contexts, however, international actors can more openly engage in peace and humanitarian negotiations with NSAGs despite their presence on a terrorist list. In Colombia, the President has officially appointed the Catholic Church as channel for negotiations with the Fuerzas Armadas Revolucionarias de Colombia (FARC),<sup>28</sup> despite this group's presence on lists maintained by the United States and the EU. The Swiss government's regular talks with all sides of the Israeli–Palestinian conflict, including Hamas, is another case in point.<sup>29</sup> Such double standards can only confuse attempts to engage NSAGs on humanitarian or conflict resolution grounds, as the consequences of such engagement appear largely unpredictable.

Listing NSAGs as terrorists can have a number of counterproductive effects on conflict resolution efforts. Sanctions such as travel bans represent logistical hurdles in NSAGs' preparation of negotiations. More worrying is that in some instances labelling as a terrorist has antagonized negotiating parties and served as an excuse for the use of force by states. For instance, the European Union's decision to include the Liberation Tigers of Tamil Eelam (LTTE) on its list in May 2006 was widely reported to have negatively impacted the Sri Lanka peace process. Following the group's listing, the LTTE demanded the departure of the international monitors of the Sri Lanka Monitoring Mission (an international mission established to monitor the ceasefire agreement of 2002)

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that originated from EU countries. Observers also argue that the listing gave "carte blanche" for the Sri Lankan government to seek a military solution to the conflict.<sup>30</sup> Similarly, the Communist Party of the Philippines–New People's Army–National Democratic Front (CPP-NPA-NDF) withdrew from peace talks in the Philippines after the United States placed the group on its terrorist list in August 2004 and demanded that the Philippine government work toward its removal from the list.<sup>31</sup> Such isolation of NSAGs can weaken moderates and strengthen hardliners within the groups; the group may then feel less compelled to respect international humanitarian law (IHL) and human rights norms and more prepared to risk embarking on escalating cycles of violence.<sup>32</sup>

### *Implications for arms control*

Arms control has traditionally been considered a matter of national security to be discussed primarily—if not exclusively—by states. It is only in recent years that non-governmental organizations (NGOs)—a category of non-state actor—have had an important voice in negotiations on the AP mine ban or small arms control processes. It therefore appears understandable that the concept of engaging NSAGs on arms control norms has gathered only limited attention and support thus far. Academic and policy-relevant thinking on how NSAGs fit into pressing arms control challenges has been equally limited.<sup>33</sup>

The experience of the global civil society movement supporting the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (hereafter referred to as the Mine Ban Treaty)—both an arms control and a humanitarian instrument—may provide useful direction on the engagement of NSAGs within broader international arms control efforts. NSAGs are significant AP mine users,<sup>34</sup> therefore the eradication of this type of weapon entailed their adherence to the mine ban. NGOs, led by Geneva Call and supported by states party to the Mine Ban Treaty as well as international organizations,<sup>35</sup> developed innovative strategies to promote the mine ban among all users of AP mines. NSAGs are encouraged to sign Geneva Call's Deed of Commitment for Adherence to a Total Ban on Anti-Personnel Mines and for Cooperation in Mine Action (hereafter Deed of Commitment).<sup>36</sup> In signing, NSAGs commit to the same norms as contained in the Mine Ban Treaty, starting with the total prohibition of use, transfer and production, as well as cooperation in mine action activities—such as ensuring specialized NGOs' access to victims requiring assistance as well as to mine-affected areas that need demining, or mine risk education projects—and external monitoring of compliance by Geneva Call and its partners. This inclusive approach has met with significant success: 35 NSAGs have signed the Deed of Commitment as of January 2008. Several additional groups have made unilateral declarations in support of the mine ban.

Such engagement with NSAGs may be possible on other specific weapon types that clearly contradict the principles of IHL. Cluster munitions are currently under international scrutiny as part of the Oslo Process, and efforts to control this type of weapon could perhaps benefit from the model used in the mine ban.

However, terrorist labelling is likely to pose an obstacle to arms control efforts. Geneva Call's initiatives have usually benefited from the excellent spirit of collaboration and transparency between states and NGOs that characterizes much of the Mine Ban Treaty process. But even with regard to the mine ban one state in particular has consistently opposed any engagement of a group listed as a terrorist organization, even if such engagement is made on purely humanitarian grounds and outside the territory of the concerned state.<sup>37</sup> Progress is likely to be similarly hampered with efforts to control NSAGs' use of cluster munitions. Several users of cluster munitions, including Hizbullah and the Taliban, are listed.<sup>38</sup>

### *Any relevance to small arms?*

Applying the Geneva Call model to a total ban on small arms and light weapons (hereafter small arms)—a type of weapon of great international concern since the mid-1990s and the main weapon used by NSAGs—would be unrealistic, as it would basically require NSAGs to lay down their arms altogether. While this is a legitimate conflict resolution and peace-making objective, it is unfortunately beyond the scope of the arms control and humanitarian communities. Perhaps with the exception of decaying ammunition and weapon stocks, NSAGs will not surrender small arms before peace has been achieved and consolidated. Moreover, engagement of NSAGs with regard to banning certain categories of small arms is far from straightforward, as such weapons do not contradict IHL by design but rather through their use. There is no international convention prohibiting the use of any specific type of small arms. Engaging NSAGs on small arms is therefore particularly difficult, as establishing weapons bans with NSAGs would amount to norm-building by NSAGs, a very challenging and controversial undertaking.

The small arms control community has primarily sought to deal with NSAGs through improved controls on the supply of small arms. But even this has had only limited success to date. Early attempts to prohibit arms transfers to NSAGs in the late 1990s—which, ironically, included drawing up a list of NSAGs to which arms transfers *would* be authorized—met with failure, mainly because some states valued support to NSAGs as a foreign policy instrument, and some NGOs feared that a prohibition would contradict the inherent right for people to fight oppressive regimes.<sup>39</sup> Progress on a comprehensive, international and legally binding instrument is therefore slow and attempts to find multilateral solutions to individual aspects of the problem—e.g. brokering, marking and tracing—have generated only politically binding documents. Only six states called for a ban on transfers to non-state groups in the negotiation of a future arms trade treaty.<sup>40</sup>

In any case, evidence suggests that even an effective supply-based approach would meet with only partial success in reducing NSAGs' access to small arms. A growing body of field research is showing that many NSAGs operate with few weapons, which in many cases they obtain from domestic—often state—stockpiles through seizure, theft or corruption.<sup>41</sup> Provided political objections were overcome, curbing international small arms transfers, even if based on the human rights and IHL records of the authorized recipients, would therefore only touch on part of the problem. Complementary measures are necessary to reduce the misuse of these weapons by all actors involved in conflict.

There is a (largely unexplored) opportunity to engage NSAGs in the prevention of small arms misuse, defined as use that violates IHL or human rights law.<sup>42</sup> Currently, the dissemination of IHL among non-state armed groups by the ICRC and other NGOs indirectly serves this purpose, although such dissemination usually refers to the Geneva Conventions as a whole and is generally not weapon-specific. Some international principles do exist to regulate the use of small arms by state security forces and could theoretically also be advocated for among NSAGs. They include the United Nations' Basic Principles on the Use of Force and Firearms by Law Enforcement Officials,<sup>43</sup> as well as the Human Rights Council Sub-Commission on the Promotion and Protection of Human Rights' Principles on the Prevention of Human Rights Violations Committed with Small Arms.<sup>44</sup> These standards are only politically binding for states, however, and therefore may be seen by NSAGs as lacking gravitas. They also provide guidance primarily to internal policing and to stockpile management procedures. Engaging NSAGs on internal policing would be relevant only to those groups policing areas under their control: providing any sort of training in this would be extremely controversial for affected states.

Strict internal stockpile management procedures may yield positive humanitarian benefits; they could contribute to lowering the risk that NSAG combatants lose or make indiscriminate use of their ammunition and weapons because of fear of punishment by their superiors, for instance.<sup>45</sup> But the

possibility of undertaking such an initiative with NSAGs that are listed as terrorists is obviously highly unlikely. Helping NSAGs improve their stockpile management procedures could be seen as providing military training.

It is interesting to note, however, that in some particular settings projects aimed at promoting responsible stockpile management by comparatively non-controversial NSAGs appear to be more appropriate than weapon collection initiatives. This is the case in the unrecognized Republic of Somaliland, where an international NGO's assessment of possible community-based weapons control initiatives recommended providing individual household gun cabinets and community armouries to local clans and communities. Given communities and clans' reluctance to turn in weapons in exchange for development or other incentives, the assessment recommended such an approach to help enhance the control of small arms as well as to reduce the risks of irresponsible use and accidental explosions.<sup>46</sup> Such efforts have the potential not only to prevent misuse, diversion and accidents, but can also help improve the efficiency of any subsequent disarmament programme, as weapons will be better accounted for and thus easier to retrieve and collect.

Successful post-conflict disarmament is also affected by the constraints on access to NSAGs during conflict. Information on NSAGs' structures, motivations and weapon holdings is crucial to enhancing the effectiveness of disarmament, demobilization and reintegration programmes as well as other post-conflict small arms control initiatives. Studies on the impact of small arms on local populations living in areas controlled by NSAGs—especially if they can provide evidence of NSAGs' violations of IHL—is also an underutilized way of promoting responsible weapon use by NSAGs. All such research requires some sort of NSAG engagement, which is difficult with groups that are labelled as "terrorist".

## Conclusion

As decision makers continue to strive to reduce the suffering caused by cluster munitions and small arms, they must carefully consider how they choose to refer to NSAGs. This article has argued that the value-added of terrorist lists is doubtful. Blacklists in their current form have proved extremely problematic in conflict resolution and humanitarian actors' attempts to mediate conflict and provide humanitarian assistance to populations living in areas under NSAG control. Such concerns add to the basic human rights issues associated with the opaque listing and delisting procedures that current international lists rest upon. At the very least, the procedures for listing and delisting NSAGs, as well as the implications and obligations pertaining to these lists, must be rapidly clarified and subjected to the rule of law.

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The arms control community's recent embrace of NSAG engagement on the AP mine issue by Geneva Call and its partners may serve as a useful example of the value of the inclusive approach within the field of arms control. This inclusive approach could theoretically also be pursued with other weapon types that contradict IHL by design, such as, arguably, cluster munitions. While small arms do not fit this category, this paper has identified several ways in which NSAGs could be engaged on the prevention of small arms misuse—notably through IHL and human rights law dissemination, promotion of safe stockpile management and policy-relevant research. The potential impact of such activities, however, will undoubtedly suffer from the current confusion surrounding terrorist lists and labels.

## Notes

1. I.F.W. Beckett, 2001, *Modern Insurgencies and Counter-Insurgencies: Guerrillas and Their Opponents since 1750*, New York and London, Routledge, p. 1.
2. Common Article 3 of the Geneva Conventions states that "In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions" [emphasis added]. See Article 3 common to all four of the Geneva Conventions of 12 August 1949, at <[www.icrc.org/Web/Eng/siteeng0.nsf/html/genevaconventions](http://www.icrc.org/Web/Eng/siteeng0.nsf/html/genevaconventions)>. Also, as noted by Policzer, discussions led by the human rights and humanitarian communities in the 1970s led to the amendment of the Geneva Conventions (through Protocol II) in 1977 so that they apply to all parties in an armed conflict as well as to "non-international armed conflicts". In the 1980s and 1990s, rights groups such as Amnesty International and Human Rights Watch included acts committed by NSAGs in their definition of what constitutes a human rights violation. See Pablo Policzer, 2005, *Neither Terrorists nor Freedom Fighters*, paper presented at the International Studies Association Conference, Honolulu, 3–5 March, p. 2 at <[www.armedgroups.org/images/stories/pdfs/policzer\\_neither\\_terrorist\\_nor\\_freedom\\_fighters.pdf](http://www.armedgroups.org/images/stories/pdfs/policzer_neither_terrorist_nor_freedom_fighters.pdf)>.
3. See, for instance, United Nations Mine Action Service, no date, *Mine Action Guidelines for Ceasefire and Peace Agreements*, at <[www.mineaction.org/docs/1461\\_.asp](http://www.mineaction.org/docs/1461_.asp)>, paragraph 11; and European Parliament resolution of 13 December 2007 on the 10th anniversary of the 1997 Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, at <[www.europarl.europa.eu/sides/getDoc.do?Type=TA&Reference=P6-TA-2007-0621&language=EN](http://www.europarl.europa.eu/sides/getDoc.do?Type=TA&Reference=P6-TA-2007-0621&language=EN)>, Articles J, K, and 4.
4. See Pascal Bongard, 2007, *Engaging Armed Non-State Actors in a Landmine Ban: The Geneva Call Progress Report (2000–2007)*, Geneva, Geneva Call, at <[www.genevacall.org/resources/testi-publications/gc-progress-report-07.pdf](http://www.genevacall.org/resources/testi-publications/gc-progress-report-07.pdf)>; and Robert Ricigliano (ed.), 2005, *Accord, Choosing to Engage: Armed Groups and Peace Processes*, no. 16, London, Conciliation Resources.
5. See, for instance, Kristina Thorne, 2007, "Terrorist Lists and Humanitarian Assistance", *Humanitarian Exchange Magazine*, no. 37, March, Humanitarian Practice Network, at <[www.odihpn.org/report.asp?id=2874](http://www.odihpn.org/report.asp?id=2874)>; Max P. Glaser, "Engaging with Armed Non-state Groups in Times of the 'Global War on Terror'—Observations from Gaza and Lebanon", *Humanitarian Exchange Magazine*, no. 37, March, Humanitarian Practice Network, at <[www.odihpn.org/report.asp?id=2875](http://www.odihpn.org/report.asp?id=2875)>.
6. See Mohammad-Mahmoud Ould Mohamedou, 2005, *Non-Linearity of Engagement: Transnational Armed Groups, International Law, and the Conflict between Al Qaeda and the United States*, Policy Brief, Program on Humanitarian Policy and Conflict Research, Harvard University, at <[www.hpcr.org/pdfs/Non-Linearity\\_of\\_Engagement.pdf](http://www.hpcr.org/pdfs/Non-Linearity_of_Engagement.pdf)>.
7. Geneva Call, for instance, refers to NSAGs as "armed non-state actors" or "any armed actor operating outside state control that uses force to achieve its political/quasi-political objectives. Such actors include armed groups, rebel groups, liberation movements and de facto governments." See <[www.genevacall.org/about/about.htm](http://www.genevacall.org/about/about.htm)>.
8. Policzer, op. cit., p. 8.
9. See, for instance, the Geneva Declaration on Armed Violence and Development, first signed 7 June 2006, at <[www.genevadeclaration.org/geneva-declaration.html](http://www.genevadeclaration.org/geneva-declaration.html)>.
10. For the full list, see <[untreaty.un.org/English/Terrorism.asp](http://untreaty.un.org/English/Terrorism.asp)>.
11. Roland Marchal, 2007, "Warlordism and Terrorism: How to Obscure an Already Confusing Crisis? The Case of Somalia", *International Affairs*, vol. 83, no. 6.
12. Kristina Thorne, 2006, "Terrorist" Lists—A Brief Overview of Lists and Their Sanctions in the US, UN, and Europe, Working Paper, Centre for Humanitarian Dialogue, June, p. 1.
13. See European Union Council Common Position 2007/448/CFSP of 28 June 2007, *Official Journal of the European Union* L 169/69–74, at <[eur-lex.europa.eu/LexUriServ/site/en/oj/2007/l\\_169/l\\_16920070629en00690074.pdf](http://eur-lex.europa.eu/LexUriServ/site/en/oj/2007/l_169/l_16920070629en00690074.pdf)>.
14. For the consolidated list of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and Associated Individuals and Entities, see the Committee's web site at <[www.un.org/sc/committees/1267/index.shtml](http://www.un.org/sc/committees/1267/index.shtml)>.
15. Australian Government, *Listing of Terrorist Organisations*, updated 27 September 2007, at <[www.nationalsecurity.gov.au/agd/www/nationalsecurity.nsf/AllDocs/95FB057CA3DECF30CA256FAB001F7FBD?OpenDocument](http://www.nationalsecurity.gov.au/agd/www/nationalsecurity.nsf/AllDocs/95FB057CA3DECF30CA256FAB001F7FBD?OpenDocument)>.
16. Public Safety Canada, *Currently Listed Entities*, updated 18 September 2007, at <[www.publicsafety.gc.ca/prg/ns/le/cle-en.asp](http://www.publicsafety.gc.ca/prg/ns/le/cle-en.asp)>.
17. Home Office, no date, *Proscribed Terrorist Groups*, at <[www.homeoffice.gov.uk/security/terrorism-and-the-law/terrorism-act/proscribed-groups](http://www.homeoffice.gov.uk/security/terrorism-and-the-law/terrorism-act/proscribed-groups)>.
18. United States Department of the Treasury, *Terrorism: What You Need to Know about US Sanctions*, 10 January 2008, at <[www.treasury.gov/offices/enforcement/ofac/programs/terror/terror.pdf](http://www.treasury.gov/offices/enforcement/ofac/programs/terror/terror.pdf)>.
19. For an overview, see Thorne, 2006, op. cit.

20. See Council of Europe, Committee on Legal Affairs and Human Rights (rapporteur Dick Marty), *United Nations Security Council and European Union Blacklists: Report*, 16 November 2007, doc. 11454, at <[www.assembly.coe.int/Mainf.asp?link=/Documents/WorkingDocs/Doc07/eDOC11454.htm](http://www.assembly.coe.int/Mainf.asp?link=/Documents/WorkingDocs/Doc07/eDOC11454.htm)>; Council of Europe, Committee on Legal Affairs and Human Rights (rapporteur Dick Marty), *UN Security Council Black Lists*, 19 March 2007, AS/Jur (2007) 14\*, at <[assembly.coe.int/CommitteeDocs/2007/20070319\\_ajdoc14.pdf](http://assembly.coe.int/CommitteeDocs/2007/20070319_ajdoc14.pdf)>.
21. Council of Europe, Committee on Legal Affairs and Human Rights, *UN Security Council and European Union Blacklists*, op. cit., paragraphs 86–88.
22. Ibid., Addendum, paragraph 9.
23. Ibid., Addendum, paragraph 10.
24. See, for instance, Marco Sassoli with Lindy Rouillard, 2007, "La définition du terrorisme et le droit international humanitaire", *Revue québécoise du droit international* (Hors-série), pp. 29–48; Thorne, 2007, op. cit.; Glaser, op. cit.
25. See the Geneva Conventions, op. cit.
26. International Institute for Strategic Studies, *Armed Conflict Database*, Ethiopia (ONLF/ONLA and OLF/OLA latest update); Human Rights Watch, 2007, *Ethiopia and the State of Democracy: Effects on Human Rights and Humanitarian Conditions in the Ogaden and Somalia*, 2 October, at <[hrw.org/english/docs/2007/10/03/ethiop17010.htm](http://hrw.org/english/docs/2007/10/03/ethiop17010.htm)>; "Red Cross Rejects Ethiopian Charges after Expulsion", *Reuters AlertNet*, 26 July 2007; ICRC, "Ethiopia: ICRC Deplores Expulsion from Somali Regional State", News Release 07/87, 26 July 2007; ONLF, "ONLF Statement on Expulsion of ICRC and Media Ban in Ogaden", Press Release, 25 July 2007, at <[www.ethiopianreview.com/articles/672](http://www.ethiopianreview.com/articles/672)>; "Ethiopia Holds 'Many Westerners'", *BBC News*, 18 January 2008, at <[news.bbc.co.uk/2/hi/africa/7196417.stm](http://news.bbc.co.uk/2/hi/africa/7196417.stm)>.
27. "Diplomats Expelled 'at Behest of the US'", *The Telegraph*, 31 December 2007.
28. Presidencia de la República de Colombia, "Comunicado No. 066", 21 January 2008, at <[web.presidencia.gov.co/comunicados/2008/66.html](http://web.presidencia.gov.co/comunicados/2008/66.html)>.
29. "Swiss at Heart of Hamas and Israel Talks", *swissinfo.ch*, 3 January 2008.
30. Government of Norway, Royal Ministry of Foreign Affairs, "Replacement of SLMM Monitors from EU Countries", Press Release no. 85/06, 22 June 2006; "Norway Talks 'Depend upon EU Ban'", *BBC Sinhala*, 28 May 2006, at <[www.bbc.co.uk/sinhala/news/story/2006/05/060528\\_ltte\\_norway.shtml](http://www.bbc.co.uk/sinhala/news/story/2006/05/060528_ltte_norway.shtml)>.
31. Office of the Presidential Advisor on the Peace Process, "Communist Party of the Philippines–New People's Army–National Democratic Front (CPP-NPA-NDF or CNN)", 24 October 2007, at <[www.opapp.gov.ph/index.php?option=com\\_content&task=blogcategory&id=23&Itemid=107](http://www.opapp.gov.ph/index.php?option=com_content&task=blogcategory&id=23&Itemid=107)>.
32. Ricigliano, op. cit., p. 7.
33. Exceptions include Anki Sjöberg, 2007, *Armed Non-State Actors and Landmines, Volume III: Towards a Holistic Approach to Armed Non-State Actors?* Geneva, Programme for the Study of International Organizations and Geneva Call, pp. 32–37; and David Capie, 2004, *Armed Groups, Weapons Availability and Misuse: An Overview of the Issues and Options for Action*, Background Paper for the Centre for Humanitarian Dialogue meeting, Bamako, Mali, 25 May 2004, p. 10, at <[www.armedgroups.org/images/stories/pdfs/capiebamakopaper061004.pdf](http://www.armedgroups.org/images/stories/pdfs/capiebamakopaper061004.pdf)>.
34. Anki Sjöberg, 2005, *Armed Non-State Actors and Landmines, Volume I: A Global Report Profiling NSAGs and the Use, Acquisition, Production, Transfer and Stockpiling of Landmines*, Geneva, Programme for the Study of International Organizations and Geneva Call.
35. In 2006, nine states supported the activities of Geneva Call financially, in addition to the political support many other states have been providing to the organization in international forums and as part of its field activities. Geneva Call, *Geneva Call Annual Report 2006*, at <[www.genevacall.org/resources/testi-publications/gc-annual-report-06.pdf](http://www.genevacall.org/resources/testi-publications/gc-annual-report-06.pdf)>. With respect to support from international organizations, see, for instance, United Nations Mine Action Service, op. cit., paragraph 11; and the European Parliament resolution of 13 December 2007 on the 10th anniversary of the 1997 Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, Articles J, K, and 4.
36. The Deed of Commitment can be accessed at <[www.genevacall.org/about/testi-mission/gc-deed-of-commitment.pdf](http://www.genevacall.org/about/testi-mission/gc-deed-of-commitment.pdf)>.
37. Pascal Bongard, op. cit., pp. 11 and 22.
38. Handicap International, 2007, *Circle of Impact: The Fatal Footprint of Cluster Munitions on People and Communities*, Brussels, p. 15, at <[en.handicapinternational.be/download/0606\\_WEB\\_FINAL\\_REPORT\\_HI\\_BD.pdf](http://en.handicapinternational.be/download/0606_WEB_FINAL_REPORT_HI_BD.pdf)>.
39. David Capie, op. cit., p. 10.
40. Sarah Parker, 2008, *Implications of States' Views on an Arms Trade Treaty*, Geneva, UNIDIR, p. 29.
41. See, for instance, James Bevan and Pablo Dreyfus, 2007, "Enemy Within: Ammunition Diversion in Uganda and Brazil", in *Small Arms Survey, 2007, Small Arms Survey 2007: Guns and the City*, Cambridge, Cambridge University Press; Anna Khakee with Nicolas Florquin, 2005, "Sourcing the Tools of War: Small Arms Supplies to Conflict Zones", in *Small Arms Survey, 2005, Small Arms Survey 2005: Weapons at War*, Oxford, Oxford University Press. It is interesting to note that state stockpiles are also an important source of AP mines for NSAGs, see Anki Sjöberg, 2005, op. cit.

42. For a discussion, see Barbara A. Frey, 2004, "Small Arms and Light Weapons: the Tools Used to Violate Human Rights", *Disarmament Forum*, no. 3, pp. 38–39.
43. United Nations' Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, at <[www.unhcr.ch/html/menu3/b/h\\_comp43.htm](http://www.unhcr.ch/html/menu3/b/h_comp43.htm)>.
44. Reproduced in Human Rights Council, Adoption of the Report on the Fifty-Eighth Session to the Human Rights Council, UN document A/HRC/Sub.1/58/L.11/Add.1, 24 August 2006, Annex, at <[ap.ohchr.org/documents/alldocs.aspx?doc\\_id=12320](http://ap.ohchr.org/documents/alldocs.aspx?doc_id=12320)>.
45. Equipped with relatively few weapons, in the early 1990s Malian rebels applied strict accounting of their weapons and ammunition stockpiles, a form of responsible stockpile management that may have contributed to the relatively low number of civilian casualties in the early phases of the conflict. Practical measures taken to limit waste of ammunition and loss of weapons included placing assault rifles on single shot mode, thereby limiting the risk of stray bullets hitting civilians, and tough sanctions for group members who lost weaponry. See Nicolas Florquin and Stéphanie Pézard, 2005, "Insurgency, Disarmament, and Insecurity in Northern Mali, 1990–2004", in Nicolas Florquin and Eric G. Berman (eds), *Armed and Aimless: Armed Groups, Guns and Human Security in the ECOWAS Region*, Geneva, Small Arms Survey.
46. Danish Demining Group and Danish Refugee Council, 2007, *A Baseline Survey of Community Attitudes Toward Small Arms & Light Weapons (SALW) in North West Somalia (Somaliland)*, October, p. 21.

