



Responsibility of Actors Involved in Conflicts

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Abstract: *The responsibility of actors involved in armed conflicts is essential for the respect of international humanitarian law and fundamental human rights. This responsibility lies with both States and non-State armed groups, international organisations and other parties involved. All actors have the obligation to protect the civilian population, to prevent war crimes and other serious abuses, and to respect the rules applicable during hostilities. The rigour of respect for fundamental rights and freedoms goes beyond the Community framework, becoming a strong point in the external relations existing at Union level. The existence of a multitude of agreements that have been concluded with numerous countries includes provisions that may go as far as providing for the suspension of relations or the denunciation of agreements in the event of a serious violation of human rights and fundamental freedoms by one of the contracting parties. States are obliged to ensure that their armed forces comply with international law and to prevent violations committed on their territory. Non-state armed groups, although they do not have the legitimacy of a state, are subject to the same rules regarding the protection of civilians and respect for the laws of war. International organizations, such as the United Nations, play a key role in monitoring compliance with the rules and holding those responsible for violations accountable. International legal mechanisms, such as the International Criminal Court, are essential for investigating and punishing crimes committed during conflicts. Cooperation between states, international organizations and civil society is also vital to promoting accountability and reducing the impact of conflicts on the population (International Committee of the Red Cross, 2021). Thus, assuming responsibility by all actors involved is fundamental for the protection of victims, the prevention of abuses and the establishment of an international order based on respect for rights and legal norms.*

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1. Introduction

Armed conflicts represent one of the greatest challenges to maintaining peace and security globally. In such situations, fundamental human rights and the norms of international humanitarian law are frequently violated. Actors involved in conflicts, whether they are States, non-State armed groups or international organizations, have a clear responsibility to respect the legal and moral norms applicable during hostilities.

Their responsibility extends beyond compliance with international humanitarian law, including the protection of civilians, the avoidance of war crimes and serious human rights violations, and the assumption of legal consequences in the event of their violation. This analysis seeks to explore the role and obligations of actors involved in conflicts, the mechanisms through which they can be held accountable, and the impact of their actions on affected communities.

In a context where conflicts are becoming increasingly complex and involve both State and non-State forces, assessing the responsibilities of actors is essential for promoting accountability, protecting victims and post-conflict reconstruction. Likewise, cooperation between international, national and regional institutions is crucial to ensuring compliance with international standards and reducing the devastating impact of conflicts on the civilian population (Sassòli, 2019, p. 52).

However, the issue of respect for fundamental human rights cannot be neglected, especially in situations where Community bodies or institutions, in the exercise of their powers, were prone to harming and violating the interests of European citizens. The development of a mechanism for the protection of fundamental human rights at European level constitutes an integrating factor and a component of legitimizing all European institutions. This is also the occasion for the Court of Justice of the European Union to decide that "respect for fundamental rights forms an integral part of the general principles of law whose observance the Court ensures" and, at the same time, that "the protection of these rights, drawing entirely from the constitutional traditions common to the Member States, must be ensured within the framework of the structure and objectives of the Community". In this way, through the Praetorian method, the existing gap in the Treaties was remedied. At the same time, prospects for essential development in the activity of the Community institutions and the European states were also opened up (Corsei, Zisu, Țoncu, 2023, p. 54).

Therefore, respect for human rights is directly related to ensuring international peace and security (UN Security Council Resolution 1991). This is why it is rightly stated that human rights issues are of international concern and do not fall under the internal jurisdiction of states, which legitimizes not only the right of intervention of international bodies, but also their obligation to intervene whenever violations of

human rights, which characterize any human community, are discussed (Corsei A., Ștefănoaia, 2022, p. 73).

2. The Role of States in Respecting Human Rights

Respect for human rights is a fundamental pillar of the international legal and moral order. States have a central role in promoting, protecting and guaranteeing these rights, acting as the main actors that establish the legal, political and social framework necessary to ensure human dignity.

1. Obligations of states in respecting human rights

States have responsibilities that derive from international treaties, national legislation and universal ethical principles. These obligations include:

- The obligation to respect: States must refrain from any act that violates human rights, such as censorship, torture or discrimination.
- The obligation to protect: States have a duty to protect citizens from abuses by other actors, including private organizations or other groups.
- The obligation to fulfil: Governments must create favorable conditions for the exercise of human rights, through public policies, education and investment in social infrastructure.

2. Creating and enforcing national legislation

The state plays a vital role in implementing the legal framework that guarantees human rights. Through constitutions, laws and regulations:

- Ensuring equality: Adopting laws that prohibit discrimination on the basis of race, gender, religion or other characteristics.
- Social and economic programs: Implementing policies to reduce social inequalities and protect vulnerable groups.
- Protection of fundamental freedoms: The state must guarantee freedom of expression, religion, association and other fundamental rights.

3. The role of public institutions

State institutions, such as the judiciary, law enforcement, local governments and social protection agencies, have a direct impact on the respect for human rights. They must be:

- Impartial: Judicial systems must apply the law without bias.
- Transparent and accountable: Governance must be open to public oversight, ensuring that decisions are in line with human rights principles.

- Professional: Law enforcement agencies must be trained to handle situations without resorting to excessive force or abuse.

4. Respect for international treaties

States must comply with international obligations by ratifying and implementing conventions such as:

- The Universal Declaration of Human Rights (1948).
- The International Covenant on Civil and Political Rights (1966).
- The International Covenant on Economic, Social and Cultural Rights (1966).
- Regional conventions, such as the European Convention on Human Rights.

In implementing these treaties, states must periodically report on progress to international bodies, such as the UN Human Rights Council.

5. Combating human rights violations

In cases where human rights violations occur, the state must:

- Ensure accountability: The individuals or institutions responsible must be held accountable.
- Provide reparations: Victims must receive compensation, public apologies or other forms of reparation.
- Adopt preventive measures: Human rights education and institutional reforms are essential to prevent the recurrence of abuses.

6. Promote human rights education

A state that respects human rights invests in education to raise awareness among its population. This contributes to:

- Developing a culture of respect and solidarity.
- Empowering citizens to defend their own rights.
- Reducing prejudice and promoting tolerance.

7. Challenges for states in respecting human rights

Although the role of states is clearly defined, many face challenges in implementing these principles:

- Armed conflicts: Wars and internal tensions often lead to massive human rights violations.
- Authoritarianism: Undemocratic regimes limit individual and collective freedoms.
- Economic inequality: Lack of resources limits access to education, health and jobs.

- Globalization: External pressures, such as migration or international trade, can influence the ability of states to protect economic and social rights.

8. International and regional collaboration

States must collaborate to address human rights violations that transcend national borders, by:

- Active participation in international organizations.
- Supporting peacekeeping missions.
- Adopting sanctions or interventions to prevent genocide and other crimes against humanity.

The role of states in respecting human rights is therefore crucial for promoting a just and equitable society. This role is not limited to creating a legislative framework, but also involves the responsibility to provide protection, education and reparations. By fulfilling these obligations, states can contribute to reducing human suffering and building a future based on mutual respect, dignity and sustainable peace.

3. Non-State Armed Groups and Their Obligations

Non-State Armed Groups (NSAGs), entities operating outside the control of the state, have become important actors in contemporary conflicts. These groups may include paramilitary organizations, insurgent movements, terrorist organizations, guerrilla groups, or local militias. Although they do not have the legal status of recognized international actors, they have obligations regarding respect for human rights and international humanitarian law (IHL).

1. Definition of Non-State Armed Groups

NSAGs are entities that:

- Use military force to achieve their political, ideological, religious, or economic objectives.
- Are not integrated into the formal structure of a state or do not act under its direct command.
- Operate in areas of internal or international armed conflict.

Examples include:

- Insurgent groups (e.g. the Taliban in Afghanistan).
- Terrorist organizations (e.g. Daesh/ISIS).
- Ethnic or religious militias (e.g. armed groups in the Central African Republic).

- Guerrilla groups (e.g. FARC in Colombia).

2. GAN obligations under international law

Although GAN are not states and cannot sign international conventions, they are obliged to respect the basic norms of international humanitarian law and human rights, especially during armed conflicts.

a) Obligations under international humanitarian law (IHL)

GAN are responsible for respecting the rules of IHL, including:

- Protecting civilians: GAN must avoid attacks against civilians and focus on military targets.
- Prohibition of inhuman treatment: Torture, summary executions, hostage-taking and other cruel acts are prohibited.
- Proportional use of force: Attacks must be proportionate, avoiding unnecessary loss of life.
- Respect for rules on prisoners: If GAN captures combatants, they must be treated humanely, in accordance with international norms.

b) Obligations under human rights

Even if GAN are not direct signatories to international human rights treaties, they are morally and legally bound to respect basic standards, such as:

- The right to life.
- The prohibition of slavery and forced labour.
- The prohibition of discrimination.
- The protection of children, in particular against recruitment as soldiers.

c) Responsibility under general principles of international law

The norms of jus cogens (such as the prohibition of genocide and torture) are binding on all entities, including GAN.

3. Accountability Mechanisms

Although GANs operate outside the authority of the state, there are instruments and mechanisms through which they can be held accountable:

a) International and national courts

- The International Criminal Court (ICC) can try GAN leaders for war crimes, crimes against humanity or genocide.
- National courts can also initiate proceedings against GAN members.

b) Monitoring by international organizations

Organizations such as the Red Cross or the United Nations monitor GAN activities and call for compliance with IHL.

c) International sanctions

GANs may be subject to economic, political or military sanctions for violating international norms.

d) Dialogue and peace agreements

In some cases, GANs are involved in negotiations and peace processes, in which they may be required to respect human rights and accept demobilization.

4. Challenges in implementing GAN obligations

There are numerous difficulties in ensuring compliance with GAN obligations:

- Lack of a control framework: GANs operate outside state structures, which makes it difficult to impose sanctions.
- Fragmentation of groups: Some GANs are made up of autonomous cells that act independently, which complicates accountability at a centralized level.
- Asymmetric conflicts: GANs often use guerrilla tactics or terrorism, which leads to frequent violations of IHL.
- Lack of education on international norms: Many GAN members are unaware of or ignore the rules of IHL.

5. Recruitment and use of child soldiers

One of the most serious violations committed by GANs is the recruitment and use of child soldiers. In this context:

- Obligation to protect children: GANs must avoid recruiting minors, in accordance with the Convention on the Rights of the Child and other international norms.
- Treatment of child captives: Children involved in GAN must be considered victims and rehabilitated.

6. Impact of GAN violations

When GAN fails to comply with international obligations, the consequences are devastating:

- Increasing the number of civilian casualties.
- Destruction of social and economic infrastructure.
- Fueling regional instability and refugee flows.

- Eroding trust in diplomatic solutions.

7. Measures to improve compliance with GAN obligations

To ensure GAN compliance with international norms, the following measures are needed:

- Humanitarian law education: Campaigns supported by international organizations to educate GAN leaders and members.
- Conditionality of external support: Actors providing support to GAN must enforce compliance with international norms.
- Strengthening state capacities: States must be able to respond effectively to GAN activities, through legal and military structures.
- Involvement of the international community: Dialogue and diplomatic pressure can help integrate GANs into peace and reconstruction processes.

Although GANs operate outside the traditional legal framework, they are obliged to respect the norms of international humanitarian law and human rights. Holding these groups accountable represents a major challenge for the international community, but remains essential for protecting civilians, ensuring stability, and preventing the escalation of conflict. A comprehensive approach that includes sanctions, education, and dialogue can help GANs better comply with their obligations.

4. Implications for Private Companies

Private companies play an increasingly important role in the global economy, influencing various areas, from human rights and environmental protection to compliance with local and international legislation. In this context, they must assume ethical, legal and social responsibilities, considering the implications of their activities on communities, employees and the environment.

1. General obligations and responsibilities of private companies

Private companies have responsibilities that derive from local and international legislation, but also from societal expectations. These include:

a) Compliance with national and international legislation

Respect for human rights: According to the UN Guiding Principles on Business and Human Rights, companies must avoid involvement in human rights violations, either directly or through their business relationships.

Respect for labour laws: Ensuring safe working conditions, fair wages and the elimination of forced labour or child exploitation.

Tax Compliance: Paying taxes in the jurisdictions in which they operate to support the local economy.

b) Environmental Protection

Companies must adopt sustainable practices to minimize their impact on the environment, complying with regulations on carbon emissions, waste management and the conservation of natural resources.

c) Anti-Corruption

Preventing bribery and unethical practices is essential to maintaining fair competition and a healthy economy.

2. Legal Implications

Companies can be held legally liable for violations of international laws or norms:

a) Legal Liability for Human Rights Violations

Involvement in the exploitation of forced labor or the violation of the rights of local communities can result in financial sanctions, international lawsuits and reputational damage.

Examples: Lawsuits against companies that exploit resources in conflict zones (e.g. “conflict-free” mining).

b) Environmental litigation

Companies that cause pollution or destroy local ecosystems can be sued in court, both nationally and internationally.

c) International sanctions

Companies' involvement in transactions with states or entities subject to international sanctions can lead to severe penalties.

3. Economic implications

a) Impact on profitability

Failure to comply with obligations can lead to major financial losses due to:

Fines and sanctions.

Loss of investor and customer confidence.

Costs associated with repairing the damage caused.

b) Access to markets

Companies that comply with international standards can access global markets more easily, benefiting from commercial opportunities.

c) Attracting investment

Investors prioritize companies that demonstrate social responsibility and sustainable practices.

4. Social implications

a) Impact on local communities

The activities of private companies can positively or negatively affect communities:

Positive: Job creation, stimulating the local economy, investment in education and infrastructure.

Negative: Abusive expropriations, pollution or exploitation of resources without providing local benefits.

b) Employee rights

Companies have a responsibility to ensure fair working conditions and prevent discrimination.

5. Reputational implications

Reputation is one of the most valuable assets of a company. Violation of ethical or legal standards can have major negative consequences:

Decrease in consumer confidence.

Emergence of boycott campaigns organized by civil society.

Increased risk of losing trading partners.

6. The role of companies in sustainability and social responsibility

Private companies can contribute significantly to sustainable development through:

Corporate social responsibility (CSR) programs: Investments in communities, education, health and environmental protection.

Implementation of international standards: Certifications such as ISO 14001 for the environment or SA8000 for employee rights.

Promoting green innovation: Developing products and processes that reduce negative environmental impacts.

7. Challenges in complying with obligations

a) Legislative gaps

In some countries, local legislation may be insufficient or poorly enforced, which creates the risk of abuse by companies.

b) Economic pressure

Companies facing intense competition may be tempted to reduce costs through ethical compromises.

c) Complex supply chains

Monitoring standards in long supply chains (including subcontractors and suppliers) can be difficult.

8. Relevant examples

Exploitation of natural resources: Companies in the mining or oil industry are often criticized for pollution and failure to respect the rights of indigenous communities.

Textile industry: Large fashion companies have been involved in the control.

5. Conclusion

Accountability of actors (United Nations, 2011) involved in conflicts is essential to prevent the escalation of violence, to protect fundamental human rights and to find sustainable solutions. Each party involved – be it states, international organisations, political leaders or non-state groups – has a moral and legal obligation to respect international norms, such as human rights, international humanitarian law and the principles of cooperation and dialogue. Ignoring these responsibilities not only perpetuates conflicts, but also profoundly affects global stability and trust between nations.

Thus, assuming responsibility through concrete measures – such as avoiding aggressive actions, protecting civilians, promoting negotiations and reparation of damage – is essential for building lasting peace and preventing unnecessary suffering. Collaboration between actors and respect for ethical principles remain fundamental in the management of contemporary conflicts.

Despite existing international regulations, armed conflicts continue to pose a serious threat to fundamental human rights. Although International Humanitarian Law and International Human Rights Law establish essential protections for victims of war, in practice, numerous abuses and violations of these rights persist, often with impunity. Protecting civilians, prisoners of war and other vulnerable groups remains a major challenge, and the consistent application of international norms requires more effective global cooperation and stricter supervision. The guarantee of human rights emerged as a legal institution and developed both in the internal realities of States and in inter-State relations. For a long time, States have retained the exclusive prerogative to regulate relations between themselves and their own populations, considering themselves the only exponents of politically organized

society and, therefore, the only ones capable and legitimate to establish rules for the protection of their citizens (Ștefănoaia, 2022, p. 151).

In order to reduce the impact of armed conflicts on fundamental rights, it is imperative to strengthen international mechanisms for monitoring and sanctioning those who commit war crimes. At the same time, there is a direct relationship between international security and human rights, respect for which is the basis of state security, so that, at present, reasons of state security can no longer be invoked to the detriment of the individual and his fundamental rights (Corsei & Ștefănoaia, 2022, p. 55).

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