PART V

THE LAW OF ARMED CONFLICT
NON-STATE ACTORS AND INTERNATIONAL HUMANITARIAN LAW:
THE STATUS OF PRIVATE MILITARY COMPANIES

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I. Introduction

Intervention in Afghanistan and the war in Iraq have had an impact on modern international law in many ways. One of these relates to the status of so-called non-state actors. This phrase can denote any entity other than states,¹ including any individual or body, not acting under the lawful authority of any state in conducting activities relevant under international law.²

Non-state actors are usually subject to national laws, as the case may be with various non-governmental organisations (NGOs).³ Even though some of these act in the international field, e.g. various aid organisations that appear in conflict zones in accordance with the Geneva Conventions of 1949,⁴ they are established under national legal rules and have the nationality of the place where

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² Comp. UN SC Res. 1540 on Non-proliferation of Nuclear Weapons of 28 April 2004.

³ Article 71 of the UN Charter speaks of non-governmental organisations and the possibility that the ECOSOC consults them.

⁴ E.g. Article 59 of the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War. The other three Geneva Conventions are: Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field; Geneva Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea; Geneva Convention (III) relative to the Treatment of Prisoners of War. In 1977, the Conventions were amended by two protocols: Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) and Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II). Professor Božidar Bakotić translated most of the relevant texts relating to armed conflicts into Croatian, including the Geneva Conventions and their Protocols, and published them in Zakonistost, Vol. 46, 1992.