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**Monograph:**

Cismas, Ioana orcid.org/0000-0002-1897-7317, Furlan, Marta, Parisi, Parisi orcid.org/0000-0001-7647-6732 et al. (3 more authors) (2023) Considerations and Guidance on the Humanitarian Engagement with Religious Leaders. Report.

https://doi.org/10.15124/yao-j9g2-j311

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# Considerations and Guidance for the Humanitarian Engagement with Religious Leaders

The Generating Respect Project

UNIVERSITY of York

UKRI Economic and Social Research Council

## Acknowledgements

This document was authored by Ioana Cismas, Marta Furlan, Piergiuseppe Parisi, Chris Rush, Ezequiel Heffes and Hasnaa El Jamali. It is based on research conducted between January 2020 and January 2023 within the framework of the project Generating Respect for Humanitarian Norms: The Influence of Religious Leaders on Parties to Armed Conflict (The Generating Respect Project).

Ioana Cismas (University of York) was the project's principal investigator and Ezequiel Heffes (Geneva Call) its co-investigator. They owe a debt of gratitude to an exceptional research team that included: Mohamed Assaleh, Nicolás Braguinsky Cascini, Hawa Dakona, Marta Furlan, Hasnaa El Jamali, Jelena Erstic, Émilie Max, Adelaida Ibarra Padilla, Yolvi Lena Padilla Sepulveda, Piergiuseppe Parisi, Chris Rush, Jonathan Zaragoza Cristiani. Ella Allen, Nabila Okino, Joel Reynolds, Louise Sloan, Isa Sakamura, Khin Thet San, and Maria Paula Suarez provided valuable research assistance.

Led by the University of York's Centre for Applied Human Rights and the York Law School, the Generating Respect Project was developed in close partnership with the humanitarian organisation Geneva Call. The Project for Freedom of Religion or Belief at the Ralph Bunche Institute (City University of New York), which provided technical assistance to the UN Special Rapporteur on freedom of religion or belief, Ahmed Shaheed, was also a research partner. The Diakonia International Humanitarian Law Centre and the Observatory on International Humanitarian Law at the University of Buenos Aires School of Law supported the research. Without the openness to collaborate and the committed support of these organisations and their staff, this research simply would have not been possible.

The Generating Respect Project was funded by the United Kingdom's Economic and Social Research Council (ESRC) through a competitive research grant. The support of the ESRC is gratefully acknowledged. We are also grateful to Geneva Call for providing additional research funding and to Diakonia International Humanitarian Law Centre for co-funding an expert workshop in the framework of the project. The Delegation of the European Union to the UN and other international organisations in Geneva contributed to the costs of the project's final conference and co-organised the event together with the Mission of Switzerland to the UN and other international organisations in Geneva and the University of York. We are thankful for this support.

We are deeply honoured to have received insightful guidance from the project's Advisory Board: Shaheen Sardar Ali, Mashood Baderin, Pascal Bongard, Emiliano J. Buis, Andrew Clapham, Katharine Fortin, Tanisha Fazal, Nontando Hadebe, Yousuf Syed Khan, and Stephen Wilkinson. Over the past three years, other individuals and organisations have shown a keen interest in the project's topic and our work, provided encouraging advice, facilitated interviews and meetings, and participated in events. We are grateful to them!

The final words of thanks must go to our research participants – they were generous with their time during troubled times, and generous with sharing their insights, lived experiences, and reflections. Their contributions form the core of this research. Thank you!

### Disclaimer
This report is the work of the authors. Any views expressed herein do not necessarily reflect those of project partners, supporters, or otherwise affiliated institutions. Any errors that remain are the authors own.

### Recommended citation
Ioana Cismas, Marta Furlan, Piergiuseppe Parisi, Chris Rush, Ezequiel Heffes and Hasnaa El Jamali, Considerations and Guidance for the Humanitarian Engagement with Religious Leaders (University of York, 2023), DOI: 10.15124/yao-j9g2-j311

# Considerations and Guidance for the Humanitarian Engagement with Religious Leaders

January 2023

# Table of contents

# Executive Summary

This publication aims to support humanitarian actors' engagement with religious leaders with the goal of generating greater respect for humanitarian norms in armed conflict. It relies on socio-legal research conducted over a period of three years as part of the *Generating Respect for Humanitarian Norms: The Influence of Religious Leaders on Parties to Armed Conflict* – **The Generating Respect Project**.

The project addressed the following overarching research question: *How do religious leaders influence the behaviour of State and non-State parties to armed conflicts and can their religious interpretations lead to humanitarian norms-compliance?* The answer is a resounding yes – the study has established that religious leaders can and do influence armed actors' compliance with international humanitarian law and international human rights law. In this document, we explain systematically the relevance of these findings for humanitarians and donors.

**Part I** answers a set of fundamental questions and provides concrete examples based on primary data collected in over 250 interviews with religious leaders, humanitarian practitioners, scholars, armed actors, and other stakeholders, and draws on an extensive review of interdisciplinary literature.

**Part II** tackles the question *How to engage?* Conflict mapping, the mapping of influential religious leaders in specific contexts, what approaches to engagement to pursue, what topics could be chosen, what competencies are needed, and how outcomes could be measured are all addressed.

## Key Findings

1. Who and what are religious leaders? From the very start, the Generating Research Project has proposed a broad definition of religious leadership – this was further refined in response to the empirical evidence. Religious leaders are actors that:

   - Have a formal or informal affiliation to religion, spirituality, or belief,
   - Make a claim of special legitimacy – anchored predominantly in charisma or tradition to interpret religion and to persuade or command obedience from followers, communities, or other actors,
   - Exercise leadership individually or collectively, through formal or informal groups, networks, organisations, or institutions,
   - Operate as State or non-State actors,
   - Are most often institutionally external to armed actors, yet can also be part of their political or military structures.

2. Informal and collective expressions of religious leadership are important because they correct for intra- and extra-religious exclusions, which usually manifest themselves in relation to women and minorities. The study has confirmed this assumption. We do not see female religious leaders not because they do not exist, but because often they are excluded from visible, formal authority positions or choose to express their leadership collectively.

3. How do religious leaders influence armed actors? The mechanisms of social influence at their disposal (persuasion and legitimate control, as well as in some circumstances coercive control) and the sources of legitimation on which they draw (tradition and charisma) explain the ability of religious leaders to achieve **deeper forms of socialisation** compared to those generally available to rational-legal authorities, such as law-enforcement agencies, courts, and parliaments.

4. Their influence on humanitarian norms-compliance can be classified by type, nature, and outcome of impact. Religious leaders can influence armed actors **directly**, which presupposes the existence of direct access and channels of communication between them, or **indirectly**, mediated by other societal actors, communities, or individuals within the armed body. In the first case, we find religious leaders attached to State armed forces and non-State armed group's military wings – they are religious personnel. We also find them leading political departments or acting as military commander and supreme religious authority of non-State armed groups, thus co-founding military and religious structures.

5. The majority of religious leaders, however, are **institutionally external** to armed actors – the priest, the imam, and the rabbi, but also, a pastor's wife who negotiates humanitarian access with non-State armed groups, a high Islamic council that demands the release of detainees, a Buddhist monastery that offers shelter and food to civilians of all faiths and none displaced by a military junta, or the children, women and men forming the Indigenous Guard, a collective institution of self-protection coloured with a spiritual shade.

6. The outcome of religious leaders' influence on armed actors' behaviour can be **positive** – leading to, or encouraging, norms-compliance – or **negative** – leading to, or justifying, violations. Finally, the impact of this influence can be **lasting and profound**, resulting in the internalisation of norms or **temporary and superficial** in which instances behavioural conformity stops when promise of rewards and threats of violence cease, or the desire for group identification ends.

7. Most importantly, for operational purposes, the research has shown that influence is a relational process shaped by:

   - **Endogenous factors** to both religious leaders and armed actors. These can include values, objectives, and ideology; ethnic, cultural, or social background; organisational structure; access and communication channels; position on international humanitarian norms.
   - **Contextual factors**, including conflict dynamics; perception of religious leaders and armed actors; and relation with and involvement of third parties.

   Understanding the interaction between these factors in practice allows for a contextualised assessment of religious leaders' actual and potential influence on armed actors. It also provides clarity in two other respects: religion is not – and thus should not be essentialised as – *the* explanatory variable of religious leaders' influence, nor is the outcome of this influence (positive/ negative) predetermined by it.

8. Why to engage? Engagement appears the evident path considering the access, social and religious capital that religious leaders possess, and the role they can play as norm-compliance influencers. We present a more nuanced perspective. Engagement can be driven by pragmatic, necessity, and value-based arguments, or a combination thereof. It often occurs against a background of (very real) risks for religious leaders and various challenges for humanitarian organisations. It also requires a level of commitment to understand, learn, care, and perhaps feel. Engagement may not always fit with a humanitarian organisation's goals, mandates, priorities, capacity, and resources. If it does, or it could, Part II of this document hopes to support with **strategic and operational decisions** as to how engagement could unfold.

# Introduction

## Aims and intended audience

This publication is an output of the three-year applied research *Generating Respect for Humanitarian Norms: The Influence of Religious Leaders on Parties to Armed Conflict* – The Generating Respect Project.[1] The research examined how religious leaders influence the behaviour of State and non-State parties to armed conflicts and whether their religious interpretations can lead to humanitarian norms-compliance.[2]

The publication aims to support humanitarian actors' engagement with religious leaders with the goal of generating greater respect for humanitarian norms in armed conflict. As a tool, it seeks to be a *flexible* – adaptable to the different mandates, priorities and capacities of humanitarian organisations working on norms-compliance –, *practical* – providing answers to fundamental questions as to why and how to engage with religious leaders – and *contextualizable* – thus responsive to a variety of challenges and opportunities arising in diverse conflict-contexts.

The document's intended audiences are: i) humanitarian practitioners across non-, inter-, and governmental bodies; ii) donors and grant agencies; and iii) researchers, working in the area of compliance with international humanitarian law (IHL) and international human rights law (IHRL) in conflict contexts.

## Responding to a complex humanitarian context

The rationale for the Generating Respect Project, and for the present publication, emerged at the intersection of three interrelated realities.

**Necessity to expand the foci of humanitarian engagement** – In times of armed conflict, compliance with IHL and IHRL faces systemic challenges, stemming from the legal systems' limited enforceability, different interpretations of norms, rejection of their application, insufficient ownership of norms or superficial socialisation. There also are institutional challenges, chiefly due to the lack of appropriate organisational structures and resources, that can result in States and non-State armed groups' failure to acknowledge, understand, and implement their obligations.[3] To retain its protective force, norms-compliance work has had to expand its foci in terms of engagement – drawing on local values, secular and religious norms, and customary practices in addition to (international) law. In respect to the targets of engagement, a broadening of the pool of addresses can be observed, beyond direct parties to conflict to a variety of other actors with potential influence on armed actors. To inform this work, a much firmer anchoring in social science methodologies and a move to conceptualisations from behavioural science has occurred.

> **"**
> An exclusive focus on the law is not as effective at influencing behaviour as a combination of the law and the values underpinning it. Linking the law to local norms and values gives it greater traction. The role of law is vital in setting standards, but encouraging individuals to internalize the values it represents through socialization is a more durable way of promoting restraint.[4]
> **"**

**Importance of building a reflexive community of practice** – During the past two decades, humanitarian organisations on the ground have increasingly sought to engage influential societal actors in norms-dissemination, convergence, and socialisation efforts. Key among the actors targeted through such activities has been religious leaders. This body of practice deserves thorough analytical attention and knowledge-exchange to enable the humanitarian sector to function as a more reflexive community of practice.

*Knowledge exchange initiatives to watch*

- **Religion and Humanitarian Principles** – https://blogs.icrc.org/religion-humanitarianprinciples/
  International Committee of the Red Cross, Global Affairs Team

- **The "Faith for Rights" Framework** – https://www.ohchr.org/en/faith-for-rights
  Office of the UN High Commissioner for Human Rights

- **Learning From Practice: Engaging Faith-Based and Traditional Actors in Preventing Violence Against Women and Girls** – https://untf.unwomen.org/en/digital-library/publications
  UN Trust Fund to End Violence against Women

- **Joint Learning Initiative on Faith & Local Communities** – https://jliflc.com

The research conducted within the framework of the Generating Respect Project, its academic, digital, and policy-oriented outputs,[5] including the present publication, as well as follow-up structures such as the Generating Respect Hub and Network, acknowledge, reflect on, and seek to facilitate learning about engagements between humanitarians and religious leaders from the perspective of, and with practical utility to, both groups.

**Relevance and limitations of existing inter-disciplinary scholarship and operational guidance** – Scholarship in development, conflict resolution, peacebuilding and transitional justice has long debated the manifold roles religious leaders and faith-based organisations can play in these fields.[6] Ensuring access and building trust among local communities to facilitate development assistance and humanitarian aid,[7] shaping socio-economic agendas and interventions from the bottom up,[8] gaining legitimacy and forging ownership for peace or transitional justice processes[9] are some of the rationales animating practitioners from these fields to pursue engagement with religious leaders. Similar reasoning should guide humanitarian organisations working on norms-compliance.[10]

Legal scholarship that identifies areas of convergence and divergence between IHL and IHRL and religion[11] is crucial for building a substantive knowledge base for humanitarians engaged in norms-compliance work with religious leaders – it is equally relevant for assessing what realistically might be achieved through convergence interventions.

Operational guidance addressed to development, humanitarian assistance and human rights practitioners sets out how and under what conditions these actors should seek engagement with faith-based organisations.[12] Important insights can be gained from these sources relating to forms of engagement that are context- and actor-sensitive and go beyond norms-dissemination through such interventions as one-off trainings or workshops. However, because the guidance generally envisages engagement in the form of partnerships that are predicated on "shared values, objectives and commitments",[13] their utility for humanitarians focusing on norms-compliance is more limited. It is here where the present document looks to fill a gap.

## Methodology and structure

This publication draws on socio-legal research conducted within the framework of the Generating Respect Project. A comparative case study approach was adopted, with **Colombia, Libya, Mali, Myanmar, northern Yemen, and north-western Syria** chosen as research contexts. The selection relied on conceptual considerations (contexts where IHL and IHRL are applicable, where violations of these legal regimes persist, and where religious leaders are societally influential), pragmatic considerations (access and potential for local partnerships) and an effort to ensure a certain level of representativeness (a broad range of regional contexts, types of armed actors, and religious beliefs).

*Concepts in focus – Compliance: bridging disciplines*

International lawyers generally define compliance as "a behaviour or a situation which is in conformity with [existing] international obligations".[14]

- Empirical reality reveals that **compliance does not present as binary** – Parties to an armed conflict neither respect, nor violate the entirety of IHL and IHRL norms at all times.[15]
- **Behavioural variation is socially constructed** – It results from social processes (e.g., persuasion, legitimate control, coercion), and is shaped by ideational factors (e.g., ideas, values, tradition, emotion) and material factors (e.g., availability of resources, conflict dynamics).

Social psychologists have sought to explain the nature of, motivation behind, and durability of behavioural conformity with norms, including legal obligations. On a **continuum of behavioural conformity** – from the temporary and superficial at one end, to the most durable and profound at the other end – we find:

- **Compliance**, which occurs due to expectations of approval or rewards or to avoid disapproval or punishment.[16]
- **Identification**, where behavioural conformity is explained by the desire to identify with a group.
- **Internalisation**, referring to conformity in behaviour, which occurs because it accords with one's own values.[17]

The three forms of behavioural conformity correspond to three "depths" of socialisation of combatants and fighters:
- A **superficial form of socialisation** is achieved by compliance (in the sense defined by social psychology), whereby "individuals do not internalise group norms but merely act in accordance with them for reasons that are strictly instrumental";[18]
- A **deeper form of socialisation** results from identification, reflecting certain psychological and attitudinal changes which are however reversible as soon as an individual leaves the group with which they identify;[19]
- The **deepest form of socialisation** is achieved through internalisation of norms, that is when individuals act in accordance with them because "this is the appropriate thing to do".[20]

Political science studies have noted that combatant and fighter socialisation can occur **vertically** – generally driven by leadership through formal institutions such as training and norm-enforcement mechanisms –[21] or **horizontally** – through interactions between rank-and-file members, communities, and other influential actors.[22] Finally, socialisation can result in positive outcomes in terms of respect for humanitarian norms (**restraint**) or negative ones (**violation**).

**A thematic literature review was used to develop the conceptual framework of the project –** Theoretical scholarship on compliance across law, sociology, social psychology, political science and international relations was consulted, alongside a range of interdisciplinary academic and grey literature on religious actors, their roles in armed conflicts, types of relations with armed actors, communities, and society more broadly, actual and potential engagement with humanitarians, and practitioners from the fields of development, conflict resolution, peace-building, transitional justice, human rights, and humanitarianism, and the outcomes of such engagement. The development of the conceptual framework was an iterative process, shaped by subsequent research stages and empirical findings.

**Detailed mappings of active armed conflicts, armed actors, and religious leaders in the six case study contexts** – The maps include information on the historic context of conflicts in the analysed countries, the armed actors' social and ideological background, internal organisation,[23] exercise of governance functions, leadership, location and affected communities, patterns of IHL and IHRL violations, and the involvement in the conflict of religious leaders, as well as of international actors. The mapping parameters for religious leaders included type (individual, group, institution), role and position, affiliation to religion/faith/spirituality, relation with armed actors, messages and activities relating to the conflict/parties. The mapping exercise provided detailed analysis of the realities on the ground, informed the selection of interview participants, and the tailored design of interview guides.

**Thematic analysis of over 250 semi-structured interviews with and digital stories of stakeholders with expertise on and/or lived experience of the armed conflicts in the case study countries** – Purposive and snowball sampling were used to select research participants. Interviews were conducted online and in-country with religious leaders, humanitarian practitioners, scholars across various relevant disciplines, journalists, diplomats, State officials, current and former members of armed actors, leaders of civil society organisations and communities between the autumn of 2020 and spring of 2022. The research team employed digital storytelling as a method of data-gathering and impact generation. All data collection activities with human participants were subject to rigorous ethics regulations, review, and approval by the University of York ethics committee. In reporting the contributions of research participants, we honoured the requests of both those who requested full anonymity, as well as those individuals who preferred to be identified in research outputs.

Finally, **an academic-practitioner conference,**[24] **reflective and expert workshops,**[25] **informal conversations with key stakeholders from the humanitarian sector and religious circles, and reflexive diarising** were employed to identify operational needs and lessons learnt from the field.

Gender considerations were mainstreamed throughout the research process, including in the mapping exercise, the sampling of research participants, the design of interview guides, data analysis and reporting.[26]

The research's limitations are threefold. First, access restrictions – due to Covid-19-related border closures and internal travel restrictions, changing conflict dynamics and security risks – meant that fieldwork could not be carried out in-country in two phases as had been envisaged. Second, some categories of research participants are under-represented. These aspects limited the study's capacity to conduct a longitudinal analysis or draw from the data analytical inferences in relation to State armed actors – instead we relied on existing published research by other authors. Third, the research that was conducted was qualitative in nature – the possibility to draw generalisations from this type of research is limited. Be that as it may, the explanatory force of the employed comparative case study approach[27] allows for inferences to be drawn from the data, which have validity in a number of contexts and in respect to actors with similar characteristics.

The practical aim of this publication translates in its adapted format centred around questions and answers; relevant conceptualisations and empirical evidence from fieldwork and scholarship are presented in vignettes. Pursuant to this Introduction, Part I entails considerations for the effective engagement with religious leaders – it focuses on how humanitarians may wish to define religious leaders, how they are or can be influential in armed conflict, and why humanitarian actors involved in norms-compliance work should consider engaging with them. Part II presents guidance for those considering norms-compliance work with religious leaders and those already involved in such work on how to design and implement engagement activities.

# Part I:
# Considerations for the humanitarian engagement with religious leaders

## 1. Who and What Are Religious Leaders?

This section defines religious leadership; illustrates the various forms that religious leadership can take in practice; and highlights exclusionary patterns and processes that humanitarian actors should consider when mapping religious leadership for purposes of humanitarian engagement.

*Concepts in focus – Definition of religious leadership*

Religious leaders are actors that

i) Have a **formal or informal affiliation** to religion, spirituality, or belief,

ii) Make a claim of **special legitimacy** – **anchored predominantly in charisma or tradition** – to interpret religion and to persuade or command obedience from followers, communities, and other actors,

iii) Exercise leadership **individually or collectively**, through formal or informal groups, networks, organisations, or institutions,

iv) Can operate as **State or non-State actors**,

v) Are most often **institutionally external to armed actors**, yet can also be **part of their political or military structures**.

### 1.1   Forms of religious leadership

● Individuals who are formally affiliated with religious structures or belief systems include "priests, imams, rabbis, clerics, monks, nuns, lamas, traditional indigenous spiritual guides such as shamans and sukias, and lay religious leaders."[28]

● Individuals informally affiliated with religious structures or who do not fulfil a formal institutional role – e.g., the carer of a pastor involved in humanitarian activities or a scholar of religion working in a university may enjoy special legitimacy and influence a variety of actors in the absence of a formalised relation with religious structures.

*Insight from the field – Informal religious leadership*

**Myanmar** – A woman interviewed in the context of this research did not possess formal religious authority, only indirectly through her kinship with a pastor. Yet, her discourse, actions, charisma, and how she was perceived by the community and non-state armed groups placed her firmly in the category of religious leaders with influence on their behaviour.[29]

● Institutionalised religious leadership can be exercised by churches, mosques, synagogues, as well as ministries of endowments and religious affairs, State or non-State religious institutions, including public or private schools, faith-based associations and organisations, including charities or, indeed, humanitarian organisations.[30]

- Formal and informal groups or networks can also exercise religious leadership – In some contexts, informal and collective religious expression leading to social action are more culturally accepted or the only forms of leadership available to women or minority groups.

- The majority of religious leaders are external to armed actors, in that they have no institutional affiliation to them. In section 2.3, the research also explores cases of religious leaders that are part of the political or military structures of armed actors.

## 1.2　Exclusionary patterns and processes

To accurately map religious leaders' influence, humanitarian actors must:

- **Be attentive to intra-religious exclusionary patterns and hetero-patriarchal norms** – These often manifest themselves in relation to women. In many faith systems, women are not allowed to be part of hierarchical religious structures or are excluded from fulfilling certain authority roles. This does not mean that they do not exercise religious leadership, but that the forms this leadership takes is often less publicly visible or does not conform with preconceived ideas.

*Insights from the field – Muslim female preachers*



**Mali** – Madame Cissé Zeinab Keita recalls that she was one of only three women religious leaders invited, "at the very last minute", to a legal training on conflict-related violence against women organised by an international organisation. 105 imams were also invited to participate. When she challenged the under-representation of women religious leaders at an event focused on the experiences of, and legal protection for, Malian women, the organisers explained that the training was intended for "imams". She observed:

"There are no female imams in Islam, but there are female preachers, or even priestesses… We always have this problem – they try to set women aside."[35]

- **Understand restrictions placed on religious expression and their consequences** – In many contexts, for legitimate or illegitimate reasons, religious leaders are pushed into informality or declared illegal by State, de facto authorities, non-State armed groups or majority religious leaders. Yet, these actors may continue to exercise important influence over individuals and armed actors.

*Insights from scholarship – Illegal, yet influential*

**Myanmar** – The radical ultra-nationalist Buddhist organisation Ma Ba Tha, and its various other incarnations, continues to claim a strong affiliation to Theravada Buddhism – indeed, the group claims to be defending it – despite having been disbanded by the State Sangha Maha Nayaka Committee. Ma Ba Tha and monks associated with it continue to exercise religious leadership and significant influence on communities and some parties to armed conflicts in the country.[36] Authors argue that the incitement to hatred and violence, which the organisation had propagated, paved the way for the serious rights violations of the Rohingya in Rakhine State.[37] Put differently, Ma Ba Tha's influence had a significantly negative bearing on IHRL and IHL protection, irrespective of the fact that the organisation had, at times, been pushed into illegality.[38]

- **Act reflexively to address their own exclusionary biases** – Humanitarian organisations projecting onto local contexts westernised, secularist, gendered or otherwise exclusionary notions of religious authority may render invisible forms of religious leadership, and thus obscure their potential for shaping norms-compliance.[39]

> "
>
> [T]heoretical and empirical analysis of the secular-religious dynamics at play in the humanitarian sphere highlights the need not only to build awareness of humanitarian principles and norms with faith actors, but equally to work with secular actors on the biases that hold them back from engagement with religious actors… Self-reflection within the humanitarian system about biases and barriers that are embedded within the system are a significant, but oft under-appreciated part of humanitarian engagement and norms compliance efforts.[40]
>
> "

## 2. How Do Religious Leaders Influence Armed Actors?

This section describes mechanisms through which religious leaders exercise social influence; identifies the impact of their influence on armed actors by type, nature, and outcome; and illustrates the factors that shape such influence.

### 2.1  Mechanisms of social influence

*Concepts in focus – Types of power*

Influence and domination are dimensions of power that interact in various forms in real-life situations. The figure[41] below depicts how their interaction produces four ideal-types of power.
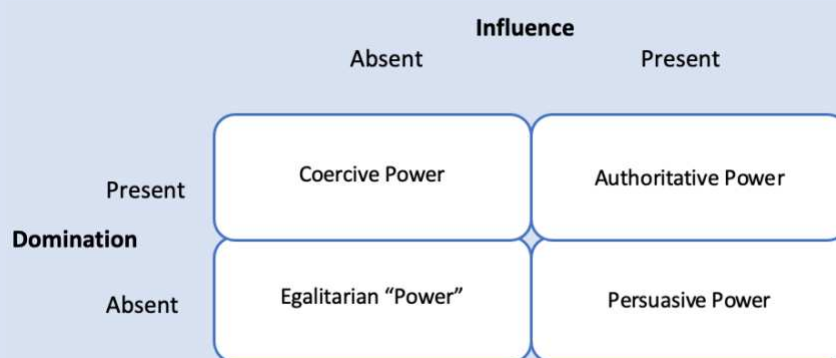


**Persuasive power & persuasion** – This mechanism can depict a religious leader influencing followers, communities, other societal actors, and indeed armed actors, to act in line with a religious interpretation they put forward in the form of rules, norms, doctrine, or practice by persuading them that their interpretation is the "correct, right, moral, appropriate" one.[42]

● This type of influence occurs in the absence of sanctions or rewards to induce compliance.
● Those who are persuaded are "likely to act on it as a matter of their own volition, as free, intrinsically motivated and willing agents."[43]
● Persuasion – including that exercised by a religious leader over an armed actor – can lead to behavioural and cognitive change, thus to *internalisation* **of norms**, the most durable form of behavioural conformity and deepest form of socialisation.

> " 
> Persuasion 'is not simply a process of manipulating exogenous incentives to elicit desired behaviour from the other side,' but rather 'requires argument and deliberation in an effort to change the minds of others.' Persuaded actors 'internalize' new norms and rules of appropriate behavior and redefine their interests and identities accordingly. The touchstone of this approach is that actors are consciously convinced of the truth, validity, or appropriateness of a norm, belief, or practice. That is, persuasion occurs when actors actively assess the content of a particular message – a norm, practice, or belief – and 'change their minds.' [44]
> "

**Authoritative power & legitimate control** – Authorities or power-holders generally seek to convince power-subjects – followers, communities, citizens, or armed actors – that their commands are legitimate or 'rightful' and that the control they exercise is therefore legitimate. In doing so they rely on various sources of legitimation.[45] What distinguishes religious leaders from many other power-holders is the 'special' sources of legitimation that they predominantly draw on in demanding obedience from power subjects – charisma and tradition, in contrast to rational-legal sources. [46]

- Sanctions and rewards are generally available to a legitimate authority, yet compliance is driven by the power-subjects' sense of duty that arises because they recognise the authority's legitimacy.[47]
- Similar to those subject to influence exercised by persuaders,[48] power-subjects are not passive in the face of control exercised by authorities; they are agents with volition, and they themselves may seek to influence the influencers.[49]
- The exercise of legitimate authority by a religious leader can lead to behavioural change. Because of the sources of legitimacy on which they draw (tradition or charisma), this change may arise out of processes of *identification with reference groups* or *internalisation of norms*, and thus be of a more lasting nature.

*Insights from scholarship – Norms - internalisation, group - identification, and the MILF ulama*

In 2006, the Moro Islamic Liberation Front (MILF) issued rules of engagement in hostilities for its armed wing, the Bangsamoro Islamic Armed Forces (BIAF). The rules, which are considered to be broadly compliant with IHL, use Islamic law as the main frame of reference. Having conducted interviews with key stakeholders involved in the development and subsequent implementation of the rules, Magon and Earnshaw conclude that the MILF *ulama* (religious scholars) played a central role in this process. They note:

> "MILF members expressed a range of motivations for the religious framing of IHL. Religious references were viewed as more familiar for BIAF fighters when compared to secular law. The use of Islamic precepts also gave a greater sense of ownership, with MILF members expressing pride that many humanitarian principles in IHL were already contained in Islamic law centuries before the Geneva Conventions were drafted. Many MILF members interviewed felt that this would lead to greater compliance, particularly as fighters would be aware that breaking the rules could lead to consequences in the afterlife."[50]

It is clear that religious leaders have exercised significant social influence on the MILF and were instrumental in fostering processes of norm internalisation and reference group identification among its fighters. In the words of a BIAF commander:

> "I heard [about the rules] from our BIAF *murshideen* or Islamic Call and Guidance during their lectures and orientations to us. They always cited the Qur'anic injunction and Hadeeth as basis. We are ordered to follow the rules of war because it will makes [sic] us good Muslims to earn the pleasure of our Almighty Creator, while in this world on the other hand, following the laws of war will make MILF more civilized. Adherence to laws of war will build the legitimacy of the MILF as a genuine revolutionary organization because it has a clear religious and political objectives [sic] of not harming civilians compared to radical groups who use violence as their tool to advance their interests (Tado 2022)."[51]

**Coercive power & coercion** – Coercion is not as such a mechanism of social influence, as it results from domination, "from an attempt to control others against their will" by deploying "human and material resources …to constrain, block, compel and manipulate the target's behaviour without any effort at persuasion or appeals to legitimate authority".[52]

●  In certain circumstances, such as when the religious authority and the armed actors' leadership overlap, religious leaders have the capacity to exercise coercion.

*Insights from the field & scholarship – Coercive control*

**Yemen** – The leader of Ansar Allah (translated as Partisans of God and referred to as the Houthi movement) claims both political and supreme religious authority "as the guardian of the Quran" and demands absolute obedience.[53] The group has sought to dominate religious leaders in the area it controls through systematic marginalisation, coercive co-optation, and tight control exercised by *mushrifin* (supervisors). Zaydi Shia religious leaders have been deprived of space to express independent thought,[54] "to the point that even Friday sermons are imposed on imams from above and those imams who do not appear to be sufficiently compliant are replaced."[55]

## 2.2   The impact of religious leaders' influence on armed actors

*Concepts in focus – The impact of religious leaders' influence on armed actors*

**By Type**

**Direct**
Presupposes the existence of channels of communication between religious leaders and armed actors.

**Indirect**
Influence mediated by other societal actors, communities, individual members of armed actors.

**By Nature**

**Lasting & profound**
Linked to processes of norm-internalisation.

**Temporary & superficial**
Behavioural conformity stops when rewards and/or violence cease, or the desire to identify with a specific group vanishes.

**By Outcome**

**Positive**
Leading to or encouraging norms-compliance.

**Negative**
Leading to or justifying non-compliance.

The *Concepts in focus* vignette depicts the influence of religious leaders on armed actors' humanitarian norms-compliance in terms of the type, nature, and outcome of impact.

It is noteworthy that in some circumstances, and despite their demonstrated societal influence, religious leaders a) will not seek to influence armed actors' behaviour, or b) their influence will have no real impact. The first situation may depict strategic avoidance or silence of religious actors, types of interactions with IHL and/or IHRL that are discussed further in section 2.3. The second observation confirms that **influence is an eminently relational process** – it arises from the interaction between persuaders and persuadees or between power-holders and power-subjects. Actors who are unconvinced by the informational content put forward by a religious leader – even if that content is a religious interpretation that taps into shared values and belief systems – will not be persuaded into compliance. Similarly, actors who will not validate the special legitimacy claimed by a religious leader – irrespective of its traditional or charismatic sources – will not obey their commands.

Thus, while the influence of religious leaders has been documented in many contexts worldwide and stands as a principal rationale for pursuing humanitarian engagement with them, it is important to not simply assume their impact on the behaviour of parties to armed conflicts everywhere and at all times.

## 2.3    Factors shaping influence

To enable a contextualised assessment of religious leaders' actual and potential influence on armed actors, the Generating Respect Project has identified endogenous factors and contextual variables.

> ### *Concepts in focus – Factors shaping influence*[56]
>
> Influence, understood as a **relational process** that may result in behavioural change, is shaped by:
>
> - **Endogenous factors** to both religious leaders and armed actors – These can include values, objectives, and ideology; ethnic, cultural, or social background; organisational structure; access and communication channels; position on IHL & IHRL norms.
>
> - **Contextual factors** including conflict dynamics; perception of religious leaders and armed actors; relations with and involvement of third parties.

We have identified pertinent theoretical propositions by drawing on interdisciplinary scholarship and have confirmed, refuted, and refined these theories based on extensive desk-based analysis of armed and religious actors in the project's case study countries, thematic analysis of empirical data obtained from online and in-country fieldwork, and comparative examples from literature. The presented factors have emerged as those most likely to explain different configurations of the relationship between religious leaders and armed actors in a variety of contexts. They are not exhaustive – other variables, or sub-variables, may shape this relationship in particular contexts.

In the remainder of this sub-section, each of the variables mentioned in the above *Concepts in focus* vignette will be explored.

**Shared values, objectives, and ideology** between a religious leader and an armed actor may potentiate the former's ability to influence the latter. This variable is best understood on a continuum: at one end, we find affinity for the values or objectives espoused by the armed group, and at the other end, we find full ideological alignment that includes supportive or justifying behaviour on the part of the religious leader.

The research has documented (at least) affinity between religious leaders and each of three types of non-State armed groups described by Tanisha Fazal as "center-seeking", "secessionist" or religionist".[57]

- *Affinity in respect to political objectives* may refer to shared concerns regarding socio-political issues (e.g., poverty, social justice), governmental policies, a preference for a different political system (e.g., Marxist, nationalist), or sympathy for a group's struggle for autonomy or independence.
- *Religious affinity* may manifest itself at an individual level, such as within the leadership of armed actors (political or military wings) or among fighters at lower ranks (see also *infra* Organisational structure). One high-level member of an armed group, whilst asserting that religious considerations did not directly shape the organisation's policies, acknowledged that faith plays an important role in the private life of many of the leaders and that religious values influenced their political considerations.[58]

- *Religious ideological alignment* (considered here as a sub-variable of shared ideology) portrays a situation in which the religious interpretations of a religious leader and the ideology of an armed actor overlap and are likely to play a role in justifying the latter's existence and conduct in war. Our research focused on religionist armed groups in northern Yemen and north-western Syria found that access to the armed actors for purposes of humanitarian engagement may be relatively easier than to the religious leaders themselves. Yet, engagement with religious figures emerged as a necessity because of their central role in decision-making, norm-setting, and control.

***Insights from the field & scholarship – Shared values***

**Colombia** – The National Liberation Army (Ejército de Liberación Nacional, ELN) and Catholic religious leaders, in particular those who embrace liberation theology, share some fundamental values in relation to issues such as poverty and social justice. This created a certain affinity and respectful relationships between them, which enabled religious leaders to have some influence over the group in respect to human rights and humanitarian law compliance.[59]

Created in 1964, the ELN has been strongly influenced by Guevarista ideology and liberation theology.[60] Liberation theology is a school of thought within the Catholic Church for political and social action that seeks to liberate the poor from oppression.[61] Social justice and political equality are central values that animate the ELN's armed struggle.[62] Priests and theologians, most notably Camilo Torres Restrepo, have had an important role in the founding of the group and in shaping its ideology.[63] This aspect, arguably, may explain the ELN's initial prohibition of coca production in the territories it controlled and the relative restraint it displayed in relation to attacks on civilians, use of anti-personal mines, and child recruitment – not however in respect to kidnappings.[64]

Juan Carlos Cuellar, an ELN member and 'peace advocate' (gestor de paz) recounted in an interview with Generating Respect Project researchers that between May 2021 and February 2022, the ELN freed detainees on ten different occasions. In each instance, the Catholic Church had been either the main actor requesting the liberation of the detainees or lent its support to such demands made by civil society organisations.[65]

**Important to note:**

No doubt that shared values, objectives, and ideology is a significant variable for explaining the potential for influence of a religious leader over an armed actor – yet, it is not a necessary condition for religious leaders to be influential. There are numerous examples where religious leaders of different religious orientations have affected armed actors' conduct in armed conflict. This can be explained, in part, by their ability to persuade, and thus, to exercise persuasive power, due to the favourable societal perception they enjoy, irrespective of shared ideology.

We were unable to find sufficient evidence that "profit-driven" armed groups[66] are more or less susceptible to influence by religious leaders. Research suggests that "opportunistic groups" in resource-rich areas, who are motivated by profit-making, as opposed to political or religious ideologies, do not rely on community support.[67] By extension, thus, we sought to verify that such groups would not rely on support or legitimation by societal actors, such as religious leaders. In Colombia, the relationship between paramilitary groups, which are predominantly profit-driven and the (Catholic) church is equivocal. Some paramilitary groups have had ties to and received legitimation and material support from Catholic priests.[68] At the same time, Catholic priests have been murdered by paramilitary groups in several parts of the country.[69]

As noted in the Methodology section, the project's ability to interview a wide range of participants from State armed forces was limited. We cannot confirm through empirical findings the relevance, or rather degree of relevance of this particular variable – shared values, objectives and ideology – in shaping religious leaders' potential to influence State armed forces. Nonetheless, we would not exclude the possibility that this variable plays a role, and we are confident that members of State armed forces are, or can be, subject to religious influence given the institutional relationships that exist between religious leaders and many militaries. (See, the discussion in section 2.3 relating to Organisational structure).

Finally, as religious identity is a variable that shapes religious leaders' influence on armed actors, potentialities may exist for inter-faith dialogue to generate greater respect for humanitarian norms. The well-developed literature on peacebuilding and inter-faith – and indeed intra-faith – dialogue[70] and studies in humanitarianism and the role of faith-based humanitarian organisations[71] may present a good starting point for more systematic engagements with the topic from an IHL compliance perspective.

**Shared ethnic, cultural, and social background** – Religious leaders that share an ethnic or cultural identity and social background with armed actors have demonstrated the ability to exercise social influence. This is explained by the ties established through family, clan, tribe, or ethnic group kinship, social capital,[72] or social proximity.

**Important to note:**

The shared ethnic, cultural, or social background between a religious leader and an armed actor is a variable that may potentiate the former's influence on the latter – its absence, however, <u>will not preclude influence</u>.

Shared (religious) ideology and ethnic/social background may counteract or temper each other as portrayed in the excerpt below. This is an important reminder to not essentialize any of the variables identified as explaining influence, but rather consider their interaction in context.

**Myanmar –** Religious leaders in the country often exert influence on armed groups by virtue of their shared ethnic identity. This has been noted to be the case with respect to Kachin Christians, for example:

> "I think one of the factors is around the whole sense of identity politics that exists in Myanmar, where religion and ethnicity are very closely intertwined. […] The sense that to be Kachin is to be Christian, just as we find to be Burman is to be Buddhist. And so, I think that's a particular factor in bringing groups that … in other contexts would not be so closely aligned. The armed resistance, the religious groups and civil society in those contexts, they are much more closely aligned because of that."[73]

Christian churches in Kachin State have played a key role in promoting and teaching the Kachin language. This can be interpreted as a form of resistance in the face of what have been called "Burmanisation" policies[74] of post-independence governments. These policies are considered by one scholar to have led to "calcifying divergence between the majority and minority groups religiously and ethnically."[75] Relatedly, Kachin religious institutions – particularly the Kachin Baptist Council – are considered to have a deeply nationalist ideology that is more or less aligned with that of the Kachin Independence Organisation (KIO).[76] At different points in time, in sermons, the church has encouraged the population to stand by the KIO. But it is notable that this support has often been given simultaneously with a clear message to that organisation that it needs to take care of civilian interests.[77]

Of particular relevance is the role of religious leaders in promoting behavioural change in respect to recruitment and use of children by the Kachin Independence Army (KIA). In 2007, the KIA was listed by the UN Secretary General as a party that recruits and uses children, whilst since 2017 the report placed the KIA on the list of parties that are acknowledged to have "put in place measures aimed at improving the protection of children".[78] Our research indicates that in the last decade there has been an increased awareness of international standards on this issue amongst key stakeholders, and that religious and other civil society actors have been instrumental in this change.

> "The KIO/KIA have more and more exposure to IHL and what's demanded of them, particularly given the re-escalation of war post 2011 and the fact that they've come into more and more communications with international actors via civil society actors, including religious leaders. [...] Religious leaders are definitely involved in that conversation on child soldiers.... it is happening at an informal level."[79]

It is interesting to note that members of the 'KIO technical advisory team' interviewed as part of our research were adamant that the Baptist and Catholic churches have no influence on the organisation and that political decisions are taken solely by its leadership.[80] This may be interpreted as an effort to emphasise that the group and the churches are independent from each other.

"

Three main factors interact to shape the relational process of influence [between clerics espousing Madkhali Salafism, many of which are based in Saudi Arabia, and armed groups in Libya with a Madkhali ideology]. These are religious ideology, social background – understood here as localism and communalism – and economic interests.

As to the first factor, there is no denial … that fatwas by prominent Madkhali leaders carry significant legitimacy for armed groups with religious affinities. Perhaps the clearest example is that Madkhali armed groups have so far never fought against each other despite belonging to rival coalitions in the national political conflict [For example, the Special Deterrence Force is affiliated with the Government of National Accord (GNA)/the Government of National Unity (GNU), whereas the Saiqa Special Forces and Subul Al Salam, are associated with Haftar's Libyan National Army (LNA)/ the Libyan Arab Armed Forces (LAAF)].

As to the second factor, communal, local, tribal, regional ties do play a role in shaping the influence of Madkhali religious actors. It has been argued that Madkhali ideology "transcends", "trumps" and are "above" tribal considerations (International Crisis Group 2019: 11, 20). This observation may hold true in some circumstances, but certainly not in all cases. For instance, the visit of Usama Utaybi, a Saudi Madkhali who supported Haftar and attacked the Muslim Brotherhood in sermons was not well received by the local population in Tobruk and was opposed by a local Madkhali cleric in the East (Wehrey 2019). Noteworthy is also that on occasion localism and communalism have resulted in tempering violations of IHRL perpetrated in the name of Madkhali ideology.

The third aspect that interacts with the others to shape religious influence is the economic factor. Wehrey noted that even though Madkhali followers, including armed groups, abide by the direction and religious teachings of Saudi Madkhali clerics, they act independently when it comes to the local context based on their agenda inside Libya (Wehrey 2019:124), and this agenda appears sensitive to economic interests. For example, Madkhali armed groups in Tripoli supported the GNA as *wali al-amr* [the ruler to which obedience is due] to benefit from salaries and to manage the significant pilgrimage funds (Ibid).[81]

"

**Organisational structure** – The Generating Respect Project has documented religious leaders' influence on community-embedded and de-centralised armed groups in Colombia, Mali, and Libya, *as well as* centralised groups in Myanmar and Mali. Other studies have demonstrated that religious actors have influence on (or rather in) integrated State armed forces.[82] Taken together, these findings problematize, or rather provide nuance, to the findings of the Roots of Restraint study's central observation regarding the levers of influence which organisational structure can provide.[83] We posit that:

● **Religious leaders, as a source of norm-influencing behaviour, can be institutionally external *as well as* internal to armed actors**. In other words, they may be part of the community, but may also be an institutional part of the armed actor itself. The *Concepts in focus* vignette explains the configurations of the *institutional* relationship between religious leadership and armed actors that have been documented as part of our empirical and desk-based research. Note also that several of these configurations may exist in the case of one and the same armed actor.

*Concepts in focus – Configurations of institutional relationships between armed actors and religious leadership*

i) Religious leadership is **external** to non-State armed groups or State armed forces. This type of relationship, which evidences no formal institutional affiliation between religious leaders and arms carriers, is the most often encountered situation in practice.

- Examples include individual religious leaders, formal and informal religious groups, religious civil society organisations, faith-based humanitarian organisations, all of which maintain their independence from armed actors – importantly, these actors may be local, regional or international. It can also include religious institutions that entertain some formal relationship with the State yet are not attached (or at least not as a whole) to its armed forces.[84]

ii) Religious leadership is **part of, or leads, political departments of non-State armed group**.

- Examples include the Islamic State group (ISg) Research and Fatwa Department and its English language propaganda magazine *Dabiq*, which have published manuals and articles addressed to fighters and potential recruits seeking to justify and encourage enslavement, sexual slavery and rape of girls and women. [85] In Myanmar, we have encountered several examples of religious leaders of Christian and Buddhist faith who occupied political functions in non-State armed groups.

iii) Religious leadership meets the definition of **religious personnel under IHL**, that is they are "attached" to the State armed forces or armed wing of a non-State armed group.[86]

- Many State armed forces have military and civilian religious personnel of various faiths,[87] and so do some non-State armed groups.[88] The Netherlands also has humanist counsellors that formally belong to the category of religious personnel.[89]

iv) Religious leaders who are **commanders of the armed wing of non-State armed groups**.

- This was the case of Mullah Muhammad Omar, the founder of the Taliban.

- The different institutional relationships that exist in practice between religious leaders and armed actors have implications for the mechanisms of social influence and outcomes which are available to the former. **External religious leaders will likely engage in processes of persuasion that correspond more to horizontal socialisation, whereas religious personnel and those part of political departments may exercise legitimate authority that resembles vertical socialisation through indoctrination and training**. In both situations, due to the sources of legitimation on which they primarily draw, charisma and tradition, group identification and internalisation of norms are likely to occur, which are the more lasting and profound forms of behavioural conformity. It should also be emphasised that in some cases, for example, where religious leadership overlaps with armed group leadership, religious leaders may engage in coercive authority (vertical socialisation through punishment, leading to superficial compliance).

**Important to note:**

External religious leaders may of course have affinities, share values or indeed precise political objectives or religious interpretations with armed actors. As discussed previously, it may be these aspects precisely that potentiate their influence. Be that as it may, in our analysis such views would not constitute institutional affiliation with armed actors. This is important to bear in mind because the institutional relationship between religious leaders and armed actors may have important legal implications under IHL and IHRL. Religious entities external to armed actors are civilians or civilian institutions, and so cannot be targeted. This is equally true of religious leaders involved in political departments of States or non-State armed groups.[90] Finally, religious personnel are considered specifically protected persons under IHL. All groups may have IHRL obligations,[91] with the obligations of those involved in political bodies of non-State armed groups 'heightened' by control of territory and the exercise of governance functions.[92]

*Concepts in focus – Religious personnel*

Under treaty and customary IHL, applicable in both international and non-international armed conflict, military and civilian religious personnel "exclusively assigned to religious duties must be respected and protected in all circumstances".[93]

- To be considered religious personnel, an individual would have to cumulatively fulfil two conditions: they must be assigned to their religious duties by a party to a conflict under whose control they are placed (**attachment**), and the assignment must be exclusive, limited to them fulfilling their ministry work or spiritual function (**exclusivity**).[94]
- The dual obligation to respect and protect religious personnel requires that parties to an armed conflict **refrain from attacking them** and **take positive measures** to help them fulfil their duties. The religious personnel status entitles them to wear the distinctive emblems of the Geneva Conventions.
- Religious personnel "lose their protection if they commit, outside their humanitarian function, acts harmful to the enemy".[95]

**Access and communication channels** are the *sine qua non* condition for social influence to be exercised. Researchers have argued that in addition to social and religious capital, religious leaders often possess 'access capital', defined as their ability to act as gatekeepers to communities.[96] When considering humanitarian engagement with religious leaders for the purpose of norm-compliance the concept of access capital (with some definitional modifications for application to the current research) is particularly valuable. As such:

- Religious leaders that are part of political departments or are religious personnel will have **direct access to armed actors**, can exert influence through **institutionalised channels of communication to military forces/wings** – including to higher and lower ranked combatants and fighters – and, importantly, might have **formal attributions relating to humanitarian norms socialisation processes**. In some armed forces and organised armed groups, religious personnel are tasked with instructing fighters on military ethics, IHL, or the rules on the conduct of war of a particular religion.[97]

- Religious leaders without an institutional relationship with armed actors (thus external) may equally possess access capital. Here **local religious leaders** are key actors – their instrumental role in development and peacebuilding has long been emphasised. Our research has confirmed the actual and potential influence on – and in some circumstances interest in – humanitarian norms-compliance of (very) local religious actors who serve communities and whose tasks expose them to daily interactions with armed actors.

  Factors that facilitate the influence of local religious leaders include **geographical proximity**, shared religion, shared social or ethnic background – "[I]n some regions of Mali, some local religious leaders and members of the armed groups have studied together or "were raised together and used to be friends".[98] They also have a finer-grained understanding of the local cultural sensitives and of the armed actors in their area and their objectives.[99] Channels of communications with armed actors include sermons (the project documented instances of members of armed actors, including of centralised non-State armed groups, attending local mosques, churches or temples), religious festivities or practices (e.g. almsgiving), blessing ceremonies of the new leadership, consultative processes as part of wider local civil society initiatives, outreach initiatives by armed actors, and informal meetings. Notably, local religious leaders often act as gatekeepers to communities for international humanitarian actors, and also as facilitators for non-local religious leaders involved in humanitarian work.[100]

***Insights from the field – Local sensitivity***

**Mali** – The importance of sensitivity to local cultural particularities that go beyond religion was underscored by the former president of the High Islamic Council of Mali. In that capacity, imam Mahmoud Dicko was involved in negotiations with the Mouvement National pour la Libération de l'Azawad (National Movement for the Liberation of Azawad, MNLA), Ansar Dine (translated as Helpers of the Religion),[101] and Jama'at Nasr al-Islam wal Muslimin (Support Group for Islam and Muslims, JNIM) to ensure humanitarian access and the release of detainees. Asked what would make another person *fail* at negotiating with armed actors, he stated:

> "… you can know religion without knowing the territory, [without] knowing which discourse you need to use with which ethnic group or tribe. What can influence a Tuareg does not necessarily correspond to the discourse needed when speaking to an Arab. And what can influence an Arab may not necessarily influence a Peul."[102]

**Important to note:**

Geographical proximity is <u>not always a necessary factor</u> for access or influence, as the case of Libya suggests, where many Madkhali religious leaders have succeeded in influencing armed actors, despite being based abroad.

Note that local actors may or may not have formal religious authority and might not always be immediately identifiable as religious leaders, yet their activity involves religious interpretation and often meets the intentionally broad definition proposed by the Generating Respect Project. Such actors may include kadis, tribal leaders, elders, women's collectives with a religious ethos, parish committees, zakat committees, administration structures of internally displaced people/refugee camps, and schools.

**Position on IHL & IHRL norms**

The position of religious leaders and armed actors on humanitarian norms are important variables that i) shape the potential influence that the former may have on the latter and ii) may also explain the interest, or lack of interest, of religious leaders to engage with humanitarian practitioners on the topic.

Whilst other studies have extensively discussed how armed actors interact with humanitarian norms and why they may do so,[103] the focus here is on the interactions of religious leaders with IHL & IHRL. The *Concepts in focus* vignette identifies different types of interaction that have been documented by the Generating Respect Project based on primary data and desk-based analysis. It is apparent that the **various positions that religious leaders adopt in discourse or practice vis-à-vis humanitarian norms should be of central consideration** in humanitarian actors' decision-making processes as to whether to commence humanitarian engagement with specific religious leaders and, if so, how this might be done – i.e., the design of an engagement strategy. (See also Part II of this document that provides operational guidance on these aspects).

*Concepts in focus – Typology of religious leaders' interactions with humanitarian norms*

Variously, religious leaders engage in:

i) **Direct implementation and facilitation** of humanitarian norms.
ii) **Processes of 'translation'** of humanitarian norms: **vernacularisation, localisation, and pluralisation**.
iii) **Strategic avoidance** of humanitarian norms discourse concomitant with norm implementation or facilitation in practice.
iv) **Silence** on humanitarian norms and non-involvement in compliance work.
v) **Hybridisation and selective application** of humanitarian norms.
vi) **Rejection or violation** of humanitarian norms.

**Direct implementation and facilitation of humanitarian norms** – In many conflicts, including in many of the cases studies researched by the Generating Respect Project, individual, group and institutional religious leaders have directly implemented, or facilitated the implementation of a range of IHL and IHRL norms. Empirical reality, as documented by many researchers, including the project's research team, demonstrates that religious leaders are often *the* humanitarians – **they are "first *and* last responders", and present "across all sectors of humanitarian response"**.[104]

- Religious leaders have drawn on their access and social capital, and on their special legitimacy, to directly provide, or facilitate access for, food aid and emergency humanitarian assistance, negotiate corridors for evacuation of civilians, prevent displacement, host displaced persons or secure their safe return, run internally displaced persons and refugee camps, negotiate the release of detainees or of children who had been recruited by parties to the conflict, led efforts for the elucidation of enforced and involuntary disappearances and undertaken search, identification and retrieval of the dead, and provided, or contributed to the provision of, health and education services for civilians living in protracted conflict situations.

*Insights from the field & media – Direct implementation*

**Colombia** – "Those who put their neck on the line, those who have spoken with the legal or illegal armed actor, have been the Catholic Church. […] Independent of the ethnic group, independent of the economic, ideological, political, or religious position, the Catholic Church in Chocó has become an actor in recovering lives, … the kidnapped person, [the]… body that was struck down but must be recovered to identify it and to give it a Christian burial. That has been done by the Church."[105]

**Myanmar** – Religious leaders – including women, with formal authority or informal affiliation with the structures of various faiths, and collaborating across religious and geographic boundaries – are the main, and at times the only, actors that have managed, at great personal risk, to provide protection and humanitarian assistance to civilians, internally displaced people, and refugees shielding from the violence unleashed by the military.[106] Emblematic of the protective role and persuasive authority of *some* religious leaders in Myanmar today is the image of sister Ann Rose Nu Tawng pleading with armed police to spare the protestors, "the children", engaged in a peaceful demonstration against the 2021 military coup. Facing her, also kneeling, are two police officers.[107]



Source: Myitkyina News Journal/AFP/Getty Images

**Ukraine** – In 2020, cooperation between military chaplains of the Armed Forces of Ukraine and the Red Cross Society of Ukraine was initiated by the former and supported by the International Committee of the Red Cross and scholars.[108] Dissemination of IHL to religious personnel is an explicit State obligation under the First and Second Geneva Convention (art. 47 and art. 48, respectively) and thus forms part of the process of implementation of Ukraine's IHL obligations. As recounted by Tymur Korotkyi and Viacheslav Maievskyi, the initiative was animated by the recognition that military chaplains could play an essential role as facilitators of IHL compliance:

> "The idea of disseminating knowledge of IHL arose almost immediately after the onset of armed conflict in the territory of Ukraine (2014), which coincided with the birth of the chaplain movement there. With numerous trainings for various target groups [...] awareness arose of the need to disseminate knowledge of IHL to the most authoritative and influential leaders in various professional and social groups. In the military environment, there is no doubt that military chaplains belong to this group."[109]

**Myanmar** – A less usual example, encountered by the Generating Respect Project researchers during fieldwork, concerns the exercise of social influence by religious leaders to facilitate greater gender equality within the political ranks of a non-State armed group. An interviewee recalled how a female member of an armed group approached influential Buddhist monks sharing her concerns about the marginalisation of women and de-prioritisation of gender aspects among the ranks of the group. She explained the need and desire of women to contribute in the "decision-making room". The monks conveyed these views to the leadership of the armed group, and subsequently space was created for women to occupy decision-making positions in the group's political wing. The interviewee attributed the changes to the intervention of the religious leaders.[110]

**Processes of 'translation' of humanitarian norms: vernacularisation, localisation, and pluralisation** – Religious leaders have been involved in vernacularisation, localisation, and pluralisation of humanitarian norms. These are closely related 'translation' processes that may overlap and occur simultaneously in practice. They will be presented here in a simplified form,[111] with the aim of underlying some conceptual differences that should be understood by those considering humanitarian engagement with religious leaders, as they have implications for mapping religious leaders and their priorities, and thus the design of strategies of engagement.

- **Vernacularisation refers to the translation of global norms – in this case humanitarian norms – to the local level** in a manner which "resonate[s] with the values and ways of doing things in local contexts".[112] Whilst the process may seem to portray actors, including religious leaders, enacting vernacularisation as norm-takers and norm-adapters,[113] vernacularisation assumes that global norms have been created through the interaction between local and global social movements.[114] Presenting vernacularisation as a straightforward top-down approach (from the global to the local) may therefore be imprecise.

- **Localisation**, at times used as a synonym in literature for vernacularisation, thus a closely related concept, may be understood as a process in which **local actors, including religious leaders, (are allowed to) exercise power to set the agenda of needs and the means of translation of norms**. Thus, they select which global norms meet local needs and what frame of reference to use for

them to become meaningful in a given context. In this sense, localisation is a more bottom-up process[115] and may address, to an extent, power-imbalances existent in the humanitarian system between international and local actors and the Global North and the Global South.[116]

*Insights from the field – Vernacularisation and localisation*

**Colombia** – Asked about the role played by religious leaders in the Colombian conflicts, and whether they took a position aimed at promoting humanitarian norms, an ELN affiliate noted:

> "Today, the Catholic Church in Colombia, knows much more about international humanitarian law, what happens in the conflict, because most of them have been in the territories. […] [They] have made some very radical pronouncements, […] they have been developing processes, let's call it that, of humanitarian dynamics throughout the territory. […] Today, we could say that it is no longer so much one or two bishops, but that there are many bishops who are denouncing what is happening in the territories and calling attention so that we get much closer to international humanitarian law, to that part of the humanitarian [effort]."[117]

As to the manner in which many Catholic priests have chosen to approach the promotion of humanitarian norms, another interviewee explains the prioritisation of religious framing: "First is the pastoral or religious argument, which is an argument that has a lot of weight, especially when they say 'Listen, you cannot kill that person because that person is like [Jesus] Christ'".[118] In the context of the armed conflict between the government and the (Fuerzas Armadas Revolucionarias de Colombia – Ejército del Pueblo, FARC), Catholic religious leaders have emphasised that in Christianity the life of every human being is sacred, loved by God, and unique, and that Christianity's mission is to defend the most vulnerable in society.[119]

Finally, the need to revert to religious arguments in their engagement with armed groups is outlined by two religious leaders interviewed as follows:

> "One does tell them that the right to life, that respect for the other person, that if there is someone injured, either theirs or the part of the army or the police, they must respect life, which is one of the precepts of human rights. The only answer [to such arguments is]: if he died, he died and if he's wounded you have to finish him off'." [120]

The clerics concluded that their approach to engaging with armed groups is based on religious principles and much less on references to IHL or IHRL discourse. They suggest that in the past, Colombian armed groups were more ideologically oriented and it was possible for religious leaders to include IHL arguments in their discussions with them, whilst the new armed actors are less aware, less knowledgeable, and less interested in legal arguments.[121]

**Mali** – In the context of the armed conflict between the Government of Mali and the Coordination des Mouvements de l'Azawad (Coordination of the Azawad Movements – CMA), women religious leaders sought to advance and protect the human rights of women by means of inserting them in the framework of Islamic law and traditional practices.[122] Other religious leaders[123] have "based [themselves] on religious texts, to recall what these texts say in terms of respect for international humanitarian law, in terms of respect for international human rights law."[124]

- **Pluralisation**, in our analysis, refers to two different aspects: **local humanitarian norms that gain traction at international level complementing the existing set of protections**, and the **multiplication of sources of legitimation for global norms**.[125] In a sense, this translation of local norms, including religious ones, to global levels serves to portray the role of religious leaders not only as norm-takers and norm-adapters, but also as norm-creators, thereby recognising their agency locally and internationally.

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*Insights from the field & new research initiatives – Indigenous spiritual leadership and pluralisation of protection*

**Colombia** – Forms of diffuse spiritual leadership – that could and should be considered by humanitarian practitioners as part of a humanitarian engagement strategy – can be found among indigenous peoples.

For example, the Nasa Indigenous Guard has played a fundamental role in protecting indigenous territories and communities. This indigenous institution is responsible for public order and territorial control of each indigenous community in the Department of Cauca and in the country.[126] It is made up of indigenous children, women and men belonging to the Nasa community. While mainly an institution for the collective self-protection of the Nasa people, there are elements that colour the mandate of the Indigenous Guard with a spiritual shade. This is evident from the raison d'être of the Indigenous Guard as stated by the Nasa people themselves: "Safeguarding, taking care of, defending, preserving, enduring, dreaming one's own dreams, listening to one's own voices, laughing one's own laughs, singing one's own songs, crying one's own tears."[127]

The Nasa Indigenous Guard are regularly involved, for example, in rescuing indigenous children who had been forcibly recruited by armed groups operating around indigenous territories. They also participate in the identification of areas within their territory where landmines have been planted and they directly participate in the demining process.[128]

Another example from Colombia, speaks about the role of elders in providing spiritual protection for the Awa indigenous community:

> "Our elders play a fundamental role within the collective territories because they are the ones who protect us through their medicinal plants and their prayers [...]. The State intends to protect us through organizations such as the UNP [National Protection Unit], but these are not measures that really meet the needs of the territory, even more, when we talk about collective subjects. So how can a van protect a collective subject? [...C]ollective protections have been requested as a spiritual necessity, because the harmonization of the territory allows communities to be protected, but this has not been really understood by the State. We have even had spaces in which they [State officials] have been disrespectful and have said that 'those are not measures that guarantee protection'. But from the worldview of the [Awá] people, I really feel protected with a spiritual measure that harmonizes my territory."[129]

A much greater acknowledgment by the humanitarian sector of existing practices that "ritualise forms of protection in conflict" would contribute to pluralising our understanding of protection and ultimately strengthening international law's relevance in local contexts.[130]

**Important to note:**

Researchers correctly observe that <u>not all outcomes of translation processes will be beneficial for norms-compliance</u> – indeed, many are not, and this is the case both in situations in which religious leaders are involved as 'translators' and in those where they play no role.[131] For the purpose of the present document, we have separated translation processes that result in negative outcomes from vernacularisation, localisation and pluralisation processes, and include the former in the concept termed hybridisation and selective application. It is important to emphasise here that this separation is artificial, and solely undertaken to facilitate the operationalisation of this document by humanitarian actors.

**Strategic avoidance of humanitarian norms discourse concomitant with implementation or facilitation of norms in practice** – Amy Doffegnies and Tamas Wells have employed the term strategic avoidance to describe religious leaders' initiatives in Myanmar where they sought to address the violence against the Rohingya, yet intentionally avoided using human rights language due to "popular rejection".[132] Whilst the tradition of 'speaking out' and 'speaking truth to power' is well established in many religious circles,[133] for strategic reasons, religious leaders in other contexts prefer to address aspects of IHRL *and* IHL with parties to armed conflict directly, informally, and behind closed doors. Thus, a lack of a public discourse by religious leaders on humanitarian norms-compliance should not necessarily be understood as lack of commitment to IHRL and IHL,[134] or lead to an assumption that they are disinterested in engaging in humanitarian dialogue. Instead, strategies for humanitarian engagement should, to the extent possible, seek to parse out the rationale underpinning the silence of religious actors and assess the actual (or desired) impact on armed actors' behaviour in context.

In addition, to "popular rejection", which is reflected in the citation below, two other rationales for strategic avoidance could be identified through our research:

● The rejection of IHL and IHRL by parties to armed conflict has led religious leaders to avoid discursive references to these legal regimes, relying instead on religious or value-based arguments.
● The affinity in political objectives and ongoing cooperation in service delivery, for example, in territories under the control of an armed group, may explain why some religious leaders prefer quieter diplomacy, that nonetheless is aimed to benefit the community.

> A leading civil society activist in Yangon lamented changes to popular understandings of human rights and their association with Western influence: 'There is misinterpretation of human rights from the religious fundamental groups [sic], saying that human rights is a Western idea and especially [that human rights is] against the Burmese tradition, religion' (Interview, April 2017, in English). Similarly, a Mandalay-based activist was concerned about the portrayal of human rights as a foreign concept: 'most people, when we say 'human rights' think, [we are] trying to Westernise or Islamise the community' (Interview, October 2017, in English).[135]

**Hybridisation and selective application of humanitarian norms** – The process of 'translation' from the global to the local level may result in exclusions from the protection of the law in two ways:

- Through hybridisation, which involves a declarative adherence by religious leaders to IHRL and IHL, whilst imparting the norms with a conditional 'hook' – enjoyment of rights is made dependent on fulfilment of responsibilities[136] and protection is contingent on reciprocity.
- Through the selective application of humanitarian norms. This selectivity can take the form of acceptance of one legal regime and rejection of the other, the selection of preferred norms and rejection of others within one regime, or denying that a norm, to which adherence is declared in general, applies in a specific case.

*Insights from the field – Hybridisation and selective application*

**Mali** – In the context of the conflict between the Malian government and the Coordination des Mouvements de l'Azawad (Coordination of the Azawad Movements – CMA), a prominent Islamic religious leader called publicly for the protection of human rights – for example, he spoke against subjecting persons deprived of their liberty to corporal punishment and intervened to assist with the release of detainees.[137] At the same time, he is reported to have declared that the group responsible for the 2015 attack on the Radisson hotel in Bamako "had been sent by God to punish Malians for their homosexuality, imported from the West".[138] Whilst analysts have described this statement as evidencing Dicko's social conservatism, it may also be interpreted as an example of hybridisation.

As part of the research, we observed Christian religious leaders engaging committedly on IHL issues, yet being reluctant to discuss human rights topics, perceiving the latter as a "problématique piège", as in their view inevitably such a discussion would centre on the LGBTIQA+ rights.

**Myanmar** – In the context of the conflict between the government and the Kachin Independence Army (KIA), some Christian religious leaders expressed their support for certain humanitarian norms, specifically the prohibition on the recruitment and use of children in conflict, but denied that it could be applicable to their specific situation. A scholar noted: "you have this kind of split where people might say objectively, this norm is important and we agree with it, and under no circumstances should that happen […] but [then they go on to say that] 'in the context of our civil war and our national struggle and our liberation, we don't have a choice'".[139]

**Silence on humanitarian norms and non-involvement in compliance work** – Silence, a different concept to that of strategic avoidance, and non-involvement in compliance work may conceal very differing rationales.

- Religious leaders may lack awareness of IHL and IHRL standards and thus feel unable to speak publicly on these issues and reluctant to engage in norms-compliance work.
- They may fear being perceived as partial to a party to the conflict, which in turn may result in negative consequences for themselves and their communities. This is a particular concern in highly politicised environments where armed actors are attempting to instrumentalise religious leaders. Legitimate fear may also result from real risks to their lives.
- The silence and non-involvement of religious leaders may result from an uneasiness with their own conduct in the conflict (see below Rejection and violation of humanitarian norms).[140]
- Finally, reflexivity requires humanitarians to ask themselves whether what they perceive as silence, may simply be the result of their own narrow conceptualisation of religious leadership.[141] In other words, discourses and activities with a bearing on humanitarian standards may well be put forward by religious leaders; however, because the emitters are not regarded as religious leaders, they fail to *see* their actions and understand their implications. This may be the case especially with informal groups that do not conform to an institutionalised notion of religious leadership and with women who are unable – due to exclusionary patterns within some religions – to occupy certain positions of authority.

*Insights from field - Silence*

**Colombia** – In the past, some Catholic religious leaders refused to take a position on the armed conflicts in the country and on violations of humanitarian norms. This was due to their reticence at becoming embroiled in the country's politics and a preference to avoid 'sensitive' topics that might compromise their position in the eyes of the armed actors: "[…] the Church prefers not to expose itself on topics that it considers political or stigmatizing or that could compromise it."[142] The position of the church in Colombia has shifted over the years, and today several Catholic religious leaders are some of the most outspoken actors.

**Myanmar** – Some Christian religious leaders have not taken positions on IHL "out of fear, and that fear is not only, I would say, their own personal fear, but the fear [for] their constituents, that if they do take the position, there will be retribution against their constituents. So that definitely does happen. And it probably happens more frequently than we would like to admit."[143] Buddhist monks might also prefer to keep silent on matters of IHL. As noted in the case of a prominent Buddhist monk, "[he] is very influential but is careful not to get into anything that might be considered political".[144]

**Rejection or violation of humanitarian norms** – Rejection of international law is a common theme among some religionist armed actors and religious leaders institutionally associated with them. They reject the entire system of international law as 'Western' or 'foreign' or provide interpretations of fundamental concepts and principles that empty the rules of their normative content. Interestingly, in the context of Myanmar, religious leaders who espoused the 'foreignness' of IHL and IHRL identified their origin as "Islamist".[145]

Religious leaders can and indeed have violated international law, and humanitarian norms specifically.

- Judgements of criminal tribunals attests to the fact that some religious leaders have been complicit in, or guilty of, crimes against humanity and genocide, as was the case in Rwanda.[146]

- The role of religious leaders, both as emitters and preventers of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence has received particular attention in international fora. A significant soft law document in this area is the Plan of Action for Religious Leaders and Actors to Prevent and Counter Incitement to Violence that Could Lead to Atrocity Crimes, which ensued from the 'Fez Process'.[147] The Faith for Rights Framework embraces a peer-to-peer learning approach to tackle incitement to hatred and violence.[148]

*Insights from the field – Rejection and violation of humanitarian norms*

**Afghanistan** – The Taliban, that co-founded religious leadership and armed structures,[149] responded to a 2012 report by the UN Assistance Mission in Afghanistan that highlighted their systematic practice of targeting civilians,[150] by explaining their rejection of the definition of civilians under IHL:

> "According to us civilians are those who are in no way involved in fighting. The white-bearded people, women, children and common people who live an ordinary life, it is illegitimate to bring them under attack or kill them. But it has been disclosed to us that the police of Kabul admin, those personnel of the security companies who escort the foreigners' supply convoys and are practically armed, similarly those key figures of the Kabul admin who support the invasion and make plans against their people, religion and homeland, those people who move forward the surrender process for Americans in the name of peace and those Arbakis who plunder the goods, chastity and honour of the people by taking dollar salaries, all these people are civilian according to you. No Afghan can accept that the above mentioned people are civilian. […] We have pledged in the beginning of our yearly operations that these people are criminals. They are directly involved in the protraction of our country's invasion and legally we do not find any difficulty in their elimination, rather we consider it our obligation." [151]

**Myanmar** – There are religious leaders who take a negative position towards IHL and IHRL norms because they see them as colonial heritage: "International human rights and humanitarian law, I think are still seen in many quarters as being at least in provenance if not content, you know, problematic because of the colonial heritage."[152] Others take a negative position towards IHL/IHRL norms because they believe that they go against the interests of their own constituency: "Ma Ba Tha […] have actually been actively giving advice to the public and to the Tatmadaw that they should continue breaking these international laws, 'in the name of preservation of the nation an ethnicity and the religion'."[153]

**Yemen** – Some Zaydi religious leaders reject IHL and IHRL norms because they see them as Western and un-Islamic legal frameworks: "no religious leader speaks about IHL [because] for them is something 'Western' and not a priority issue."[154]

**Perception of religious leaders and armed actors** – This variable comprises several interrelated aspects, each of which may shape the other: the perception of religious leaders and armed actors of each other and the societal perception of both.

- One dominant theme that emerged from primary data collected in Colombia and Mali was that the influence potential of religious leaders depends on them being perceived as **neutral and independent** actors by non-State armed groups. This appeared to be a condition for communication to be established in the first place, but also for trust to be maintained throughout the engagement.

*Insights from the field – Independence and neutrality of religious leaders in Colombia*

**Colombia** – A humanitarian practitioner noted that in Colombia, at the level of society and among many armed actors, Christian religious leaders "have high moral and ethical stature."[155]

A Pentecostal and a Catholic religious leader, interviewed by Generating Respect Project researchers, considered that faith actors' ability to establish communication with Colombian armed groups and interact with them in effective ways concerning humanitarian aspects related to their neutrality and sincerity:

> "I believe that what has led us, let's put it this way, to earn the respect of these entities has been our neutrality. Let's say that we are neither in favour of the State, nor against it, nor in favour of them, nor against them. Our neutrality. Another element that has led us to earn respect is seriousness. That when they have sought us out for advice, for something, we are serious, both priests and pastors."[156]

A former member of the FARC noted that the group was able to engage in communication with Catholic priests, although they were expressing different opinions and expounding different ideologies. This was possible, according to the interviewee, because these religious leaders were willing to receive the armed group, to listen to them, and tried to understand what was happening in the territories. Asked specifically, about the reasons that would lead the FARC to trust a religious leader, he referred to three elements: consistency, "not passing information on" to the army, the police, or paramilitary groups, and "not getting involved in the coca trade, the arms trade, or any of those things."[157]

Finally, it is of relevance to note that subsequent Colombian governments have considered the Catholic Church to be the only legitimate intermediary between itself and many armed actors that it had classified as terrorist groups.[158]

- By contrast, the influence of religious leaders that was documented in relation to some "religionist" non-State armed groups in Libya (Madkhali armed groups), Syria (Hay'at Tahrir al-Sham (Organization for the Liberation of the Levant, HTS) and Yemen (Ansar Allah also referred to as the Houthi movement), appeared to require **different degrees of partiality** – from affinity to full support for the groups' objective and practices – and had few, if any positive outcomes for humanitarian norms-compliance.[164] In all three contexts, we noted that religious leaders had been coercively co-opted by armed actors through rewards or threats of marginalisation and violence; thus, they were deprived of their independent voice and instrumentalized to justify and legitimise the groups' policies. Even if they are interested in humanitarian norms-compliance, these individual and institutional religious actors are likely to have little space of manoeuvre – direct engagement with (international) humanitarians may pose significant risks to them. (See, further discussion in section 5).

- In the context of engagement with some armed actors, it is interesting to observe how social stereotypes that assign less or unthreatening demeanours to women and older persons have been used by women religious leaders to facilitate engagement with armed actors for humanitarian norms-compliance purposes. In doing so, they have shown agency, challenging the very stereotypical portrayal of women and the elderly, which are often co-founded with the idea of victimhood and vulnerability.

*Insights from the field – Gender, age, and influence*

**Myanmar** – In the context of the conflict between the Shan State Army-North (SSA-N) and the Shan State Army-South (SSA-S), a female religious leader played a crucial role in negotiating with the parties to the conflict a local-level temporary ceasefire to allow villagers to harvest their rice crop. She was considered to be effective largely due to her gender:

> "[…] a male religious leader would have had a much more difficult time pulling this off. But because she was a woman, she was less threatening to these three military leaders in her area. And she was able to speak to them in a way that a man probably would have had greater difficulty doing."[165]

**Colombia** – A female religious leader interviewed in Colombia recounted the case of a nun who had successfully engaged with armed actors in her area.

> "She has a role, because of her age, because of her knowledge, because of the service she provides in the area of health to all the communities", and in virtue of that role she "has mediated in kidnapping cases, in detention cases."[166]

- Finally, as the above-example from Colombia already indicates, the significant role of religious leaders in service provision including in the areas of education and healthcare during armed conflict often shapes how they are perceived by communities, and indeed by some armed actors, in particular secessionist or centre-seeking groups that rely on community support.

**Conflict dynamics** – During the life-span of a conflict, it is not unusual for armed actors' war aims to change, material and structural capabilities to vary, knowledge of norms to increase, and behaviour to be impacted by the social influence of internal or external authorities that can engage in persuasion, legitimate or coercive control. Compliance levels amongst both State and non-State parties to armed conflict will therefore vary. Notable observations relating to the impact of conflict dynamics on parties' behaviour include the following:

● During ceasefire or peace negotiations, parties may show restraint, either to demonstrate their commitment to these processes or in an effort to gain political recognition before local constituencies or international audiences.[167]
● An increase in violence and violations can be observed when parties are actively engaged in hostilities, as they might seek to portray military strength.[168]
● Moments in which the viability of a non-State armed group becomes uncertain or where any party suffers military setbacks see lower compliance levels and higher levels of civilian victimisation.[169]

> **❝**
>
> Parties to armed conflict are indeed dynamic and evolving actors: it was not the same Fuerzas Armadas Revolucionarias de Colombia–Ejército del Pueblo (FARC-EP) fighting in the 60s' and 70s' that concluded the 2016 peace agreement with the Colombian Government, as it was not the same Colombian Government either. To illustrate this, the ICRC has explicitly noted that the FARC-EP ceased kidnapping civilians 'once peace negotiations had begun'.[170]
>
> **❞**

When reflecting on the ability of religious leaders to exercise social influence, the conflict dynamics should be considered. Two preliminary conclusions can be drawn:

• Parties may be more open to engage with external religious leaders (not institutionally integral to armed actors) at moments in the conflict when they seek to negotiate a ceasefire or peace agreement, or when looking for community buy-in or external support. These observations are supported by project data from Colombia and Syria, but further research will need to be undertaken to establish causality or, at least, clearer correlations. At this point we can suggest that the role of external religious leaders as agents of influence on norms-compliance is a dynamic one. In other words, there will be times during a conflict where their ability to exert is heightened, and times where it is more limited. Internal religious leaders, due to their institutionalised access and channels of communication with armed actors, can be expected to retain their ability to influence regardless of the phase of a conflict - though they may not always choose not to exercise this ability.

• Arguing by analogy in reference to the changing behaviour of armed actors and drawing on literature from other quarters,[171] it must be acknowledged that religious leaders themselves may change their attitudes and behaviour vis-a-vis humanitarian norms during the life-span of a conflict. This observation should not be surprising, as religious leaders are interpretative agents. It should also not deter humanitarians considering engagement with religious leaders. Rather, they should seek to learn from those religious actors who are directly implementing or facilitating humanitarian norms-compliance, benefit from the work of 'vernacularisers', 'localisers', and 'pluralisers', reflect on the motivations and impact of 'strategic avoiders' – identify those who are silent and seek to ascertain the reasons for this – and consider effective ways to address the impact on norms-compliance of actors involved in **hybridisation, selective application, rejection or violation of humanitarian norms.**

**Syria** – Hay'at Tahrir al-Sham (Organization for the Liberations of the Levant, HTS) initially adopted a coercive approach towards religious leaders. This has changed over the years, as the group has attempted to consolidate its de facto authority over territory. HTS has made an active effort to integrate prominent religious leaders in the structures of governance it established. This shift from coercion to co-optation of religious leaders is a recognition of the social influence which they enjoy in the country, and likely an attempt of the group to legitimise its activities through fatwas and other communications.[172]

**Involvement of, and relation with, third parties** – Parties to armed conflict do not operate in isolation, and many of the conflicts we reviewed in the case study countries of the Generating Respect Project had third States, or coalitions of States, involved in supporting different parties to various degrees. Sometimes this would make them parties to the conflicts.[173] Involvement of States and international organisations is also notable in the form of UN peace-keeping operations or international operations that target human trafficking or the implementation of arms embargoes.[174] Other international third parties include development organisations and, indeed, humanitarian organisations, both secular and religious. The diaspora may also be considered to be a third party.[175]

The involvement of all these actors may affect conflict dynamics, societal perceptions and the perception of armed actors and religious leaders have of each other.

- Scholarship documents cases in which the direct intervention of third religious States seeking to influence the activities of specific non-State armed groups has resulted in the latter modifying their religious perspectives – in turn, this affected their position on humanitarian norms.[176]
- Important for the purpose of the current document are the relations between religious leaders and humanitarian organisations. For instance, religious leaders working alongside an international organisation that is not perceived positively at a local level may find that their legitimacy is questioned, their influence diminished (both societal influence and influence on armed actors), or that they expose themselves to very real risks (see section 4).

From the above discussions, we can conclude that it is important to establish whether religious leaders influencing armed actors have any relations with third parties, what this relation entails, how it affects the actual or potential influence of religious leaders on parties to the conflict, and what implications this has for humanitarian engagement.

# 3. Why to Engage?

This section firstly identifies arguments for pursuing and supporting humanitarian engagement between religious leaders and armed actors, and secondly provides some considerations relating to the fit of such engagement with the mandates, priorities and capacities of organisations involved in norms-compliance work.

## 3.1    Arguments for engagement

Three types of arguments for engagement between humanitarian practitioners and religious leaders for norms-compliance purposes can be discerned, namely: pragmatic, value-based and necessity-driven. In practice they will often overlap and should be considered carefully by decision-makers. Each of the three arguments has its own justifications but also pitfalls.

**Pragmatic arguments** for engagement start with the following empirical observations: religious leaders are present in conflict settings, they often enjoy access, social and religious capital, they are societally influential, and actually or potentially influential on armed actors, with the impact of their influence on humanitarian norms-compliance being positive or negative, direct or indirect, lasting and profound or temporary and superficial. Thus, they cannot be ignored by humanitarians working on norms-compliance or by donors seeking to strengthen the protection of IHL and IHRL in times of armed conflict.

The pragmatic stance, therefore, would encourage – if not require – humanitarians to be aware of who or what religious actors are, what activities they do or do not undertake, and what their impact on norms-compliance is. At the very least then, monitoring of their role and activities is needed. Should more substantive engagement be envisaged, its form and addressee will have to be determined through a contextualised analysis (see further discussion in Part II of this document).

Scholars working on humanitarian assistance and development have pointed out that pragmatic arguments may be instrumentalist and exacerbate existing power imbalances between the local and the international.[177] In particular, engagement with local religious leaders who are independent institutionally from armed actors – termed here as external –  for the 'leveraging' or 'exploitation' of their access and social capital has been critiqued.[178] In respect to these actors, more substantive forms of engagement are encouraged. These envisage humanitarians approaching religious leaders to learn about local needs, priorities, solutions, *and* religion, and with the intention to *assist* religious leaders through genuine, non-extractive, constructively critical *partnerships*.[179] This critique should be acknowledged, and reflexively and contextually considered. Yet, an understanding that religious leaders can also be internal to parties to armed conflict, including by occupying positions in their political and military wings is important. Partnerships of the sort that can be pursued with local external (in the sense used in this document) religious actors would likely be incompatible with the missions of independence and neutrality of humanitarian organisations.

**Necessity-driven arguments** – Closely related to pragmatic arguments, yet providing a heightened imperative for engagement, are necessity-based rationales. In some contexts, where humanitarians face access and operation obstacles, engagement with religious leaders can emerge not so much as an opportunity, but as a necessity. Here, as discussed above, the type of religious leader – external or internal to the armed actors – should be a primary consideration that shapes the form of engagement pursued. The necessity argument also arises in the context where armed actors will only engage within a religious framework – this is the case with some religionist non-State armed groups. Efforts to open humanitarian engagement channels with them will likely require support from gatekeepers (possibly

other religious leaders with influence), and ultimately any measure of success will involve factoring in the influence of internal religious leaders.

**Value-based arguments** appear to address some of the critiques raised against the previous two rationales for engagement. The starting point here is that engagement (and a particular, substantive type of "comparative critical engagement"[180]) is not constitutive of norms-compliance activities by religious leaders but merely renders them visible in the eyes of a public that had not *seen* them. Additionally, engagement is presented as a conscious de-colonialisation effort, also seeking to address patterns within the humanitarian sector that may downplay the agency of local actors, religious or otherwise.

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Given the bitter legacy of colonialism, which displaced or degraded many traditional value systems, and continuing concerns about the impact of globalization, these values are often associated with Western hegemony, and some groups see themselves as part of a global confrontation or rebellion against the secular State. So far as these perceptions and concerns are not addressed, effective engagement will not be possible, and international law's legitimacy with a broad swathe of non-Western and non-State actors will be undermined. While there are legitimate concerns that engagement with religions might sometimes reinforce patriarchies which discriminate against women, homosexuals and other groups, or other manifestations of bigotry and intolerance, disengagement is not an option if these issues are also to be effectively addressed.[181]

"

It is important to consider arguments for engagement also from the point of view of religious leaders: why would they seek to engage with, or accept to be engaged by, humanitarian organisations in norms-compliance work? Based on the empirical research conducted with religious leaders and broader scholarship on the topic, the following motivations have been identified:

- To address the harm experienced by (their own) communities, whether as a religious imperative or otherwise.[182]
- Because reducing suffering in general is the moral and right thing to do, either as a result of their religious convictions and mission as religious leaders, or for personal reasons unrelated to religion.
- To learn about humanitarian norms and how these could benefit their communities.[183]
- Because they identify a correspondence between humanitarian principles and the basic tenets and values of their religions.[184]
- To connect to international fora, for one or more reasons – to bring attention to the situation of their communities, to build capacity, access resources, to gain legitimacy at international level for a political cause.
- To differentiate themselves from other religious leaders that reject humanitarian norms.
- To 'recuperate' IHL or IHRL as notions ensuing from their own religious traditions or to which these traditions continually contribute.[185]
- Finally, because they are doing humanitarian work and other actors, including international humanitarian organisations may be able to learn from them.

## 3.2    Organisational fit

Not all humanitarian organisations will want to, or indeed should, engage with religious leaders. Organisational goals, mandates, priorities, capacity and resources, 'red-lines'[186], should be considered alongside the three arguments for engagement identified above.

Of particular importance will be the **type of compliance work** in which an organisation is involved in. This can include: i) operational dialogue (e.g., negotiating access and security guarantees); ii) humanitarian assistance (e.g., delivery of humanitarian aid to individuals in need), protection dialogue (e.g. addressing concerns relating the protection of civilians and detainees), work focused on increasing compliance with specific norms (e.g., landmines, child protection); or addressing compliance more broadly (can involve general humanitarian norms trainings, advice, research). Some humanitarian organisations may cover all these areas, others will be more specialised (they may focus on a specific legal regime or a specific type of actors). Finally, relief, development, peacebuilding and conflict resolution organisations will likely be involved in some type of compliance work (at the very least in operational dialogue) to fulfil their specific mandates.

In other words, even in those contexts in which religious leaders are found to have considerable influence on armed actors, engagement with them is conditional on a humanitarian actor's organisational features.

Whilst this document's very aim is to provide reflection on and tools for engagement between humanitarians and religious leaders, we would argue that decisions as to engagement and what form of engagement to pursue, should be the subject of extensive internal discussion and self-reflexivity within the humanitarian sector (see further Part II, section 4). The depth of understanding, capacities and resources that engagement with religious leaders necessitates for it to offer a measure of success in the current complex norms-compliance context requires important institutional commitment on behalf of humanitarian organisations, buy-in by staff and stakeholders, and meaningful support by donors. It also requires an acknowledgment that religious leaders will not be the 'silver bullet' for norm compliance – despite their proven influence in many contexts. Thus, engagement with them represents one of many other avenues that can be pursued to generate greater respect for humanitarian norms.

# 4. What Challenges Does Engagement Pose?

This section firstly discusses the challenges that organisations considering engagement with religious leaders, or those already involved in such initiatives, may face and how they could be addressed. Secondly, it identifies a set of challenges and risks that religious leaders might be exposed to, and which humanitarian practitioners must pay due regard to.

## 4.1   Challenges for the humanitarian sector

The challenges enumerated below have been identified through a review of operational documents from fields related to humanitarian norms-compliance, interviews, and informal consultations with relevant stakeholders.

**Concerns relating to IHRL and IHL abuse or exclusionary patterns** – These concerns generally centre around i) violations of humanitarian norms perpetrated by religious leaders themselves or by encouraging such practices by other actors, ii) discourses that justify or fail to condemn violence or discrimination against specific groups (e.g., against LGBTIQA+ individuals), iii) specific practices, such as proselytization, conditioning assistance on religious commitments, favouring specific communities over others, iv) and patterns whereby categories of individuals are excluded from equal participation within formal religious structures (e.g., women, minorities).[187] By engaging with religious leaders involved in such practices, the argument goes, one risks legitimising or 'whitewashing' the actors, and negatively affecting the reputation of the organisation.

These are not fanciful concerns – they stem from the need for humanitarian organisations to abide by humanitarian principles.[188] To address the above concerns rigorously, a contextualised analysis is necessary alongside analogical thinking that draws on the vast experience of humanitarians in engaging with State and non-State parties to an armed conflict.

- Engagement with <u>perpetrators of violations or apologists for violations</u> (thus the source of the first two concerns identified above) is the bread and butter of organisations working in the norms-compliance field. The mere fact that these actors could be religious, therefore, should not deter humanitarians from engaging with them. However, what should be carefully avoided in respect to religious leaders involved in violations is the framing of engagement as 'partnership'. Instead, an honest, critical dialogue should be pursued that, in many ways, emulates the engagement with armed actors. Should humanitarians be already engaged in partnerships, and become aware of violations, their engagement approach should be reassessed. Counter-terrorism legislation, which significantly restricts the humanitarian space, especially when it fails to provide for humanitarian exemptions, may also come into play.[189]

  It is noteworthy here that the very same arguments – legitimation and reputational concerns – were made a few decades ago, when engagement with non-State armed groups was being propounded.[190] Today, such engagement is a mainstream practice, regularly funded by donors, and indeed is indispensable to norms-compliance.

- Proselytization, the conditioning of assistance based on religious commitments, and favouring specific communities over others on religious grounds, may appear to be a concern that relates specifically to religious actors. In their introduction to a special issue dedicated to the Evidence-Based Summit on Strategic Religious Engagement in development and relief work, Chris Seiple, Katherine Marshall, Hugo Slim, and Sudipta Roy note that "most faith-based organizations and

religious communities" regard these practices as "a profound violation of their own beliefs, not to mention the principles of humanity, impartiality, and neutrality."[191] They also note the agreement and indeed ownership of – what they call – mainstream humanitarian faith-based organisations over these humanitarian principles, whilst acknowledging the differing views of other religious organisations.[192]

In navigating the above challenges humanitarians should be able to draw on vast experience – conditionality of assistance and favouring of specific communities on political, ethnic, and indeed religious grounds, are aspects that are routinely encountered in humanitarian practice. Proselytization, then, is really the only truly specific concern posed by engagement with religious leaders.

● The fourth type of concern – exclusionary patterns – is perhaps the most difficult to address. These occur, in one form or another and to a greater or lesser extent, in all societies and organisations, including humanitarian organisations themselves, both non-religious and religious. Here, humanitarians will need to assess whether non-engagement or engagement will hold the highest potential of changing such patterns in the longer term, and how best to address the tension at the very core of the principle of impartiality. Should "no discrimination" be prioritised – in the sense that humanitarians should avoid reinforcing (even if inadvertently) exclusionary patterns –, or should "relief of suffering… of the most urgent cases of distress" be given priority – which might well be accessible only by engaging with religious leaders?[193]

Two brief observations are in order. First, reflexivity[194] within the humanitarian space should be encouraged systematically – this would begin to address what some scholars have termed as a "secularist bias" of the (international) humanitarian sector.[195] Second, even if a reflexive and contextualised assessment is undertaken, some of the above concerns may not be addressed to the satisfaction of stakeholders. This must be openly admitted.

**Mistrust of humanitarian workers** by religious leaders is an important challenge – It will determine the success of engagement, or may bar engagement altogether, not just with religious leaders themselves but with communities and possibly armed actors. Recall that religious leaders' access capital, as gatekeepers to communities and facilitators of engagement with armed actors, was identified as one of the essential considerations for seeking to engage with them. Efforts should thus be made to understand the sources of mistrust and to seek to address them. The UN Environment Programme guidance document notes that religious leaders' mistrust of humanitarian practitioners may result from a perception that the latter lack an honest interest in a local community's well-being, have self-interested objectives, and seek to advance a secular agenda.[196] Certainly, some of these charges result from socially constructed stereotypical portrayals of humanitarians,[197] or are based on misunderstandings. Yet, one cannot – as a reflexive humanitarian – deny that some resentment may be the consequence of past experiences (spoiling the field)[198] or reflect what Andrew Bartles-Smith called "the bitter legacy of colonialism".[199] Perhaps the best way to address this challenge is to seek meaningful engagement. Yet, again the manner of engagement should be carefully assessed, and Part II of this document aims to assist with this.

**Perceived reluctance of donors to support humanitarian organisations' engagement with religious leaders** – Some humanitarian actors – whilst fully convinced about the utility, and at times necessity, of engaging with religious leaders for humanitarian norms-compliance purposes – have expressed concerns regarding the viability of such initiatives due to donors' reluctance to fund them.

The Grand Bargain had committed both donors and humanitarians to localisation efforts[200] – with this agreement in place, a surge in funding for work conducted by local religious leadership alone, or in

partnership with international organisations, was to be expected. Instead, scholars note that fears that local religious organisations "do not maintain humanitarian principles"[201] or "limited assumptions in donor definitions of faith-based organizations"[202] have resulted in modest progress. A growing number of studies drawing on empirical data comes to disprove as unfounded the fears of over-politicisation and non-adherence to humanitarian principles.[203] These provide nuance and context for a more evidence-based decision-making process on funding. The present document also hopes to assist donors with defining religious leadership in a way that is more responsive to empirical reality, because an insistence on formal authority structures result in excluding some of the most active local religious leaders who hold the potential for transformative change.

Lastly, donors may be disincentivized from supporting humanitarian engagement with religious leaders because it is likely to involve long term commitments. All compliance work, if aiming for internalisation of norms, the most durable form of socialisation, will require time, effort, commitment, knowledge, and funding. Shifts within the donor community do occur – and, as previously noted, the reluctance to fund compliance work with non-State armed groups was overcome, and so should this be.

## 4.2    Challenges for religious leaders

Engagement with organisations in humanitarian dialogue and humanitarian work poses two main challenges to religious leaders, both of which are very significant.

**Religious leaders might fear the reputational consequences** of being perceived as 'associating' with humanitarian organisations, in particular international ones. This can lead to them losing their legitimate authority among members of their community, or among armed actors. One religious leader interviewed for the Generating Respect Project noted that "[b]eing seen in public in the company of a white person, for example, may harm the trust relationship" they had build with an armed actor and could "potentially disqualify" them from negotiating on any issues, including humanitarian ones.[204]

**Religious leaders might fear for their livelihood and/or life**. It has been noted that many religious leaders are financially dependent on institutions and committed to certain values as part of these relationships. Recognising these aspects means that, on the one hand, religious leaders will be unable to depart, at least publicly, from institutional positions, as they may risk their livelihood. Perhaps, the most significant risk of all, and one that is all too real, is the threat to life that local religious leaders face when engaging in norms-compliance work in many armed conflict contexts. This is the case irrespective of the involvement of international actors, although the latter's involvement may heighten such security risks. Here humanitarians have the prime responsibility to not do harm.

Part 2:
Guidance on the humanitarian engagement with religious leaders


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## 5. How to Engage Religious Leaders?

This section is divided into five sub-sections, each seeking to operationalise the Generating Respect Project findings discussed in Part I, including through a series of guiding charts.

### 5.1    Conflict mapping

Most humanitarian organisations working on norms-compliance will have their own templates for conflict mapping. As part of the Generating Respect Project, we mapped all active armed conflicts in four of the case study countries, and the armed conflicts between two specific parties in two other countries.

Whether your interest lies with one specific conflict and the potential role played by religious leaders in relation to that, or you take a country-approach, it is useful to capture:

1. The general social, economic, and political and legal background of the country/ies in which the conflict has arisen and is ongoing.
2. Conflict background & dynamics.
3. Parties to the conflict – for each party, identify the set of factors that may shape the relation with religious leaders.
4. Patterns of violations.

These aspects with corresponding guiding questions are portrayed in the Conflict Map Template below.

| Conflict Map Template | | |
|---|---|---|
| **Categories** | **Questions** | **Suggestions** |
| **1. Socio-economic, political, legal, and religious context** | • What socio-political events have characterised the recent history of the country? – Consider also the legacy of colonialism, occupation, and other shaping historic events.<br>• What are the main political cleavages? (Urban/rural?; centre-periphery? church/state? immigration/no-immigration?)<br>• What is the country's economic situation? (Marginalised groups?)<br>• Ratification history of main IHL and IHRL treaties.<br>• What kind of a domestic legal system does the country embrace? (Common law, civil, sharia, customary, mixed).<br>• What are the country's religious communities, their historic relations, and core tenants/ values of their beliefs? | • UN treaty bodies reporting requires states to provide a common core document with information and statistics and information about their legislative framework (OHCHR website). |
| **2. Conflict background & dynamics** | **Grievances/causes**<br>• What are the conflict's causes?<br>**Dynamics**<br>• When did it start and how did it develop over time? What are the most recent developments?<br>• What is the current intensity of fighting?<br>• What are the geographical areas affected by the fighting?<br>• Which alliances (if any) have taken shape? Have they changed over time? How did they affect the conflict?<br>**Third party involvement**<br>• Have third parties intervened? Who? How? What was the impact? | • <u>Do not essentialise religious aspects</u> as conflict causes by forcing economic, political, social, and other grievances into the 'religious conflict' paradigm. Follow the data.<br>• Consider consulting peer-reviewed academic literature, in addition to grey literature and databases. |
| **3. Parties to the conflict** | • Identify the parties to the conflict.<br>**Brief history**<br>• When and how was the armed actor established?<br>**Ethnic, cultural, or social background**<br>• Does the armed actor have a specific social base, or was it set up in relation to a specific ethnic group, tribe, a family, a religious, or political group?<br>**Values, objectives, ideology**<br>• What are the ideology and goals of the armed actor? ('war aims')<br>• Have they changed over time? How? Why?<br>**Organisational structure** | • Useful databases include: https://www.rulac.org; https://data.humdata.org/organization/acled?; https://www.prio.org/Data/; https://ucdp.uu.se<br>• The Roots of Restraint in War Study has a very useful chart on p. 24, describing a typology of armed organisations with indicators and descriptors. Note that the Generating Respect Project has found that all types of armed organisations identified by the Roots of Restraint Study can be subject to religious leaders' influence (integrated, centralised, de-centralised, community embedded). |

| | | • Type of authority?<br>• Hierarchy?<br>• Discipline?<br>• Social isolation/embeddedness?<br>• **Religious personnel** (as defined by IHL?)<br>**Leadership**<br>• Military – Is it a religious leader?<br>• Political - Governance structures? Religious leaders in political posts?<br>• Civil protection agencies<br>**Control of territory**<br>• What type of control?<br>**Communities**<br>• What are the characteristics of communities living there?<br>• Civil society groups? | |
|---|---|---|---|
| 4. | **Patterns of violation** | • What are the most important and/or recent allegations of IHL and IHRL violations by the parties?<br>• Have there been (positive or negative) changes over time in terms of violations? What was the reason(s) for this?<br>• Are there instances of norm compliance by the parties?<br>• If a non-State party, have they made any voluntary commitments? | • Depending on the organisation's mandate and priorities, there may be a focus on specific violations.<br>• In addition to reports by international organisations and human rights organisations, and other grey literature, consider reviewing interdisciplinary academic literature that draws on empirical data. This may not be an option for some organisations that do not have the financial resources to subscribe to academic journal databases. Consider reaching out to universities with programmes on IHL and IHRL or law clinics that may be able to provide research assistance. |

## 5.2    Mapping religious leaders

The United States Institute of Peace has developed a methodology to systematically map and assess religious sector's influence the dynamics in conflict settings to enable meaningful engagement with influential religious leaders.[205] Similarly, the Global Initiative for Justice, Truth & Reconciliation has developed an excellent toolkit which includes a methodology for mapping influential religious actors in transitional justice contexts. Here, mappings are drawn up with consideration of the actor's geographical presence, relationship with the community, with the State and with other actors, their role during conflict and during transition periods, autonomy vis-à-vis the State, normative approach to transitional justice and articulation thereof.[206]

Building on this existing literature, the Generating Respect Project employed a three stages approach to identifying religious leaders with actual or potential influence on armed actors. The description below integrates reflections from later research steps and lessons learnt.

In **stage 1, we conducted desk-based research** and were guided by three questions:
- **Discourse** – Has a religious leader *said something* (defined broadly) in relation to the conflict (selected from the conflict map); in relation to violations of IHL or IHRL relating to the conflict; or concerning one or both of the parties to the conflict? Our interest was in *what* was said, in *how* it related to IHL and IHRL norms (supportive, conflicting, modifying – this was our initial assumptions, which was refined through doctrinal and socio-legal analysis), and whether any impact could be traced, such as discursive change or change in behaviour of the armed actor.
- **Activities** – Has the religious leader *done* something (again broadly defined) in relation to the conflict? Activities, may include negotiating access, setting up or operating through relief institutions to support local communities, formal or informal humanitarian dialogue with armed actors. Also included would be blessing ceremonies of political events attended by armed actors, and photo opportunities with armed actors.
- **Absence of discourse & activities** – Were there religious leaders are prominent, and thus potentially socially influential in the area/country where the conflict takes place who had not said or done anything in relation to the conflict? This latter question was designed as a control question to allow consideration as to whether and what could be extrapolated from the silence.

The Religious Leaders Map template below can be used to capture data collected.

| Religious Leaders Map Template | | |
|---|---|---|
| **Categories** | **Questions** | **Suggestions** |
| **1. General Information** | • What is the religious leader's name/title?<br>• Where is the religious leader located?<br>• What faith/religious affiliation does the religious leader have, and is this shared with one, or more, of the parties to the conflict?<br>• If an individual, what is the religious leader's role/position within the religious hierarchy/institution?<br>• If an individual, what is the religious leader's gender and personal, social, ethnic, background? If a group or institution the same question can be asked mutatis mutandis.<br>• What is the role of the religious leader? Religious only? Any role in the community, civil society, politics? | • Apply a broad definition of religious leadership from the start. The Generating Respect Project learnt from practice and a literature review that individualistic and formalistic definitions may exclude women and minorities, and informal groups that may well be influential (see discussion in Part I, section 1).<br>• Similarly, be aware that influential religious leadership, whether individual, group or institutional, need not be based in the same area or even the same country as the armed actors.<br>• Gender should be a constant preoccupation. Mapping based on textual sources may be limited in this respect, as explained below. |
| **2. Relationship with the parties to the conflict** | • Does the religious leader have any relationship/connections/affinities with one or all parties to the conflict?<br>• If so, what sort of relationship?<br>• If not, has the religious leader sought to establish such connections, and how?<br>• Is the religious leader integrated within the structure of the armed actor? How?<br>• Has the religious leader sought to specifically influence parties to the conflict (e.g., guidance/advice on the conduct of military operations)?<br>• What means of communication have they used? What access to the armed actor do they have?<br>• How is the religious leader perceived by the community and the armed actor? | • Consider the factors that can potentiate influence (as discussed in Part I): shared values, objectives, ideology; shared religion; societal perception and mutual perceptions.<br>• Bear in mind the typology identified in Part I of this document: religious leaders can be external (not institutionally affiliated) to the armed actors; part of the political governance structure of the armed actors; attached to a party to the conflict as religious personnel; part of the armed wing, including as commander. |
| **3. Messages & activities** | • What messages/interpretations has the religious leader put forward that have a (positive, negative, modifying) bearing on humanitarian norms?<br>• What activities has the religious leader developed/been engaged in that have a (positive, negative, modifying) bearing on humanitarian norms? | • Identifying all the messages can be time-consuming. In such instances start from specific incidents: IHL/IHRL violations that have been reported in the press and research the case in-depth. Based on an identification of religious leaders you can branch out to other incidents and see if there are similarities in terms of messages or activities (or indeed absence thereof.)<br>• A combination of press articles (ideally in the local language), grey literature and academic literature may provide a good overview. |

**Stage 2 involved key informant interviews** with experts on the analysed conflicts and actors, law and religion scholars, religious scholars, and humanitarian practitioners.

- The interview guide was designed to test information from the maps and address gaps. The biggest gap was the almost total absence of female religious leaders that we could identify based on desk-based research. Reviewing academic literature was instrumental, in that it enabled us to confirm our assumption that women religious leaders exist, may be influential, including on armed actors, yet their public profiles (for various reasons, including gender bias and security) were less visible. This means that most endeavours that aim to identify women religious leaders will have to mainly rely on primary data collection.
- We conducted several interviews online, due to Covid-19 restricting the possibility of traveling. Online interviews have certain advantages: they are cost-effective and may expose some participants to less risks compared to in-person meetings (although digital security protocols must be carefully considered). They can also be limiting due to poor connections, challenges building rapport and the difficulty of reading body language and understanding whether an interviewee is experiencing distress and needing to pause or terminate the interview. The starkest challenge, however, is the reluctance of some categories of interviewees (not so much key information though) to participate in them without a prior relationship having been established.

The following three conclusions relating to the religious leaders mapping and the complementary key informant interviews can be drawn:
- Look beyond the publicly visible, towards the local, informal, and collective forms of leadership.
- Pay attention to the relationship between individual and institutionalised expressions of religious leadership – often individual religious leaders' influence is constrained or potentiated by institutions or networks with which they are affiliated, including through funding or employment arrangements.
- Have in place thorough ethics, data management, and security processes that identify and devise realistic strategies to mitigate risks faced by those to be engaged and those who will engage them. These may include reputational, safety, security, emotional distress and trauma, disclosure of sensitive personal or organisational information, anonymity, and confidentiality. Informed consent should be paramount. Finally, these aspects should not be considered only at the stage where contact is made, but prior even to starting the stage of desk-based research. One would expect humanitarian organisations, given the sensitive topics that they work on daily to have very solid ethics processes in place.

**In stage 3**, **we conducted extensive in-country fieldwork** with religious leaders, armed actors, representatives of local communities, humanitarian practitioners and other actors. This stage, unsurprisingly, is where the most revelatory data was collected as it included first-hand accounts, and subsequently allowed us to triangulate the data.

The same or a similar template can be used to input the data from the key informant interviews and in-country fieldwork (after translation, transcription, and coding) as was used for the mapping.

The findings from the three stages could be portrayed on an **adapted power – interest grid**.

- The religious leaders' influence on armed actors could be estimated based on a combination of factors: institutional relationship with the armed actors (external/internal - if the latter what type specifically) and the type of socialisation they are likely to engender, the shared characteristics and degree of affinity (values, objective, ideology; ethnic, cultural and social background), and the societal and armed actors' likely perception of the leader, which could be assessed based on desk-based and empirical data.
- The religious leaders' likely interest in humanitarian engagement could be judged based on the challenges/risks they would face, the position on IHL and IHRL drawn from statements and actions as they emerge from the mapping and empirical data, motivations/rationale behind their statements/actions/silences (care should be had to understand silences, which may mean two very different things from the point of view of interest). Access, or lack thereof, to the religious leader could also be a factor in this assessment.

*Influence – interest grid*
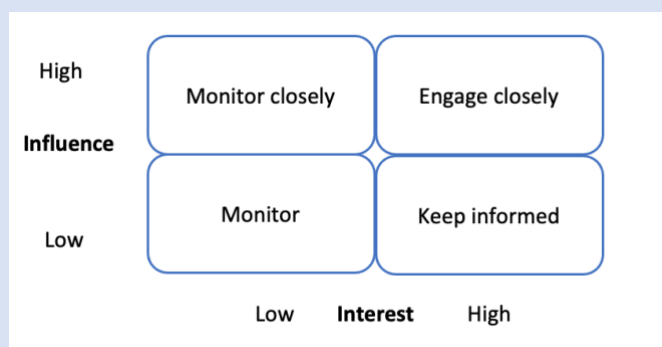


### 5.3  Approaches to engagement

Once decisions have been made concerning which actors to engage (presumably, prioritizing religious leaders considered to have high influence and display high interest, but also including those with low influence but high interest), specific approaches will have to be considered based on the organisational fit, desired or expected outcome of the engagement, and the motivations driving the actors. An important consideration will be the institutional relationship between the religious leader and the armed actor.

Inspiration for '**partnership' type engagements**, where these are feasible, could be gained from development and peacebuilding work and draw on participatory research methodologies. These may also be more responsive to collective and informal forms of religious leadership.

Irrespective of the chosen approach, mutual trust will have to be built as a necessary condition for, and basis of, engagement. Fundamental aspects in building trust are ensuring that clarity exists on the humanitarian mandate and principles, openness to listen carefully and actively, and willingness to learn about the priorities, understandings, needs, solutions that the interlocutor is proposing. Whilst certainly an option, '**access-only'** types of engagements may be problematic as discussed in section 3 and may adversely impact on other engagements.[207] Importantly, research points out that

humanitarian access requires a considerable investment of time and trust-building, and that positive outcomes often result from "shared interests of different actors and the successful building of relationships over time".[208] To put it differently, even what is presented in literature as less substantive forms of engagement, require considerable time, effort and resources.

## 5.4    Topics of engagement

The topic of engagement will likely depend on the mandate of the organisation (which as we have previously seen vary considerably), the needs on the ground and the profiles of religious leaders. We have shown in this document that religious leaders work on virtually all humanitarian topics. Yet, there is reluctance from some religious circles to engage on gender issues, minority rights, in particular, but not exclusively.

It is impossible to offer de-contextualised guidance on topics of engagement. Instead, two suggestions could be made about a methodology that could be adopted in making decisions about the topics of engagement. The first is to use the religious leaders mapping exercise to assess the interaction of a specific religious leader with IHL and IHRL topics. This should clarify i) their position on various norms; ii) their relationship with armed and other actors that may serve to incentivize or disincentivize discussion of a specific topic; iii) seek to understand in what sort of sources the positions are ground (religious interpretation, economic, political or other aspects).

Second, the decision as to the topic of (initial) engagement could be left to the religious actor themselves. This is a way of constructively addressing critiques of donor- and humanitarian-driven initiatives of engagement, as well as building trust by providing the space – and time – to religious leaders to set the agenda according to what they consider deserves the most pressing attention. If the dialogue is planned for the longer-term, as it should be, shared understandings on initial compliance work, could later proceed into areas that are more difficult to approach. Careful consideration should be given to processes of hybridisation in this respect.

## 5.5    Skills and emotion of actors involved in engagement

Three aspects seem particularly important to note in relation to the knowledge and skillset required for those seeking to engage with religious leaders.

- **Knowledge of religion and religious interpretations** – It should be obvious that those engaging with religious leaders must possess knowledge about the religion or belief of their interlocutor. However, depending on the topic of engagement and its form, specialist knowledge and expertise is needed. Larger humanitarian organisations have advisors with the knowledge and skillset to sustain in-depth conversations about jurisprudential nuances, principles of interpretation, and how divergent readings of religious texts could be methodologically reconciled. Other organisations may wish to consider consulting with religious scholars based in universities or research institutes in the country of engagement. Indeed, as part of this research, we have documented this practice. Such individuals can serve as facilitators or even gatekeepers. Aspects relating to confidentiality will have to be considered.

- **Reflexivity** – Part I had concluded that  humanitarian practice should be reflexively pursued – that is, humanitarians should engage in conscious processes of "continual internal dialogue and critical self-evaluation" of their "positionality as well as active acknowledgement and explicit recognition that this position may affect" humanitarian engagement and its outcome.[209] This is very much in line with an understanding that humanitarian action itself is a relational process,[210] and thus it is important to explore how one's own positionality may affect this.

- **Emotion** – Additionally, training may focus on what Rebecca Sutton and Emily Paddon Rhoads call "empathy that enables and strengthens relational engagement in the humanitarian negotiation context and beyond."[211] Institutionally, humanitarians must be better supported to acquire the skills and to practice "emotion regulation, perspective-taking, social awareness, and strategic conveyance of empathy".[212] If one returns to what religious leaders have said makes them effective negotiators with armed actors, one will find all these elements present.

# References

[1] See, https://www.generatingrespectproject.org.

[2] Humanitarian norms, for the purpose of this project, were defined as those grounded mainly in international humanitarian law (IHL), the body of law that regulates the conduct of hostilities and, to an extent, in international human rights law (IHRL) as it continues to apply in times of armed conflict. The Generating Respect Project focused on three norms: the protection of civilians from attacks, the protection of detainees and the facilitation of humanitarian assistance. These norms have been chosen based on the challenges identified by different humanitarian organisations when engaging with parties to armed conflicts in various contexts.

[3] See, I. Cismas and E. Heffes, "Not the Usual Suspects: Religious Leaders as Influencers of International Humanitarian Law Compliance", *Yearbook of International Humanitarian Law* 22 (2021), at 138-139; for a finer-grained analysis of some of these challenges in reference to non-State armed groups, see A. Jackson, *In Their Words: Perceptions of Armed Non-State Actors on Humanitarian Action* (Geneva Call, 2016).

[4] International Committee of the Red Cross, *The Roots of Restraint in War* (ICRC, 2018), p. 9.

[5] See, https://www.generatingrespectproject.org/ Publications & Resources, and the special issue of the *Journal of Human Rights Practice* "Religious Actors & Humanitarian Norms Compliance in Armed Conflict: Roles, Influence, Engagement" (forthcoming 2023).

[6] See, e.g., G. Clarke and M. Jennings, *Development, Civil Society and Faith-Based Organizations: Bridging the Sacred and the Secular* (Palgrave Macmillan, 2008); K. Marshall and L. Keough, Finding Global Balance: Common Ground between the Worlds of Development and Faith (World Bank, 2005); L. Reychler, "Religion and conflict", 2 *International Journal of Peace Studies* 1 (1997), 19-38; J. Haynes, "Conflict, conflict resolution and peace-building: The role of religion in Mozambique, Nigeria and Cambodia", 47 *Commonwealth & Comparative Politics* 1 (2009), 52-75; R. S. Appleby, "Building Sustainable Peace: the Roles of Local and Transnational Religious Actors" in T. Banchoff (ed.), *Religious Pluralism, Globalization, and World Politics* (Oxford University Press, 2008), 125-154; L. Vinjamuri and A.P. Boesnecker, "Religious Actors and Transitional Justice", in T. Banchoff (ed.), op. cit., 155-188; D. Philpott, "When Faith Meets History: the Influence of Religion on Transitional Justice" in T. Brudholm and T. Cushman (eds.) *The Religious in Response to Mass Atrocity: Interdisciplinary Perspectives*, ed. (Cambridge University Press, 2013), 174–212.

[7] United Nations Development Programme, UNDP Guidelines on Engaging with Faith-Based Organizations and Religious Leaders (UNDP, 2014).

[8] T. R Gingerich, D. L. Moore, R. Brodrick, C. Beriont, "Local Humanitarian Leadership and Religious Literacy: Engaging with Religion, Faith, and Faith Actors" (Harvard Divinity School Religious Literacy Project and Oxfam, 2017).

[9] I. Cismas, "Reflections on the Presence and Absence of Religious Actors in Transitional Justice Processes: On Legitimacy and Accountability" in R. Duthie and P. Seils (eds.) *Justice Mosaics: How Context Shapes Transitional Justice in Fractured Societies* (International Center for Transitional Justice, 2017), 302-343.

[10] See, I. Cismas and E. Heffes, supra note 3, at 140-143; A. Bartles-Smith, "Religion and international humanitarian law", 104 *International Review of the Red Cross* 920-921, (2022), 1725 - 1761.

[11] See, e.g., A. Al-Dawoody, *The Islamic law of War: Justifications and Regulations* (Springer, 2011); A. Al-Dawoody, "Islamic Law and International Humanitarian Law: An Introduction to the Main Principles," 99 *International Review of the Red Cross* 906 (2017), 995-1018. An important collection of works on Islamic, Buddhist, and Hindu circles can be found at https://blogs.icrc.org/religion-humanitarianprinciples/.

[12] See, e.g., UN Population Fund, Guidelines for Engaging Faith based Organizations (FBOs) as Agents of Change (UNPF, 2009); UNAIDS, Partnership with Faith-Based Organizations (Joint United Nations Programme on HIV and AIDS, 2009); UNDP Guidelines, supra note 7; UN High Commissioner for Refugees, Partnership Note on Faith-Based Organizations, Local Faith Communities and Faith Leaders (UNHCR, 2014); UN Environment Programme, Engaging with Faith-Based Organization: UN Environment Strategy (UNEP 2018); OHCHR, Faith for Rights Framework, https://www.ohchr.org/en/faith-for-rights.

[13] See, UNDP Guidelines, supra note 7, at 3, 6, 12.

[14] M. Bothe, "Compliance", R. Wolfrum (ed), Max Planck Encyclopedia of Public International Law, 2010 (online), para. 1.

[15] I. Cismas and E. Heffes, supra note 3, at 128-131 and the therein referenced publications.

[16] In this publication, we shall generally refer to 'compliance' as defined in international law, and specify when reference to the meaning from social psychology is made.

[17] H. C. Kelman, "Compliance, Identification and Internalization", 2 *Journal of Conflict Resolution* 1 (1958), 51-60, at 52-53. Note that Koh defines identification and internalisation as obedience. H.H. Koh, HH Koh "Why Do Nations Obey International Law?", 106 *Yale Law Journal* (1997), 2599–2659, at 2601.

[18] M. O. Cantin, "Pathways to violence in civil wars: Combatant socialization and the drivers of participation in civilian targeting", 23 *International Studies Review* 4, 1566-1594, at 1571 - 1572.

[19] Ibid., and J. T. Checkel, "Socialization and Violence: Introduction and Framework", 54 *Journal of Peace Research* 5 (2017), 592–605.

[20] Ibid.

[21] See, e.g., D. Manekin, "The Limits of Socialization and the Underproduction of Military Violence: Evidence from the IDF" 54 *Journal of Peace Research* 5 (2017), 606–19; A. Bell, "Military Culture and Restraint toward Civilians in War: Examining the Ugandan Civil Wars", 25 Security Studies 3, 488-518.

[22] E. J. Wood and N. Toppelberg, "The persistence of sexual assault within the US military" 54 *Journal of Peace Research* 5 (2017), 620–633; E.J. Wood, "Rape as a Practice of War: Toward a Typology of Political Violence", 46 *Politics & Society* 4, 513–37; F. Bouhlel and Y. Guichaoua, "Norms, Non-Combatants and Restraint in Jihadi Violence in Northern Mali", 47 *International Interaction* 5 (2021), 855-872. For a recent overview of works on socialisation see A. Bell, "The Training and Socialization of Combatants to IHL Norms: A Brief Review", EJIL Talk, 19 November 2021, https://www.ejiltalk.org/the-training-and-socialization-of-combatants-to-ihl-norms-a-brief-review/.

[23] The mapping utilised the four types of armed organisations (integrated, centralised, de-centralised and community embedded) and corresponding indicators identified in ICRC, supra note 4, at 23-24.

[24] The Generating Respect Project Conference "Religious Actors & Humanitarian Norms Compliance in Armed Conflict: Roles, Influence, Engagement", 8-10 December 2021. The recordings of the sessions can be viewed at https://www.generatingrespectproject.org/grp-conference.

[25] See, M. Assaleh et P. Parisi, L'influence des leaders religieux sur les acteurs armés dans le cadre du respect des normes humanitaires au Mali, Rapport de l'atelier de réflexion, Bamako, 28-29 juillet 2021, Generating Respect Project, Geneva Call, Diakonia International Humanitarian Law Centre, https://static1.squarespace.com/static/5e624fe7ac1bea36a064929c/t/622ab312f991c2720eb964af/1646965575689/GRP+Workshop+Mali+rapport+finale.pdf. A second expert workshop on "The Role of Religious Leaders in Generating Respect for Humanitarian Norms" was organised by Geneva Call and the Generating Respect Project in Amman, 23 May 2022.

[26] We interrogated our own research practice in respect to gender aspects throughout the project, see I. Cismas, "Religious Leaders' Influence on Parties to Armed Conflict: Reflexive Early Considerations on the Design and Implementation of the Generating Respect Project", Conference paper presented at *Rules and Laws in Protracted Conflict: Concurrence, Negotiation and Friction*, University of Utrecht/online, 28 October 2020; I. Cismas, "Relevance of International Law Standards to Religious Leaders", in Morten Bergsmo (ed.), *Religion, Hateful Expression and Violence* (Torkel Opsahl Academic EPublisher, 2023) (forthcoming).

[27] See, R. Yin, *Case Study Research: Design and Methods* (2nd edn. SAGE Publications, 2009), at 23-24.

[28] UNDP Guidelines, supra note 7, 2014, at 5.

[29] See, C. Rush and I. Cismas, Interview with religious leaders, Thailand, 26 February 2022.

[30] A. Bartles-Smith, supra note 10, at 1744.

[31] F. Wehrey, "Libya's Factional Struggle for the Authority of the Islamic Endowment", in F. Wehrey (ed.), *Islamic Institutions in Arab States: Mapping the Dynamics of Control, Co-option, and Contention* (Carnegie Endowment for International Peace, 2021), at 74, available at https://carnegieendowment.org/2021/06/07/libya-s-factional-struggle-for-authority-of-islamic-endowments-pub-84653.

[32] Ibid., and H. El Jamali, Interview with imam, Online, 21 March 2022.

[33] John Braithwaite et al, *Pillars and Shadows: Statebuilding as Peacebuilding in Solomon Islands*, Canberra, ANUE Press, 2010, p. 31.

[34] E. Snyder, "Waging Peace: Women, Restorative Justice, and the Pursuit of Human Rights in the Solomon Islands," *Refugee Watch,* 32, (2009), at 73, citing B. Douglas, "Why Religion, Race, and Gender Matter in Pacific Politics," Development Bulletin 59 (Research School of Pacific and Asian Studies, Australian National University) 2002, at 12.

[35] See, Generating Respect Project digital story "Madame Cissé, prédicatrice de l'équité", available at https://www.youtube.com/watch?v=_Qr9FjmJBf0.

[36] See, C. Rush, E. Allen, N. Okino, J. Reynolds and I. Cismas, Mapping of Armed Conflicts and Religious Leaders in Myanmar (Generating Respect Project, 3 October 2020) (unpublished).

[37] Z. Bilay, "The Characteristics of Violent Religious Nationalism: A Case Study of Mabatha against Rohingya Muslim in Myanmar", 8 *Journal of Human Rights and Peace Studies*, 1 (2022), 86-106; M. Ali Siddiquee, "The Portrayal of the Rohingya Genocide and Refugee Crisis in the Age of Post-truth Politics", 5 *Asian Journal of Comparative Politics* 2 (2020), 89-103; International Crisis Group, "Buddhism and State Power in Myanmar", *Crisis Group Asia Report No. 290*, 2017; H. Min Lwin, "Politicized Religion as Social Movement in a Nascent Democracy: The MaBaTha Movement in Myanmar", Dissertation for Master of Arts (Central European University, 2016).

[38] See, I. Cismas, "Relevance of International Law Standards to Religious Leaders", supra note 26.

[39] Ibid.

[40] O. Wilkinson and E. Tomalin, "Secular-religious dynamics and their effect on humanitarian norms compliance", *Journal of Human Rights Practice* (forthcoming 2023).

[41] The figure is reproduced exactly from D. Knoke, *Political Networks: The Structural Perspective* (Cambridge University Press 1994), at 5, and the concepts are discussed at 3-8.

[42] See, J. C. Turner, "Explaining the Nature of Power: A Three-Process Theory", 35 *European Journal of Social Psychology* 1 (2005), 1-22, at 6.

[43] Ibid., at 8.

[44] R. Goodman and D. Jinks, "How to Influence States: Socialization and International Human Rights Law", 54 *Duke Law Journal* 3 (2004), 621-703, at 635.

[45] I. Cismas, supra note 28, at 56; M. E. Spencer, "Weber on Legitimate Norms and Authority", 21 *The British Journal of Sociology* 2 (1970), 123–134, at 126.

[46] "Max Weber famously developed three *Idealtypen* of legitimate authority. Legitimacy may be ascribed on traditional grounds, 'resting on an established belief in the sanctity of immemorial traditions and the legitimacy of those exercising authority under them'; this corresponds to traditional authority. In a second category, legitimacy is ascribed on charismatic grounds, whereby an authority draws upon emotions and faith that validate a model to follow, or devotion to the 'exceptional sanctity' and 'the normative patterns or order revealed or ordained by him [sic]'; this corresponds to charismatic authority. Third, legal-rational legitimacy results from the 'belief in the legality of enacted rules and the right of those elevated to authority under such rules to issue commands'; this corresponds to legal authority". Cismas, supra note 28, at 56. The omitted references in the citation are to M. Weber, *Economy and Society* (G. Roth *and* C. Wittich *eds.)*, (Berkeley: University of California Press, 1978), at 33, 215; H. H. Gerth and C. Wright Mills (eds.), *From Max Weber: Essays in Sociology*, (New York: Oxford University Press, 1975), at 296; M. E. Spencer, supra note 46, at 209–210.

[47] D. Knoke, supra note 42, at 6; Spencer, supra note 37, at 126; M. Dogan, "Conceptions of Legitimacy", in M. Hawkesworth and M. Kogan (eds.), *Encyclopedia of Government and Politics*, 2nd ed., vol. I, (Routledge 2004), 110–120, at 116-117.

[48] R. Scruton*, The Palgrave Macmillan Dictionary of Political Thought* 3rd ed., (Palgrave Macmillan 1996), at 331.

[49] See, N. Pendle, "Competing Authorities and Norms of Restraint: Governing Community-Embedded Armed Groups in South Sudan", 47 *International Interaction* 5 (2021), 873-897; F. Bouhlel and Y. Guichaoua, "Norms, Non-Combatants and Restraint in Jihadi Violence in Northern Mali", 47 *International Interaction* 5 (2021), 855-872.

[50] D. Magon and D. Earnshaw, "Engaging ulama in the promotion of international humanitarian law: a case study from Mindanao", *Journal of Human Rights Practice* (forthcoming 2023).

[51] As cited in D. Magon and D. Earnshaw, ibid.

[52] J.C. Turner, supra note 43, at 12.

[53] N. al-Dawsari, "The Houthis and the limits of diplomacy in Yemen", Middle East Institute, 6 May 2021, https://www.mei.edu/publications/houthis-and-limits-diplomacy-yemen.

[54] M. Furlan, Interview with senior researcher on Yemeni affairs, Online, 20 October 2021; M. Furlan, Interview with senior researcher on Yemeni affairs, Online, 25 October 2021; M. Furlan, Interview with senior researcher on military and security affairs in the Gulf and the Levant, Online, 4 November 2021; M. Furlan, Interview with researcher on Yemeni affairs in the humanitarian sector, Online, 18 November 2021.

[55] M. Furlan, Interview with scholar on Yemen's history and anthropology, Online, 22 October 2021.

[56] Earlier iterations of these factors have been presented in I. Cismas and E. Heffes, supra note 3, 125-150, and in particular at 143-144.; I. Cismas, "Religious Leaders' Influence on Parties to Armed Conflict: Reflexive Early Considerations", supra note 26.

[57] Based on the premise that non-State armed groups' war aims ought to condition their compliance with international humanitarian law, Fazal proposes four "ideal types of rebels" with war aims as the ordering

principle – she clarifies that mixed groups may exist and conflict objectives may change over time. Center-seeking non-State armed groups are "those who seek to overthrow and replace the government", secessionist groups are those "trying to care out their own, independent state", profit-driven groups are driven primarily by profit activities relating to the conflict, and religionist groups "aim to, evangelize, proselytize, and either convert or cleanse those who cannot be converted". See T. Fazal, "Rebellion, War Aims & the Laws of War", 146 *Daedalus* 1, 71–82, at 75-76.

[58] C. Rush and I. Cismas, Interview with leader of armed group, Thailand, 2 March 2022.

[59] J. Zaragoza and Y. Padilla Sepulveda, Interview with humanitarian, Online, 12 November 2020; J. Zaragoza and Y. Padilla Sepulveda, Interview with Álvaro Villarraga, expert on the Colombian armed conflicts, Online, 16 September 2020.

[60] B. Gruber and J. Pospisil, "'Ser Eleno': Insurgent identity formation in the ELN, 26 *Small Wars & Insurgencies* 2 (2015), 226-247.

[61] C. Büschges, "50 años de la Teología de la Liberación. Introducción*," XVIII Iberoamericana* 68 (2018), 7-11.

[62] P. Parisi and Y. Padilla Sepulveda, Interview with Juan Carlos Cuellar, Colombia, 3 February 2022.

[63] See V. Pérez Prieto, "Origins of Liberation Theology in Colombia: Richard Shaull, Camilo Torres, Rafael Ávila, "Golconda", Priests for Latin America, Christians for Socialism and Basic Ecclesial Communities", 43 *Cuestiones Teológicas* 99, (2016).

[64] ICRC, supra note 4, at 39-40.

[65] P. Parisi and Y. Padilla Sepulveda, Interview with Juan Carlos Cuellar, Colombia, 3 February 2022.

[66] See T. Fazal, supra note 58.

[67] See J. M. Weinstein, *Inside Rebellion: The Politics of Insurgent Violence* (Cambridge University Press, 2007), at 205-206, and ICRC, supra note 4, at 22.

[68] For example, For example, Gonzalo Palacio, a priest based in Medellín, was alleged to be an informant, and even a member, of the paramilitary group Los 12 Apóstoles. "Gonzalo Palacio, el cura que murió bajo la sombra de 'Los 12 Apóstoles'", El Espectador, 29 September 2020, available at https://www.elespectador.com/judicial/gonzalo-palacio-el-cura-que-murio-bajo-la-sombra-de-los-12-apostoles-article/; See also, Pacific School of Religion, "Casos de implicación de la Iglesia en la Violencia en Colombia – Insumo para la Comisión de Esclarecimiento de la Verdad" (2016).

[69] See, Comisión de la Verdad, 'Posición de las Iglesias frente al conflicto armado en Colombia y ante la posibilidad de paz' (29 September 2020).

[70] See, e.g., C. R. Neufeldt, "Interfaith dialogue: Assessing theories of change", 36 *Peace & Change* 3 (2011), 344-37; A. Alibašić, "History of Inter-Religious Dialogue in Bosnia and Herzegovina: From Force-Feeding to Sustainability?", 6 *Interdisciplinary Journal for Religion and Transformation in Contemporary Society* 2 (2020), 343-364;); S.A. Kadayifci-Orellana, "Inter-Religious Dialogue and Peacebuilding", *The Wiley-Blackwell Companion to Inter-Religious Dialogue* (2013), 149-167.

[71] See, e.g., M. Barnett, and J. Stein (eds.), *Sacred Aid: Faith and Humanitarianism* (Oxford University Press, (2012); E. Gano, "Interfaith humanitarian cooperation: a Lutheran perspective", *Forced Migration Review* 48 (2014), 39-40.

[72] See, H. Bhandari, K. Yasunobu, "What Is Social Capital? A Comprehensive Review of the Concept", 37 *Asian Journal of Social Science* 3 (2009), 480-510.

[73] C. Rush, Interview with Ben Rogers, rights activist and journalist, Online, 15 October 2020.

[74] V. Cho and D. Gilbert, "Ethnicity, culture and religion: centralisation, Burmanisation and social transformation" in A. Simpson and N. Farrelly (eds.), *Myanmar: Politics, Economy and Society* (Routledge, 2021).

[75] P. Za Mang, "Religion, Ethnicity, and Nationalism in Burma", 59 *Journal of Church and State* 4, (2017), 626-648, at 628.

[76] See, C. Jaquet, "Kachin History, Perceptions, and Beliefs: Contextual Elements" in C. Jacquet (ed.), *The Kachin Conflict, Testing the Limits of the Political Transition in Myanmar,* (Institut de recherche sur l'Asie du Sud-Est contemporaine, 2015); D. Brenner, "Ashes of Co-optation: From Armed Group Fragmentation to the Rebuilding of Popular Insurgency in Myanmar", 15 *Conflict, Security & Development* 4 (2015), 337-358; G. McCarthy and N. Farrelly, "Peri-Conflict Peace: Brokerage, Development and Illiberal Ceasefires in Myanmar's Borderlands", 20 *Conflict, Security and Development* 1 (2020), 141-163, at 146.

[77] See C. Rush et al, supra note 37; C. Rush and I. Cismas, "The relational influence between religious actors and ethnic armed actors in Myanmar", *Journal of Human Rights Practice* (forthcoming 2023).

[78] UN Secretary General, Report of the Secretary General: Children and Armed Conflict, A/72/865–S/2018/465, 16 May 2018, paras. 140 and 264 and p. 41.

[79] C. Rush and I. Cismas, Interview with Dr Alicia de La Cour Venning, Queen Mary University of London, Online, 10 November 2020.

[80] C. Rush and I. Cismas, Interview with Karen Independence Organisation Technical Advisory Team, Thailand, 22 February 2022.

[81] This is an excerpt from H. El Jamali and I. Cismas, "The multifactorial influence of Madkhali Salafism on Libyan armed actors", *Journal of Human Rights Practice* (2023, forthcoming).

[82] See, e.g., Y. Levy, "The Theocratization of the Israeli Military", 40 *Armed Forces & Society* 2 (2014), 269–294; S. Cohen, "From Integration to Segregation: The Role of Religion in the IDF", 25 *Armed Forces & Society* 3 (1999), 387–405; T. Korotkyi and V. Maievskyi, United in the Name of Humanity: The Experience of Teaching International Humanitarian Law to Military Chaplains, (undated), https://blogs.icrc.org/religion-humanitarianprinciples/wp-content/uploads/sites/114/2021/07/United-in-the-Name-of-Humanity-Eng.pdf.

[83] To recall, the study noted: "Organizational structure can indicate the levers of influence that leaders have at their disposal. Centralized armed groups rely on clearly established rules and values, which are likely to be imparted to the rank and file through indoctrination and training. Decentralized and community-embedded armed groups do not always have written codes of conduct, drawing instead on shared values and traditions. Here, the source of norm-influencing behaviour needs to be identified within the community, which might not be obvious or accessible to outsiders." ICRC, supra note 4, at 23.

[84] State – religion relations are notoriously varied. Around the globe we can find theocracies, State religions, established churches, religions recognised or protected by the State, States that enshrine neutrality constitutionally, yet pay salaries of clergy or gather 'church tax' on their behalf, secular States, and State atheism. See generally, J. Temperman, *State-Religion Relationships and Human Rights Law: Towards a Right to Religiously Neutral Governance* (Martinus Nijhoff Publishers, 2010).

[85] See discussion in Ibid.

[86] Note also that religious leadership can be part of civil defence organisations, where the institutional relationship with the armed forces relates to organisational aspects. These receive protection under IHL. See ICRC, "Civil Defence in International Humanitarian Law", Factsheet, Advisory Services on IHL, April 2021, https://www.icrc.org/en/document/civil-defence-international-humanitarian-law. In our research, we have not documented any concrete examples but do not exclude that this institutional relation may exist in our case study contexts and elsewhere.

[87] See, e.g., the British Armed Forces have padres (Christian ministers, who support "soldiers of any faith as well as those who have no religious beliefs at all"), and chaplains of Buddhist, Hindu, Muslim, Jewish and Sikh faiths. https://apply.army.mod.uk/what-we-offer/what-we-stand-for/religion-and-belief. The Obispado Castrense d*e Colombia* or Military Bishopric of Colombia is a Latin Church military ordinariate of the Catholic Church which is a dependency of the Ministry of Defence. See https://obispadocastrensecolombia.org. Israel has a Military Rabbinate, described as a unit that was "created at the same time as the Israel Defense Forces in 1948", which "works in cooperation with the Manpower Directorate" and whose Chief Military Rabbi is appointed by the Chief of Staff. https://www.idf.il/en/mini-sites/military-rabbinate/.

[88] See, e.g., the Islamic Call and Guidance department of the Bangsamoro Islamic Armed Forces, the armed wing of the Moro Islamic Liberation Front. See discussion in I. Cismas, "Relevance of International Law Standards to Religious Leaders", supra note 26.

[89] See, *Toepassing Humanitair Oorlogsrecht*, Voorschift No. 27-412/1, Koninklijke Landmacht, Ministerie van Defensie, 1993, p. VI-4, as cited in ICRC, Customary IHL Database, Practice relating to rule 27. Religious Personnel, https://ihl-databases.icrc.org/en/customary-ihl/v2/rule27.

[90] For further information on non-military members of non-State armed groups, see N. Melzer, *Interpretative Guidance on the Notion of Direct Participation in Hostilities under International Humanitarian Law* (ICRC, 2009), at 27-36.

[91] See, K. Fortin, *The Accountability of Armed Groups under Human Rights Law* (Oxford University Press, 2017); A. Clapham, "Challenging the Myths which Suggest that Human Rights Bodies Cannot Address Armed Non-state Actors in Situations of Armed Conflict", in G. Gaggioli (ed.), *The Role of Human Rights Mechanisms in Implementing International Humanitarian Law* (Elgar, 2023 forthcoming), at 5.

[92] See, Joint Statement by independent United Nations human rights experts on human rights responsibilities of armed non-State actors, 25 February 2021, https://www.ohchr.org/en/press-releases/2021/02/joint-statement-independent-united-nations-human-rights-experts-human-rights; E. Heffes, *Detention by Non-State Armed Groups under International Law* (Cambridge University Press, 2022).

[93] In what concerns the applicability of the obligation to respect and protect religious personnel in non-international armed conflict, the ICRC Customary IHL Database notes as treaty sources Additional Protocol II, Article 9, and the Statute of the International Criminal Court, Article 8(2)(e)(ii), as well as specific references in

military manuals (e.g., Canada, the Netherlands, United Kingdom), in national legislation, some other State practice, and the absence of contrary practice. ICRC, Customary IHL Database, Rules, Rule 27 and commentary, https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule27. For practice, see https://ihl-databases.icrc.org/en/customary-ihl/v2/rule27.

[94] Ibid. In respect to medical personnel, the special protection regime which is applied by analogy to religious personnel, Kolb and Nakashima note "This definition is considered applicable in both IAC and NIAC, subject to the differences resulting from the presence of non-State armed groups." R. Kolb and F. Nakashima "The Notion of 'acts harmful to the enemy' under International Humanitarian Law", 101 *International Review of the Red Cross* 912 (2019), at 1174.

[95] ICRC, supra note 94, Rule 27 and commentary. See also, M. Sassòli, "When do medical and religious personnel lose what protection?" in *Vulnerabilities in Armed Conflicts: Selected Issues*, 14th Bruges Colloquium 17-18 October 2013, proceedings, at 54. For a detailed discussion of when protection is lost by religious personnel attached to military wings of non-State parties, see I. Cismas, "Relevance of International Law to Religious Leaders", supra note 26.

[96] See, S. Palm and C. Eyber, "Why faith? Engaging the Mechanisms of faith to end violence against children", Learning Brief (Joint Learning Initiative on Faith and Local Communities EVAC Hub, 2019), at 2; E. Le Roux and S. Palm, "Learning From Practice: Engaging Faith-Based and Traditional Actors in Preventing Violence Against Women and Girls", (UN Trust Fund to End Violence against Women, 2021), at 9.

[97] See, A. Bartles-Smith, supra note 10, at 30.

[98] J. Zaragoza, C. Rush, Y. Padilla Sepulveda, L. Sloan, and M. Assaleh, "Religious leaders as brokers of humanitarian norm-compliance: Insights from the cases of Colombia, Libya, Mali and Myanmar", Armed Groups and International Law, 21 October 2020.

[99] See, P. Parisi, "Confronting rifles with words: the High Islamic Council of Mali and armed non-State actors", *Journal of Human Rights Practice*, (forthcoming 2023).

[100] Ibid.

[101] In the literature, other transliterations from the Arabic can be found (for e.g., Ansar al Din). This armed group should not be confused with the movement led by Chérif Ousmane Madani Haidara, the current President of the High Islamic Council of Mali, see, G. Holder, "Chérif Ousmane Madani Haidara and the Islamic Movement Ansar Dine: A Popular Malian Reformism in Search of Autonomy", 206-207 Cahiers *d'Études Africaines* 2 (2012), 389-425.

[102] P. Parisi and M. Assaleh, Interview with imam Mahmoud Dicko, Mali, 7 August 2021 [Parisi's translation]. See also, P. Parisi, supra note 100.

[103] See, the outputs produced as part of the research project From Words to Deeds: A Study of Armed Non-State Actors' Practice and Interpretation of International Humanitarian and Human Rights Norms, https://words2deeds.org/. See also, K. Fortin, "The Application of Human Rights Law to Everyday Life Under Rebel Control", *Netherlands International Review* 63 (2016), 161-181; E. Heffes, "Let's Talk About Compliance with International Humanitarian Law", *Just Security*, 24 August 2022, https://www.justsecurity.org/82750/lets-talk-about-compliance-with-international-human-law/.

[104] O. Wilkinson, K.H. Logo, E. Tomalin, W. Laki Anthony, F. De Wolf, and A. Kurien, "Faith in localisation? The experiences of local faith actors engaging with the international humanitarian system in South Sudan", 7 *International Journal of Humanitarian Action* 4 (2022), 1-15, at 6. See also, E. Ferris, "Faith-based and secular humanitarian organizations", 87 *International Review of the Red Cross* 858 (2005), 311-325.

[105] P. Parisi and Y. Padilla Sepulveda, Interview with religious leaders, Colombia, 14 February 2022.

[106] C. Rush, Ella Allen, Nabila Okino and Joel Reynolds, Mapping of Armed Conflicts and Religious Leaders' Involvement in Myanmar, Generating Respect Project, 3 October 2020; C. Rush, Interview with Ashley South, academic and analyst, Online, 22 August 2020.

[107] See, "'Shoot me instead': Myanmar nun's plea to spare protesters", The Guardian, 9 March 2021.

[108] T. Korotkyi and V. Maievskyi, supra note 82, at 6.

[109] Ibid.

[110] C. Rush and I. Cismas, Interview with member of armed group, February 2022.

[111] There is a very rich body of literature on human rights vernacularisation and localisation processes to which this document will certainly not be able to do justice, given its targeted aim that engenders style and word count constraints. Note, however, that scholarship on vernacularisation of humanitarian norms (understood broadly to encompass relevant legal regimes applicable in times of armed conflict) and specifically of IHL vernacularisation and localisation is much more limited.

[112] S. Engle Merry and P. Levit, "The Vernacularization of Women's Human Rights", in S. Hopgood, J. Snyder and L. Vinjamuri (eds.), *Human Rights Futures* (Cambridge University Press, 2017), at 213. In earlier work, the

authors defined vernacularisation as "the process of appropriation and local adoption of globally generated ideas and strategies." See, P. Levitt and S. Merry, "Vernacularization on the ground: local uses of global women's rights in Peru, China, India and the United States", 9 *Global Networks* 4, 441-461, at 441.

[113] For the understanding of these concepts in the context of transitional justice, which can be transposed to the context of norms-compliance, see A. P. Boesenecker and L. Vinjamuri, "Lost in Translation? Civil Society, Faith-Based Organizations and the Negotiation of International Norms", 5 *International Journal of Transitional Justice* 1 (2011), 345–36; Global Initiative for Justice, Truth & Reconciliation (GIJTR), Strengthening Transitional Justice through Engagement with Religious and Faith-based Actors, An Assessment Toolkit, https://gijtr.org/our-work/faith-based-actors-in-transitional-justice/, at 83.

[114] See, S. Engle Merry and P. Levitt supra note 113, at 213.

[115] See also, P. Levitt and S. Merry, supra note 113, at 457.

[116] Wilkinson et al problematise the dichotomies between local and international and faith and humanitarian, as follows: "Power is delineated among the lines of both local/international and faith/secular divides, resulting in the reality that local faith actors can be doubly marginalised (alongside and adding to other marginalisation they may experience based on gender, race, age, ethnicity, etc.)." See O. Wilkinson et al, supra note 105, at 2-3.

[117] P. Parisi and Y. Padilla Sepulveda, Interview with ELN affiliate, Colombia, 3 February 2022.

[118] J. Zaragoza and Y. Padilla Sepulveda, Interview with Carlos Velandia, humanitarian, Online, 21 September 2020.

[119] Ibid.; J. Zaragoza and Y. Padilla Sepulveda, Mapping of Armed Conflicts and Religious Leaders' Involvement in Colombia.

[120] P. Parisi and Y. Padilla Sepulveda, Interview with Pentecostal and Catholic religious leaders, Colombia, 8 February 2022.

[121] Ibid.

[122] J. Zaragoza and M. Assaleh, Mapping of Armed Conflicts and Religious Leaders' Involvement in Mali, 14 September 2020.

[123] J. Zaragoza and M. Assaleh, Interview with Mohamed Ahmed El Ansari, political analyst, Online, 8 September 2020; J. Zaragoza and M. Assaleh, Interview with Chérif Ag Mohamed, academic, Online, 14 September 2020.

[124] J. Zaragoza and M. Assaleh, Interview with Malian key informant, Online, 26 September 2020.

[125] This resonates with the conclusions of a programmatic report authored by Rebecca Sutton and Emanuela-Chiara Gillard that encourage humanitarians to look "beyond the letter of the law" to address humanitarian need and civilian harm. See R. Sutton and E.-C. Gillard, Beyond Compliance: International Humanitarian Law, Humanitarian Need and Civilian Harm in Armed Conflict, The Peace and Conflict Resolution Evidence Platform, 2022.

[126] *"La Guardia Indígena"*, *Radio Nasa 102.7*, 19 November 2010, available at https://tierradentro.co/la-guardia-indigena/.

[127] CRIC, "Guardia Indígena", available at https://www.cric-colombia.org/portal/proyecto-politico/defensa-vida-ddhh-cric/guardia-indigena/].

[128] Y. Padilla Sepulveda, Interview with Nasa indigenous peoples, Colombia, 5 February 2022.

[129] P. Parisi and Y. Padilla Sepulveda, Interview with Awá indigenous leader, Colombia, 31 January 2022.

[130] *'Ritualising' Protection in Conflict* is a collaborative project between the University of York (Piergiuseppe Parisi) and the Indigenous Reserve of Huellas Caloto (Anadeida Secue Rivera) in Colombia, which investigates how spiritual and cultural practices protect indigenous peoples, specifically the Nasa people, in the midst of the armed conflict. This project also seeks to understand how State protection agencies, such as the Colombian National Protection Unit, could better support such practices. The project website, currently under construction, will be available at the following URL: www.ritualisingprotection.org.

[131] See, e.g., D. Goldstein, "Whose Vernacular? Translating Human Rights in Local Contexts", in M. Goodale (ed.), *Human Rights at the Crossroads* (Oxford University Press, 2013), 110-121. Specifically on the implications of what we call pluralisation (and they call hybridisation), see A. Doffegnies and T. Wells, "The Vernacularization of Human Rights Discourse in Myanmar: Rejection, Hybridization and Strategic Avoidance", 52 *Journal of Contemporary Asia* 2 (2022), 247-266, at 259-260. On vernacularisation of human rights law, see P. Levitt and S. Merry, "Vernacularization on the Ground: Local Uses of Global Women's Rights in Peru, China, India and the United States", 9 *Global Networks* 4 (2009): 441-461.

[132] See, A. Doffegnies and T. Wells, supra note 132, at 247; T. Destrooper, "Localization 'light: The Travel and Transformation of Nonempowering Human Rights Norms", in T. Destrooper and S. Engle Merry (eds.), *Human rights Transformation in Practice* (University of Pennsylvania Press, 2018) seems to describe a similar process when employing the term "localization 'light'".

[133] One of the most important international cases striking down amnesties was initiated by religious leaders. The Tutela Legal del Arzobispado, the legal aid office established in 1977 by archbishop Oscar Romero to systematically document rights violations in El Salvador, including during the civil war, lodged the *El Mozote Massacre* case with the Inter-American system. See I. Cismas, supra note 9, at 326; Inter-American Court of Human Rights, *Case of the Massacres of El Mozote and Nearby Places v. El Salvador*, Judgment of 25 October 2012 (Merits, Reparations and Costs).

[134] Interestingly, this type of framing which avoids mentioning human rights and resolves to pursue a quiet diplomacy around shared values is not unusual even outside conflict contexts, P. Gready, "The Implications of and Responses to Covid-19 in the City of York (UK)", 12 *Journal of Human Rights Practice* 2, 2020, pp. 250-259.

[135] A. Doffegnies and T. Wells, supra note 132, at 261.

[136] Ibid., at 258.

[137] J. Zaragoza and M. Assaleh, Interview with Modibo Sacko, academic, Online, 22 September 2020; J. Zaragoza and M. Assaleh, Interview with Mohamed Ahmed El Ansari, political analyst, Online, 8 September 2020; J. Zaragoza and M. Assaleh, Interview with Dr Bréma Ely Dicko, researcher and former humanitarian, Online, 8 September 2020; J. Zaragoza and M. Assaleh, Interview with international official, Online, 11 September 2020.

[138] See, Paul Melly, "Mahmoud Dicko: l'imam qui défie le président malien IBK", BBC News Afrique, 29 juin 2020, https://www.bbc.com/afrique/region-53215682.

[139] C. Rush and I. Cismas, Interview with Dr Alicia de La Cour Venning, Queen Mary University of London, Online, 10 November 2020.

[140] This silence could be paralleled with the absence of some influential religious actors from transitional justice mechanisms, an absence that can be linked back to the actors' own complicity in past violations. See, I. Cismas, supra note9, at 302-343.

[141] See, I. Cismas, supra note 26.

[142] J. Zaragoza and Y. Padilla Sepulveda, Interview with humanitarian, Online, 2 September 2020; J. Zaragoza and Y. Padilla Sepulveda, Interview with Doris Marcela Hernández, academic, Online, 11 September 2020; J. Zaragoza, and Y. Padilla Sepulveda, Interview with Luis Andrés Fajardo, human rights lawyer, Online, 29 September 2020; J. Zaragoza, Y. Padilla Sepulveda, Interview with government official, Online, 11 November 2020.

[143] C. Rush, Interview with humanitarian worker, Online, 19 October 2020.

[144] C. Rush, Interview with Harn Yaunghwe, humanitarian, Online, 30 November 2020.

[145] A. Doffegnies and T. Wells, supra note 132, at 261.

[146] See, e.g., *Prosecutor v. Elizaphan Ntakirutimana and Gérard Ntakirutimana*, Cases No. ICTR-96-10 & ICTR-96-17-T, International Criminal Tribunal for Rwanda, Trial Chamber I, Judgment and Sentence of 21 February 2003; *Prosecutor v. Elizaphan Ntakirutimana and Gérard Ntakirutimana*, Cases No. ICTR-96-10-A & ICTR-96-17-A, Appeals Chamber, Judgment of 13 December 2004; *Prosecutor v. Athanase Seromba*, Case No. ICTR-01-66-A, Appeals Chamber, Judgment of 12 March 2008; *Prosecutor v. Athanase Seromba*, Case No. ICTR-01-66-I, Trial Chamber III, Judgment of 13 December 2006.

[147] United Nations Office on Genocide Prevention and the Responsibility to Protect, World Council of Churches, The Network for Traditional and Religious Peacemakers and KAI CIID Dialogue Center "Plan of Action for Religious Leaders and Actors to prevent Incitement to Violence that Could Lead to Atrocity Acts", https://www.un.org/en/genocideprevention/documents/publications-and-resources/Plan_of_Action_Religious-rev5.pdf.

[148] United Nations Human Rights Office of the High Commissioner, "#Faith4Rights toolkit: 18 peer-to-peer learning modules", https://www.ohchr.org/en/faith-for-rights/faith4rights-toolkit.

[149] M. Semple, "Rhetoric, Ideology and Organizational Structure of the Taliban Movement", Peaceworks, United States Institute of Peace, 2014, https://www.files.ethz.ch/isn/187121/PW102-Rhetoric-Ideology-and-Organizational-Structure-of-the-Taliban-Movement.pdf.

[150] See United Nations Mission in Afghanistan, UN Office of the High Commissioner for Human Rights, "Afghanistan: Annual Report 2012: Protection of Civilians in Armed Conflict", February 2013, https://www.google.com/url?q=https://www.refworld.org/docid/512b26a92.html&source=gmail&ust=1673530233025000&usg=AOvVaw1HFH8FGwCWY02USVtIQTof.

[151] Islamic Emirate of Afghanistan/Taliban, "An Open Letter to the UNAMA about the Biased Behavior of This Organization", https://blogs.mediapart.fr/lynx/blog/010313/openletter-unama-about-biased-behavior-organization.

[152] C. Rush, Interview with Ashley South, academic and analyst, Online, 22 August 2020.

[153] C. Rush, Interview with diplomat, Online, 24 November 2020.

[154] M. Furlan, Interview with senior researcher on Yemeni affairs, Online, 9 November 2021.

155 J. Zaragoza and Y. Padilla Sepulveda, Interview with Carlos Velandia, humanitarian practitioner, Online, 21 September 2020.

156 P. Parisi and Y. Padilla Sepulveda, Interview with Pentecostal and Catholic religious leaders, Colombia, 8 February 2022. [Researchers' translation].

157 P. Parisi and Y. Padilla Sepulveda, Interview with former FARC member, Colombia, 11 February 2022. [Researchers' translation].

158 P. Parisi and Y. Padilla Sepulveda, Interview with Juan Carlos Cuellar, current ELN member and 'peace advocate' (*gestor de paz*), Colombia, 3 February 2022; N. Cascini Braguinsky, Y. Padilla Sepulveda and P. Parisi, video interview with Orlando Olavee Villanova, Bishop of Tumaco, Colombia, 2 February 2022.

159 J. Zaragoza and M. Assaleh, Interview with Dr Bréma Ely Dicko, researcher and former humanitarian practitioner, Online, 8 September 2020.

160 P. Parisi and M. Assaleh, Interview with imam, Mali, 30 July 2021. (Researchers' translation).

161 As cited in International Crisis Group, "Speaking with the 'Bad Guys': Toward Dialogue with Central Mali's Jihadists", *Africa Report No. 276*, 2019, at 16.

162 P. Parisi, supra note 100. The omitted references are to P. Parisi and M. Assaleh, Interview with imam, Mali, 16 August 2021, Mali; Haut Conseil Islamique du Mali, *Fatwa* (2012) (Arabic version on file with authors).

163 See, International Crisis Group, "Speaking with the 'Bad Guys': Toward Dialogue with Central Mali's Jihadists" Report No 276 - Africa 1; B. Ba and B. de León Cobo, *Centre du Mali : l'accord de Niono, d'un espoir de paix durable à la résurgence du conflit* (Instituto de Politica Internacional UFV Madrid, 2021).

164 M. Furlan, Interview with Syrian scholar, Online, 30 November 2021; H. El Jamali, Interview with expert on Libyan affairs, Online, 6 February 2022; H. El Jamali, Interview with Libyan civil society leader, Phone call, 10 February 2022; H. El Jamali, Interview with senior project officer in Libya, Online, 16 December 2021; M. Furlan, interview with senior researcher on Yemeni affairs, Online, 9 November 2021.

165 C. Rush, Interview with international humanitarian, Online, 19 October 2020.

166 P. Parisi and Y. Padilla Sepulveda, Interview with female religious leader, Colombia, 11 February 2022.

167 E. Heffes, supra note 93; J. Stanton, *Violence and Restraint in Civil War: Civilian Targeting in the Shadow of International Law* (Cambridge University Press, 2016), at 265.

168 Ibid.

169 See, R. M. Wood, "Understanding Strategic Motives for Violence against Civilians during Civil Conflict" in H. Krieger (ed.), *Inducing Compliance with International Humanitarian Law* (Cambridge University Press, 2015), at 15.

170 E. Heffes, supra note 93; See also ICRC, supra note 4, at 41.

171 See I. Cismas, supra note 28, introduction; M. J., Petersen, *For Humanity or for the Umma?: Aid and Islam in transnational Muslim NGOs* (Hurst, 2015).

172 M. Furlan and O. Abenza, "Armed Groups, Religious Leaders and Humanitarian Norms: A ACase Study of Hayat Tahrir al -Sham in Syria and Ansar Allah in Yemen", *Journal of Human Rights Practice* (forthcoming 2023).

173 This would be the case, for instance, if a foreign State exercises "overall control" over a non-State armed group fighting a non-international armed conflict. The International Criminal Tribunal for the former Yugoslavia (ICTY) noted that this type of control goes "beyond the mere financing and equipping of such forces", also involving "participation in the planning and supervision of military operations". ICTY, *The Prosecutor v. Dusko Tadić*, IT-94-1-A, Appeals Chamber, Judgement, 15 July 1999, para. 145. The ICC, in the Lubanga case, added that it involved "a role in organising, coordinating, or planning the military actions of the military group". ICC, *The Prosecutor v. Thomas Lubanga Dylo*, ICC-01/04-01/06, Pre-Trial Chamber I, Judgment, 29 January 2007, para. 211.

174 In Libya, for example, the European Union's EUNAVFOR MED SOPHIA and the IRINI.

175 See, e.g., F. Mariani, M. Mercier, T. Verdier, "Diasporas and Conflict", 18 *Journal of Economic Geography* 4 (2018): 761-793; P. Chalk, "The Tigers Abroad: How the LTTE Diaspora Supports the Conflict in Sri Lanka", 9 *Georgetown Journal of International Affairs* 2 (2009): 9-104; Y. Shain, "The Role of Diasporas in Conflict Resolution or Perpetuation", 22 *SAIS Review* 2 (2002): 115-144.

176 A. Zaidi, "The Ulema, Deoband and the (Many) Talibans", 44 *Economic and Political Weekly* 19 (2009); S.Y. Ibrahimi, "The Taliban's Islamic Emirate of Afghanistan (1996-2001): 'War-Making and State-Making' as an Insurgency Strategy", 28 *Small Wars & Insurgencies* 6 (2017), 947-972; A. Pillalamari, "The Radicalizaiton of South Asian Islam: Saudi Moey and the Spread of Wahhabism", *Georgetown Security Studies Review* (2020), https://georgetownsecuritystudiesreview.org/2014/12/20/the-radicalization-of-south-asian-islam-saudi-money-and-the-spread-of-wahhabism/.

[177] See, e.g., O. Wilkinson et al, supra note 105; S. Palm and C. Eyber, supra note 97, at 2; B. Jones and M.J. Petersen, "Instrumental, narrow, normative? Reviewing recent work on religion and development", 32 *Third World Quarterly* 7, (2011), 1291–1306; A. Ager and J. Ager, *Faith, Secularism, and Humanitarian Engagement: Finding the Place of Religion in the Support of Displaced Communities* (Palgrave Macmillan, 2015).

[178] "International humanitarian actors should start by being careful with their language – partnerships are not about "using" or "leveraging" local assets, but finding ways to equitably partner with and support local capacities", O. Wilkinson et al, supra note 105.

[179] Ibid., see also K. Borchgrevink, "Negotiating rights and faith: a study of rights-based approaches to humanitarian action in Pakistan", 46 *Disasters* 2 (2022), 427-449.

[180] An important study that proposes a methodology that can be applicable in both scholarship and practice is N. Badawi, "Regulation of armed conflict: critical comparativism", 37 *Third World Quarterly* 11, (2016), 1990-2009.

[181] A. Bartles-Smith, supra note 10, at 1760.

[182] We had asked a religious leader who was chairing a local refugee aid organisation what motivates them to undertake this work. We had repeated the question by using various formulations during the interview. At no point was there an indication in their answers that religion had played any role in their decision to embark on this work. Much rather, it was the shared social and ethnic background and the responsibility they felt for displaced persons as result of these shared characteristics that drove their actions. See, I. Cismas, Reflexive Diary, 2022 (On file with the author).

[183] See, e.g., M. Assaleh et P. Parisi, supra note 25. Pursuant to this event, several Malian female religious leaders responded enthusiastically to the potential of developing a series of workshops on humanitarian norms in the context of Mali.

[184] See for example, T. Korotkyi and V. Maievskyi, supra note 82, at 7.

[185] A particularly important role has been played in processes of 'recuperation' by religious scholars and law and religion scholars. Mashood Baderin's observation – "[W]hile Christianity is perceived to have played an almost unilateral role, at least from the European perspective, in the historical development of modern international law, other religions are now asserting their values as relevant factors to be considered in its continued evolution", continues to be an apt description of these endeavours. M. A. Baderin, "Religion and International Law: Friends or Foes?", 5 *European Human Rights Law Review* (2009), 637–658, at 643.

[186] This is a term that was mentioned a number of times in informal discussions and appears to refer to the core humanitarian principles of humanity, impartiality, independence and neutrality.

[187] See, e.g., UNHCR, "Partnership Note on Faith-Based Organizations, Local Faith Community and Faith Leaders", 2014, p.9; UNDP, "Guidelines on Engaging with Faith-Based Organizations and Religious Leaders", at 9-10.

[188] Humanitarian principles are the object of ongoing interest, debate and reflection See, e.g., H. Slim, *Humanitarian Ethics: A Guide to the Morality of Aid in War and Disaster* (2015 Hurst/OUP); J. H. S, Lie, "The humanitarian-development nexus: humanitarian principles, practice, and pragmatics", 5 *Journal of International Humanitarian Action* 1 (2020), 1-13; H. Slim, *Solferino 21: Warfare, Civilians and Humanitarians in the Twenty-First Century* (Hurst Publishers, 2022); R. Sutton, *The Humanitarian Civilian: How the Idea of Distinction Circulates Within and Beyond International Humanitarian Law* (Oxford University Press, 2021).

[189] See, e.g. D. McKeever, "International Humanitarian Law and Counter-Terrorism: Fundamental Values, Conflicting Obligations", 69 *International & Comparative Law Quarterly* 1, 43-78. Matthew Bramber-Zryd, Adviser on Armed Groups at the ICRC notes that "the listing of armed groups as terrorist groups by States" represents "an obstacle to dialogue with 17% of all armed groups globally", with ICRC delegations in the Near and Middle East facing obstacle to dialogue with 45% of all groups. M. Bramber-Zryd, "ICRC engagement with armed groups in 2022", *Humanitarian Law and Policy*, 12 January 2023, https://blogs.icrc.org/law-and-policy/2023/01/12/icrc-engagement-armed-groups-2022/?_hsmi=241403725&_hsenc=p2ANqtz-9aJCows7_2YmRLUZqg08PffPNeeqbo55kRfGBjLEVEnh9Rtuhwq-luxMkZcQPbJvnTXBymLjIUPEJrO4Arv8Zn2Djkxcc3ve_ttdT04rDE7BN2gLI.

[190] For a discussion In respect to IHL engagement, see, M. Sassòli, "Engaging non-State actors: the new frontier for international humanitarian Law", *Exploring Criteria & Conditions for Engaging Armed Non-State Actors to Respect Humanitarian Law and Human Rights Law* (PSIO, UNIDIR, Geneva Call, 2008), 8-12; D. Steinhoff, "Talking to the enemy: state legitimacy concerns with engaging non-state armed groups", *Texas International Law Journal 45* (209), 297-322; A. Roberts and S Sivakumaran, "Lawmaking by nonstate actors: Engaging armed groups in the creation of international humanitarian law" *Yale Journal of International Law 37* (2012) 107-152. In respect to IHRL engagement, the classic work is A. Clapham, *Human Rights Obligations of Non-State Actors* (Oxford University Press, 2006). See also A. Clapham, "Human rights obligations of non-state actors in conflict situations", 88 *International Review of the Red Cross* 863 (2006), 491-523.

[191] C. Seiple, K. Marshall, H. Slim and S. Roy, "Strategic Religious Engagement in International Development: Building a Basic Baseline", *The Review of Faith & International Affairs 19* (sup1), 1-11, at 4.

[192] Ibid.

[193] This tension, we posit, is at the centre of debates among humanitarians and donors as a consequence of the decision of the Taliban to ban women humanitarian workers. See, for two opposing views, H. Slim, "Humanitarians Must Reject the Taliban's Misogyny", 10 January 2023, https://frompoverty.oxfam.org.uk/humanitarians-must-reject-the-talibans-misogyny/. See also comments in the comments section. For the principles, see IFRC, https://www.ifrc.org/who-we-are/international-red-cross-and-red-crescent-movement/fundamental-principles.

[194] See Part II, section 5 for a discussion of the concept.

[195] O. Wilkinson and E. Tomalin, supra note 41.

[196] UN Environment Programme, "Engaging with Faith-Based Organizations" (UN Environment Programme, 2018), at 17.

[197] C. Seiple, K. Marshall, H. Slim and S. Roy, supra note 192, at 5.

[198] For an insight from development on the concept, see T. Jakimow, "Spoiling the situation: reflections on the development and research field", 23 *Development in Practice*,1 (2013), at 21-32.

[199] A. Bartles-Smith, supra note 10, at 1760.

[200] OCHA, Inter-Agency Standing Committee, The Grand Bargain, https://interagencystandingcommittee.org/grand-bargain.

[201] O. Wilkinson et al, supra note 105.

[202] S. Herzig van Wees and M. Jennings, "The challenges of donor engagement with faith-based organizations in Cameroon's health sector: a qualitative study", 36 *Health Policy and Planning* 4 (2021), 464–472, at 464.

[203] See, e.g., O. Wilkinson et al, supra note 105; S. Herzig van Wees and M. Jennings, supra note 203.

[204] P. Parisi, supra note 92.

[205] P.L. Kakar, "Religious Landscape Mapping in Conflict-Affected States" United States Institute of Peace, https://www.usip.org/programs/religious-landscape-mapping-conflict-affected-states.

[206] GIJTR, supra note 114, at 72-82.

[207] For example, see discussion in M. McKay, "The Religious Landscape in Myanmar's Rakhine State", United States Institute of Peace, Peaceworks No.149, August 2019.

[208] R. Sutton and R. Paddon, "Empathy in frontline humanitarian negotiations: a relational approach to engagement", 7 *Journal of International Humanitarian Action* 1, at 1-13, at 5; see also C. Magone, N. Neuman and F. Weissman (eds.), *Humanitarian negotiations revealed: The MSF experience* (Hurst & Co, 2011).

[209] R. Berger, "Now I See It, Now I Don't: Researcher's Position and Reflexivity in Qualitative Research", 15 *Qualitative Research* 2 (2015), at 220.

[210] R. Sutton and R. Paddon, supra note 209, at 13.

[211] Ibid. On the role of emotions in IHL compliance, *see* also E. Buis, "Beyond Law, Beyond Reason: The Role of Emotions in Generating Compliance with International Humanitarian Law2, *Armed Groups and international Law Blog*, 19 October 2020, available at https://www.armedgroups-internationallaw.org/2020/10/19/beyond-law-beyond-reason-the-role-of-emotions-in-generating-compliance-with-international-humanitarian-law/.

[212] R. Sutton and R. Paddon, supra note 209, at 1.