

Counterterrorism Operations and International Humanitarian Law in Mali

A Legal Brief for Humanitarian Practitioners

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Contents

Context and objective.....	3
Legal framework: Between counterterrorism and humanitarian obligations.....	4
The interaction between IHL and counterterrorism measures.....	4
The legal framework for counterterrorism.....	5
The Malian legal framework for counterterrorism.....	7
Protection of humanitarian assistance under IHL.....	8
Possible tensions between counterterrorism legislation and humanitarian action..	9
Realities on the ground: Impact on humanitarian access in Mali.....	10
Legal ambiguity and the restriction of humanitarian access.....	12
Community stigmatisation and the risk of criminalisation.....	12
Negotiation constraints and legal insecurity.....	13
The erosion of perceived neutrality.....	13
Implications for IHL and humanitarian principles.....	14
Legal precision and recommendations.....	14
About the IHL Centre.....	18

Context and objective

For more than a decade, Mali has been facing a multidimensional security crisis marked by the expansion of non-state armed groups, the fragmentation of the social fabric, and the reconfiguration of military alliances. Until 2022, counterterrorism efforts relied primarily on an international framework centred around MINUSMA (UN mandate), the French Barkhane and Takuba forces, and Western logistical and diplomatic support. These actors operated under counter-insurgency principles framed by international law, with regular coordination with humanitarian agencies.

The gradual withdrawal of international forces (Barkhane, Takuba, MINUSMA) and the rise of the Alliance of Sahel States (AES) have altered counterterrorism dynamics while increasing the risks faced by civilians and humanitarian actors. According to the Global Terrorism Index 2025¹, the Sahel accounted for 51% of all terrorism-related deaths in 2024, a level ten times higher than in 2019. Mali recorded 4,809 terrorism-related deaths since 2007, including 604 in 2024².

Among the notable incidents of 2025 was an attack on a convoy that killed 34 civilians³, underscoring the heavy civilian toll of such operations. A new wave of coordinated attacks by the Al-Qaeda-affiliated Jama'at Nusrat al-Islam wal-Muslimin (JNIM) in strategic urban centres such as Kayes, Diboli, and Niono indicates a shift in insurgent tactics, now targeting economic infrastructure and trade routes to weaken state control. On 14 September 2025, a military convoy escorting fuel was ambushed by JNIM fighters on the Kayes-Bamako road⁴. According to the authorities, the assault caused significant material damage, including the destruction of several fuel tankers.

At the same time, Mali has strengthened its counterterrorism legislative framework. However, this framework remains silent on the safeguards applicable to humanitarian action, thereby exposing civilian actors to increasing legal uncertainty in the conduct of their operations, particularly during access negotiations and aid deliveries in contested areas.

¹ *Global Terrorism Index 2025*, Institute for Economics and Peace (IEP), March 2025, <https://www.visionofhumanity.org/wp-content/uploads/2025/03/Global-Terrorism-Index-2025.pdf>

² Ibid

³ Human Rights Watch, *World Report 2025 – Mali Chapter*, January 2025, <https://www.hrw.org/world-report/2025/country-chapters/mali>

⁴ Radio France Internationale (RFI), “Mali: Jihadists Destroy Dozens of Fuel Trucks and Reaffirm Their Blockade in Kayes”, 15 September 2025, <https://www.rfi.fr/fr/afrique/20250915-mali-les-jihadistes-d%C3%A9truisent-des-dizaines-de-camions-citernes-et-r%C3%A9affirment-leur-blocus-%C3%A0-kayes>

This note aims to clarify the interactions between the legal framework of International Humanitarian Law (IHL) and counterterrorism legislation, while analysing their concrete implications for humanitarian access, the protection of civilians, and the legal certainty and protection of humanitarian actors. It is intended for humanitarian practitioners, legal experts, and decision-makers engaged in the defence of rights and the preservation of humanitarian spaces in Mali.

Legal framework: Between counterterrorism and humanitarian obligations

The interaction between IHL and counterterrorism measures

International Humanitarian Law (IHL), also known as the law of armed conflict, governs the conduct of parties involved in armed conflicts. It applies to all types of conflicts—international and non-international—and binds all parties to the conflict, whether state or non-state actors. It is important to note that the designation of a party to an armed conflict as a terrorist organisation⁵ does not affect the classification of the conflict or the IHL rules applicable to it⁶. IHL may apply concurrently with international or national counterterrorism measures that come into play following such a designation or in other circumstances.

In situations of armed conflict, IHL prohibits any act or threat of violence whose primary purpose is to spread terror among the civilian population, and it forbids terrorism as a form of collective punishment under all circumstances⁷. Likewise, IHL prohibits a range of conduct—even when not expressly labelled as terrorism—particularly when such acts are directed against civilians.

In the case of Mali, where the situation is classified as a non-international armed conflict, certain recent attacks have raised concerns regarding compliance with IHL⁸. The attack on a convoy between Gao and Ansongo in north-eastern Mali in February 2025 resulted in the deaths of at least 34 civilians, among them gold miners and

⁵ UN Security Council Sanctions Committee Resolution (1267) of 6 March 2018, which lists JNIM as an entity associated with Al-Qaeda. This listing is internationally recognised and serves as the basis for subsequent designations by the United States and the European Union.

⁶ International Committee of the Red Cross (ICRC), “*International Humanitarian Law and Principled Humanitarian Action*”, *International Review of the Red Cross*, No. 916, 2023, <https://international-review.icrc.org/articles/international-humanitarian-law-principled-humanitarian-action-916>

⁷ Customary IHL Database, Rule 2. For international armed conflicts, see also Article 33 of the Fourth Geneva Convention and Article 4 of Additional Protocol II to the Geneva Conventions of 12 August 1949.

⁸ See the Classification Brochure, *International Humanitarian Law Centre*, 2022, <https://www.diakonia.se/ihl/news/regles-du-droit-international-humanitaire-applicables-pendant-les-conflits/>.

traders escorted by the Malian Armed Forces (FAMa)⁹. According to several sources, the circumstances of the incident suggest that civilians may have been indiscriminately targeted. If confirmed, such an attack would illustrate a possible failure to distinguish between civilians and military objectives, in violation of the fundamental principle of distinction and the prohibition on attacking civilians as enshrined in IHL¹⁰.

The legal framework for counterterrorism

In the aftermath of 11 September 2001, the United Nations Security Council, through the adoption of Resolution 1373 (2001),¹¹ called on all Member States to “work together urgently to prevent and suppress terrorist acts,” thereby laying the foundations of the international counterterrorism framework. Subsequently, the adoption by consensus of the United Nations Global Counter-Terrorism Strategy (2006)¹² committed Member States to a shared strategic and operational approach to combating terrorism. These developments led to a rapid proliferation of counterterrorism laws and regulations at the national level.

Counterterrorism legislation is not a single, uniform body of law. Rather, it consists of a series of rules derived from multiple sources, including the United Nations, regional organisations, and national legal systems. At the heart of this framework lie the nineteen international conventions and protocols relating to the prevention and suppression of terrorism¹³, which require States Parties to criminalise certain forms of transnational violence commonly associated with terrorist acts.

In the absence of a binding and universally accepted definition of terrorism, each State determines the scope of the measures it adopts, while remaining bound to implement them in accordance with its international obligations, including those under IHL.

In practice, many States have adopted broad and sometimes vague measures to combat terrorism and prohibit material support to designated groups or individuals. In situations of armed conflict, such measures can hinder impartial humanitarian work and restrict their access to populations in need. Recent examples in Mali show that

⁹ Human Rights Watch, “Mali: Armed Islamist Attack on Convoy Kills 34 Civilians”, 12 February 2025, [Mali: Armed Islamist Attack on Convoy Kills 34 Civilians | Human Rights Watch](#)

¹⁰ Fundamental principle of distinction and the prohibition on attacking civilians, as set out in Article 13 of Additional Protocol II to the Geneva Conventions, applicable to non-international armed conflicts, and <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule1>.

¹¹ UN Security Council Resolution 1373 (2001), adopted on 28 September 2001, on threats to international peace and security caused by terrorist acts

¹² United Nations Global Counter-Terrorism Strategy, adopted by General Assembly resolution 60/288 of 8 September 2006

¹³ United Nations Office of Counter-Terrorism (UNOCT), “*International Legal Instruments to Counter Terrorism*.”, [International Legal Instruments | Office of Counter-Terrorism](#)

asset freezes and enhanced financial control procedures applied under counterterrorism measures have sometimes delayed the financing of humanitarian operations¹⁴. When such measures do not provide explicit humanitarian exemptions within sanctions and counterterrorism regimes, they risk unintentionally criminalising legitimate humanitarian activities or delaying their implementation — ultimately to the detriment of civilian populations.¹⁵

The Organisation of African Unity (OAU) Convention on the Prevention and Combating of Terrorism (1999)¹⁶ commits African States to criminalise all acts of terrorism while calling on them to reconcile counterterrorism efforts with compliance with IHL — notably the protection of civilians, humanitarian access, and the distinction between combatants and non-combatants. It recognises acts of terrorism as serious violations of human rights and an obstacle to development, while affirming the right of peoples to self-determination¹⁷. The Convention promotes an approach grounded in legality, regional cooperation, and the rejection of political or military instrumentalisation of counterterrorism.

For its part, Mali has adopted several pieces of legislation to combat terrorism, often inspired by international models. These laws aim to criminalise terrorist acts, strengthen surveillance capacities, and facilitate regional cooperation. However, their implementation has had contested effects on humanitarian action, particularly through the potential criminalisation of certain forms of assistance or negotiation.

The Malian legal framework for counterterrorism

To address the rise of violent extremism, the Government of Mali has adopted several legislative and regulatory instruments in line with its international and regional commitments. These texts aim to criminalise terrorist acts, strengthen security and judicial cooperation, and regulate the financing of terrorism.

¹⁴ Emanuela-Chiara Gillard, “*International Humanitarian Law and the Humanitarian Impact of Counterterrorism Measures and Sanctions*,” Chatham House, September 2021, <https://www.chathamhouse.org/2021/09/ihl-and-humanitarian-impact-counterterrorism-measures-and-sanctions>

¹⁵ International Committee of the Red Cross (ICRC), “*Humanitarian Exemptions in National Counterterrorism Legislation – Factsheet*,” March 2023, <https://www.icrc.org/en/document/humanitarian-exemptions-national-counterterrorism-legislation-factsheet>

¹⁶ Organisation of African Unity (OAU) Convention on the Prevention and Combating of Terrorism, adopted in Algiers on 14 July 1999

¹⁷ Article 3 de la Convention de l’OUA sur la prévention et la lutte contre le terrorisme, adoptée à Alger le 14 juillet 1999.

Law No. 08-025 of 23 July 2008¹⁸ on the suppression of terrorism in Mali establishes the legal foundations of counterterrorism by providing a broad definition of terrorist acts as serious offences intended to disturb public order, intimidate the population, or compel a State or organisation to act against its will. It criminalises participation in terrorist groups, financing, incitement, recruitment, and the provision of logistical support, with penalties of up to life imprisonment. The law also provides for international cooperation, enhanced surveillance, and asset freezing. However, it poses interpretative challenges for humanitarian actors operating in conflict areas, particularly regarding the distinction between impartial humanitarian assistance and indirect support to armed groups.

Law No. 008 of 17 March 2016 — the Uniform Law on Combating Money Laundering and the Financing of Terrorism in Mali — establishes a legal framework to prevent, detect, and sanction illicit financial flows related to terrorism.¹⁹ It defines the financing of terrorism as any operation consisting of providing, collecting, or managing funds, directly or indirectly, with the intent to support terrorist acts or organisations. The law imposes strict obligations of vigilance, reporting of suspicious transactions, and cooperation with competent authorities on financial institutions and regulated professions. It also provides for criminal and administrative sanctions for natural or legal persons involved, while strengthening mechanisms for asset freezing and international cooperation.

Law No. 2024-027 of 13 December 2024, amending the Malian Penal Code, defines terrorism as *“any intentional act aimed at spreading terror, seriously destabilising institutions, or compelling a State or an international organisation.”*²⁰ It criminalises participation in terrorist groups, their financing, incitement, recruitment, and the provision of logistical means, with penalties ranging from ten years’ imprisonment to life imprisonment depending on the gravity of the offence. The law also provides for complementary measures such as asset freezing, enhanced surveillance, and judicial cooperation. However, it remains silent on specific safeguards for humanitarian actors, raising interpretative challenges in conflict-affected areas.

Mali’s national legislation is consistent with international and regional counterterrorism frameworks, as the country is party to several UN treaties and regional conventions. However, the broad interpretation of these provisions extends beyond acts of overt violence and may inadvertently encompass humanitarian

¹⁸ Law No. 08-025 of 23 July 2008 on the suppression of terrorism in Mali, [Journal officiel du Mali de l'année 2008](#)

¹⁹ Law No. 008 of 17 March 2016 on the Uniform Law on Combating Money Laundering and the Financing of Terrorism in Mali (UEMOA framework), [Mali - Loi n°2016-008 du 17 mars 2016 portant loi uniforme relative à la lutte contre le blanchiment de capitaux et le financement du terrorisme \(www.droit-afrique.com\)](#)

²⁰ Law No. 2024-027 of 13 December 2024 amending the Penal Code of Mali, [sqg-mali.ml/JO/2024/mali-jo-2024-21-sp.pdf](#)

operations—such as the transport of supplies, presence in contested areas, or communication with local authorities—potentially exposing personnel to accusations of “supporting terrorism.”

In its 2022 statement to the United Nations General Assembly, Mali’s Minister of Foreign Affairs emphasised the importance of national control over counterterrorism measures and cautioned against undue external influence²¹. However, the Malian legal framework provides no specific guarantees for humanitarian action, even though humanitarian actors are routinely required to negotiate and engage with conflict parties or authorities in order to ensure the delivery of aid and access to civilians affected by armed conflict..

Protection of humanitarian assistance under IHL

IHL guarantees the right to impartial humanitarian assistance, including in areas controlled by armed groups, while balancing military necessity with the protection of civilians and humanitarian action. In addition to providing rules on the means and methods of warfare that may or may not be used during attacks, IHL ensures the protection of humanitarian actors and relief.

Under IHL, States bear the primary obligation to ensure that the humanitarian needs of populations under their control are met. In non-international armed conflicts—as is the case in Mali—non-state armed groups exercising territorial control also incur a secondary obligation to meet the needs of civilians under their control, which applies concurrently with the State’s primary obligation.

If parties to the conflict are unable or unwilling to fulfil these responsibilities and the needs of the population remain unmet, they have a duty to cooperate at the international level and to consent to offers of impartial humanitarian assistance made by third parties. The fact that civilians may be under the control of a group designated as “terrorist” does not alter these rules and cannot constitute a legitimate ground for refusing consent to such operations.

Once consent is granted, all belligerents must allow and facilitate the rapid and unimpeded passage of humanitarian relief to those in need, without discrimination. It is prohibited to refuse or obstruct the delivery of aid when civilians’ humanitarian needs cannot otherwise be met.²² It is also prohibited to divert aid from its intended

²¹ Statement by the Minister of Foreign Affairs of Mali, General Debate of the 77th Session of the United Nations General Assembly, New York, 2022,

https://www.un.org/en/ga/sixth/77/pdfs/statements/int_terrorism/04mtg_mali.pdf

²² Article 9 aux Conventions de Genève I, II et III, Article 10 aux Conventions de Genève III et IV, Article 70 du Protocole additionnel I, Article 3 commun aux quatre Conventions de Genève et Article 18, paragraphe 2 du Protocole additionnel II.

beneficiaries or to discriminate against individuals on the basis of their identity, status, or beliefs. Humanitarian assistance must be provided impartially and based solely on need.

Technical arrangements may be required by the parties concerned (the right of control) to regulate the passage of foodstuffs and essential supplies. Such measures can also serve to mitigate the risk that relief items are diverted to designated individuals or groups.

Possible tensions between counterterrorism legislation and humanitarian action

Counterterrorism legislation unduly impede the provision of humanitarian assistance to civilians in need, particularly when such assistance is perceived as indirect support to armed groups. Freezing of funds, monitoring of NGOs, and restrictions on movement are among the measures that undermine the effectiveness and neutrality of humanitarian action.

From a humanitarian perspective, the counterterrorism measures that generate the greatest tension are those that restrict the provision of funds, assets, or other forms of support to groups designated as “terrorist.”

Legally, this occurs in two main ways. First, through counterterrorism laws that criminalise a wide range of activities which could provide financial or other forms of support to designated groups or to the commission of terrorist acts—commonly referred to as the prohibition on providing “material support.” Such support may include, for example, the transfer of money, the provision of goods such as fuel or medical supplies, training, personnel transport, or even technical advice.

Second, through the imposition of financial sanctions by the United Nations Security Council, the European Union, or individual States, which freeze the assets of designated persons and entities and prohibit any financial or economic transaction with them.

Although these measures are designed to curb the financing of terrorism, when applied in situations of armed conflict they risk—unless accompanied by adequate safeguards—criminalising or otherwise obstructing activities that are lawful under international humanitarian law, including, in particular, the delivery of humanitarian assistance.

Rules 55 and 56 of customary international law ([Customary IHL - Rule 55. Access for Humanitarian Relief to Civilians in Need](#) and [Customary IHL - Rule 56. Freedom of Movement of Humanitarian Relief Personnel](#))

Realities on the ground: Impact on humanitarian access in Mali

Counterterrorism operations in Mali have created a range of operational and legal constraints for humanitarian actors. The evolution of insurgent tactics—such as the targeting of logistical routes, fuel convoys, and mining zones—the growing militarisation of certain areas, and the ambiguity of legislative frameworks have collectively led to a significant reduction of humanitarian space. This reality has direct implications for access to affected populations, the security of teams and partners, and the continuity of supply chains for fuel, medicine, and cash.

The Semi-Annual Report on Access Constraints in Mali (January–June 2025)²³ highlights that counterterrorism operations conducted during this period resulted in prolonged access restrictions in several key areas, including Mourdiah, Tessalit, Gossi, Mourra, and Nouh-Bozo. These measures directly compromised access to vulnerable populations, causing mass displacement, disruptions in the distribution of medicines, and sharp increases in food prices. In Tessalit, for instance, the obligation imposed on humanitarian actors to use military convoys²⁴ to deliver aid undermined their perceived neutrality, heightening the risk of confusion between humanitarian and military operations. In Gossi and Mourra, the absence of a clear legal framework compelled several humanitarian organisations to suspend their activities and withdraw temporarily, depriving affected populations of urgently needed assistance.

These situations illustrate a recurring issue: access restrictions do not stem solely from security imperatives but also from a lack of clarity or awareness of the applicable legal framework among those imposing the measures. In practice, such legal ambiguity forces humanitarian actors to withdraw as a precaution, leading to interruptions in the continuity of aid delivery.

This dynamic runs counter to the obligations set forth under IHL, which require that parties to a conflict facilitate rapid and unimpeded humanitarian access on an impartial basis, even in militarily controlled areas. As noted in the Semi-Annual Report on Access Constraints in Mali (January–June 2025), “these situations highlight the need to strengthen negotiation, advocacy and humanitarian coordination efforts to improve access to affected populations and address their urgent needs.”

According to the Humanitarian Access Dashboard – May 2025,²⁵ military operations carried out on 4 May 2025 in the commune of Gossi led to the establishment of access

²³ United Nations Office for the Coordination of Humanitarian Affairs (OCHA), “Mali: Semi-Annual Report on Access Constraints, January–June 2025.”, <https://www.unocha.org/publications/report/mali/rapport-semestriel-sur-les-contraintes-dacces-au-mali-janvier-juin-2025>

²⁴ Ibid

²⁵ United Nations Office for the Coordination of Humanitarian Affairs (OCHA), “Mali: Humanitarian Access Dashboard – May 2025.”, [Mali : Tableau de bord Accès humanitaire \(Août 2025\) | OCHA](#)

restrictions that displaced more than 700 households to the neighbouring communes of Rharous and Bambara Maoudé, and impeded the rapid response of humanitarian actors to affected populations. These restrictions were only eased from 26 August 2025 onwards in the Timbuktu region, allowing the gradual resumption of the free movement of people and goods and the restocking of local markets²⁶.

In the Mopti region, the locality of Diafarabé (Ténenkou cercle) came under armed control on 26 May 2025, leading to soaring prices of basic commodities and raising fears of an imminent shortage. Meanwhile, Nouh Bozo (Djenné cercle), already under pressure since March, became inaccessible to humanitarian actors in May 2025. No official announcement of access restrictions was made by the authorities, but the presence of armed groups on the ground reportedly discouraged humanitarian interventions²⁷.

At the same time, the legal certainty and protection of humanitarian teams and their partners has been severely undermined. The abduction of humanitarian staff in Tominian²⁸, the arrest of civilians in Boulkessi and Douna, and the destruction by the Malian Armed Forces (FAMA) of logistical depots containing more than 1,000 barrels of fuel²⁹ have exposed new risks for humanitarian actors. Although these depots belonged to armed groups, such operations can indirectly expose humanitarian actors to misperceptions or wrongful associations, particularly in contexts where they share logistical routes or suppliers with local actors.

These incidents, which occurred in areas under intensified counterterrorism surveillance, have heightened the vulnerability of humanitarian personnel and disrupted supply chains for cash, fuel, and medicine. Furthermore, according to the same Humanitarian Access Dashboard (May 2025), the destruction of GSM antennas in the localities of Doumanani, Tella, Niaradougou, and Fonsebougou severely compromised communications and the coordination of humanitarian operations. Whether these acts were reprisals or part of counterterrorism tactics, they have deepened the isolation of rural areas and further restricted access to vulnerable populations.

These examples demonstrate that without clear legal guarantees and a structured humanitarian dialogue, counterterrorism operations risk seriously undermining access to populations in distress, increasing threats to humanitarian workers, and eroding the perceived neutrality of humanitarian action.

²⁶ United Nations Office for the Coordination of Humanitarian Affairs (OCHA), *"Mali: Humanitarian Access Dashboard – August 2025."*, [Mali : Tableau de bord Accès humanitaire \(Août 2025\) | OCHA](#)

²⁷ *Op.cit.*

²⁸ *Op.cit.*

²⁹ Maliactu.net, *"Major Counterterrorism Offensive: Destruction of Several Logistical Bases,"* 6 May 2025, <https://maliactu.net/vaste-contre-offensive-antiterroriste-destruction-de-plusieurs-bases-logistiques/>

Legal ambiguity and the restriction of humanitarian access

Many areas in central and northern Mali remain under the de facto control or influence of armed groups, including those designated as “terrorist organisations” by the Malian authorities and certain international actors. The lack of clarity in the designation of conflict zones and armed actors creates legal uncertainty for humanitarian organisations. In such areas, humanitarian access is intrinsically linked to engagement with armed groups.

However, Mali’s national counterterrorism legislation and recent political rhetoric suggest that any form of engagement—whether verbal, logistical, or community-based—could be interpreted as “support to terrorism.” Moreover, authorities may deny access to certain regions on security grounds without providing justification consistent with IHL.

This legal ambiguity at times discourages access negotiations, even though such engagement is explicitly permitted under IHL, which allows impartial humanitarian actors to offer services to parties to the conflict³⁰.

Community stigmatisation and the risk of criminalisation

Communities living in territories controlled by armed groups are increasingly viewed through a security lens, rather than from a perspective of protection or humanitarian need. Humanitarian organisations report heightened surveillance, interrogations, and restrictions when delivering aid in these areas.

The delivery of assistance in such regions may be interpreted as indirect support to “terrorists”, thereby exposing organisations and their staff to judicial prosecution under counterterrorism laws³¹. This risk is particularly acute for national staff, whose proximity to affected populations often makes them more vulnerable to accusations or arrest.

Negotiation constraints and legal insecurity

In areas controlled by armed groups, access negotiations are often informal and lack a clear legal framework. Humanitarian actors must navigate between local demands, security pressures, and the risk of violating counterterrorism laws.

Humanitarian engagement with members of armed groups—often an operational necessity—is increasingly perceived as a political act rather than a humanitarian one. Although IHL explicitly authorises engagement for humanitarian purposes (for instance, to facilitate evacuations, deliver food, or assess needs), the erosion of state

³⁰ Article 3 commun, Protocole additionnel II

³¹ United Nations Office for the Coordination of Humanitarian Affairs (OCHA), “Mali: Information Note on the Protection of Humanitarian Workers – March 2025.” ReliefWeb, March 2025, <https://reliefweb.int/report/mali/note-dinformation-sur-la-protection-des-travailleurs-humanitaires-au-mali-mars-2025>

authority and counterterrorism narratives have blurred the lines between negotiation and complicity, making humanitarian access and the implementation of IHL principles more complex.

The absence of legal safeguards or explicit humanitarian exemptions within Mali's legal framework makes such engagements legally risky. As a precaution, some actors have begun to limit their field presence or relocate coordination roles outside the country, further distancing humanitarian leadership from ground realities.

The erosion of perceived neutrality

In highly polarised environments, humanitarian neutrality is both essential and increasingly difficult to preserve. Humanitarian actors face heightened scrutiny from all parties — state actors, armed groups, and local communities — whenever their activities are perceived as benefiting one side or the other. This climate of mistrust is reinforced by the dominance of counterterrorism operations in the political framing of the conflict.

Counterterrorism legislation, by potentially criminalising humanitarian action in contested areas, blurs the line between impartial assistance and illegitimate support. It thereby dilutes the principles of neutrality and impartiality, placing organisations in situations where every movement, contact, or delivery of aid may be perceived as an act of complicity.

The requirement imposed by the Malian government for humanitarian actors to have their mission orders endorsed by military commanders illustrates this tension: an administrative procedure presented as a security measure may, by other parties to the conflict, be interpreted as a sign of allegiance or dependency toward state forces. Such perceptions fuel distrust and expose humanitarian actors to heightened risks of access denials, delays, or attacks.

In this context, the principles of neutrality and impartiality do not disappear, but their operational scope is weakened: they cease to be viewed as universal guarantees and become principles that must be actively defended and explained. Humanitarian actors must therefore reaffirm and articulate the legality and neutrality of their work, to prevent their independent engagement from being equated with political alignment or subversive activity.

Implications for IHL and humanitarian principles

The interaction between counterterrorism policies and humanitarian operations poses a serious threat to the protective space that IHL seeks to safeguard for civilians and humanitarian actors. While IHL requires all parties to allow and facilitate impartial humanitarian assistance when the essential needs of the civilian population are not

otherwise met, national counterterrorism laws in Mali have gradually narrowed this operational space, particularly in areas most affected by violence and displacement.

The lack of clarity within counterterrorism frameworks, combined with the absence of explicit humanitarian exemptions, stands in direct contradiction to one of IHL's core objective: to ensure humanitarian access to all persons in need, regardless of their location or affiliation.

At the same time, attacks by armed groups against civilians and vital infrastructure raise serious concerns about the protection of the civilian population and civilian objects. Likewise, abuses committed by state or allied forces—including extrajudicial executions and obstruction of humanitarian aid—require heightened vigilance from humanitarian actors.

These realities undermine the effective implementation of IHL:

- The principle of impartiality is weakened by targeted restrictions;
- Independence is undermined by political and security pressures;
- Neutrality becomes increasingly difficult to maintain in an environment where every action is interpreted through the lens of the conflict.

Legal precision and recommendations

In a context where the boundaries between security, politics, and humanitarian action have become increasingly blurred, legal precision is a crucial tool for ensuring the protection of civilians, safeguarding humanitarian action, and strengthening accountability. In the absence of a clear definition of “terrorism” consistent with IHL, humanitarian activities—particularly those involving contact with non-state armed groups—risk being wrongly interpreted as illegitimate or even criminal.

The following recommendations are addressed to humanitarian actors, to help them navigate this complex legal environment, prevent indirect criminalisation, and preserve their operational space in areas affected by conflict.

Key recommendations

- **Prevent the criminalisation of humanitarian action**

- Promote the explicit inclusion of humanitarian exemption clauses in counterterrorism laws and policies, in order to guarantee the legality of access negotiations, needs assessments, and the delivery of assistance in contested or armed group-controlled areas.
- Ensure that national legal frameworks recognise the specificity of impartial and independent humanitarian action, including in contexts of asymmetric conflict.

- **Preserve humanitarian space and operational neutrality**
 - Reflect in national legislation, policy frameworks, and public communications that the principles of neutrality, impartiality, and independence of humanitarian action must be respected in all circumstances.
 - Raise awareness among civil and military authorities that humanitarian actors cannot be equated with political, military, or ideological supporters.
 - Draw on the Stockholm Manual³², a tool developed by the IHL Centre, to guide the formulation of public messaging and strengthen shared understanding of IHL in dialogues between humanitarian actors, national authorities, and international partners.
- **Strengthen the protection of civilians and the obligations of parties to the conflict**
 - Reaffirm that all parties to the conflict, including non-state armed groups, are bound by IHL, in particular the principles of distinction, proportionality, and the prohibition of acts or threats of violence whose primary purpose is to spread terror amongst civilians.
 - Ensure that impartial humanitarian assistance cannot be subject to prosecution or sanctions under counterterrorism legislation.
- **Safeguard humanitarian actors and their partners**
 - Clearly define institutional responsibilities in the event of incidents (arrest, obstruction, attack) and establish rapid response mechanisms.
 - Integrate legal and operational protection clauses into partnership agreements with donors and national authorities.
 - Train teams on legal risks related to contested control zones and on security and diplomatic management procedures.
- **Strengthen accountability and documentation of violations**
 - Establish systems for collecting and archiving data on IHL violations, particularly those related to restrictions on humanitarian access, attacks on civilians, and summary executions.
 - Feed this information into international monitoring and accountability mechanisms (commissions of inquiry, special rapporteurs, competent jurisdictions).
 - Support community-based initiatives for recognition, reparation, and justice for affected populations.
- **Preserve neutrality in a polarised environment**
 - Publicly and institutionally reaffirm neutrality, impartiality, and independence as

³² Diakonia International Humanitarian Law Centre, “First Look: The Stockholm Manual,” September 2025, <https://www.diakonia.se/ihl/news/first-look-the-stockholm-manual/>, Category 2, Chapter 1: Humanitarian Assistance.

non-negotiable principles of humanitarian action.

- Develop clear legal narratives for external communications and dialogues with authorities to prevent any political or security instrumentalisation of aid.
- Resist pressures aimed at aligning humanitarian action with military or diplomatic agendas.

About the IHL Centre

About the Centre

The IHL Centre is an independent expert group that provides rapid and in-depth legal advice, training and advocacy on the laws of war to ensure the protection of people in conflict areas worldwide. With over 20 years of experience and a team of 20 IHL specialists, the Centre goal is to achieve a world in which human dignity is protected even during armed conflict and where the principles of IHL are universally respected, minimizing harm to civilians.

What we offer

- **Rapid legal assessments and briefings** on emerging conflict dynamics
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