

# Internal Control

Codes of Conduct within Insurgent Armed Groups

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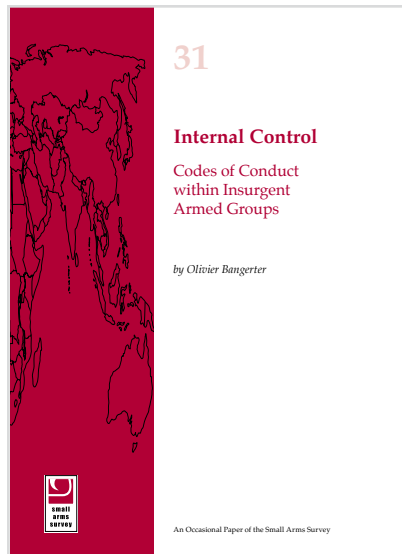
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Whatever their objectives, armed groups in various contexts tend to rely on similar mechanisms to control their fighters. These include a recruitment process that aims to provide the group with the appropriate human resources in quantity and quality; a socialization process for new recruits (such as through oaths and initiation rituals); and the elaboration of internal regulations—such as codes of conduct—and their dissemination among the rank and file.

The past few years have witnessed a surge of interest in codes of conduct, but confusion persists regarding their role and significance. The term ‘code of conduct’ is a loose concept that lacks a universal definition. Across armed groups, codes of conduct share few commonalities. Some are oral, some are written; some are short and some are very long; some are entitled ‘code of conduct’ while others have entirely different names, such as ‘creed’ or ‘rules and points for attention’. What they do have in common is that they constitute part of the internal regulations of armed groups, defining the type of behaviour that the leadership expects from all of its members.

This *Occasional Paper* sets out to define more methodically what constitutes a code of conduct, and how it compares to other types of internal regulations known to have been used by armed groups. Using case study analysis, it then reflects on the conditions under which codes of conduct are effective in controlling the behaviour of fighters. Finally, the report examines whether codes of conduct are a potential tool for enhancing respect for humanitarian norms, with a particular focus on weapons control.



The report’s main conclusions include the following:

- **It is important not to group all internal regulations together under the label ‘codes of conduct’.** Different regulations have discrete uses and provide distinct pieces of information on an armed group.
- **Based on available documentation, armed groups have issued no fewer than seven distinct types of internal regulations of varying lengths and purposes.** These include oaths, codes of conduct, standing orders, operation orders, military manuals, internal organization documents, and penal codes.
- **Many factors help explain the effectiveness of codes of conduct.** To be effective, their content must be clear, short, relevant, and written in a language that is understandable by fighters. Regulations have more impact when they are generated from within the group, are widely disseminated to fighters, and benefit from the strong backing of the group’s leadership.

■ **The content of a code of conduct is by definition general and rarely addresses weapons control issues explicitly.** Armed groups appear to rely on standing and operation orders to regulate the management and use of arms by their fighters.

The findings of the report are significant on three levels:

- **International criminal courts:** Internal regulations are part of the evidence international criminal courts may use to determine whether an armed group is party to a non-international conflict—a legal qualification that has important implications with respect to the obligations and rights of armed groups as defined in international law.
  - **The humanitarian sector:** Humanitarian actors have identified codes of conduct as central measures that armed groups can take to improve their compliance with international humanitarian law and human rights law. But this approach has often concentrated on tools expressing a general commitment to international law, and much less on policy measures intended to translate this commitment into action.
  - **The research community:** Codes of conduct are a primary source of information for researchers who focus on the internal mechanisms, regulations, and values of armed groups. While armed groups tend to be secretive about most of their regulatory documents, they are sometimes willing to share codes of conduct with the outside world.
- This report is intended as a reference document to assist all three groups in deepening their understanding of codes of conduct, and of the utility of these regulations in furthering their respective mandates.