THE ROOTS OF RESTRAINT IN WAR

ICRC

As the reference organization on international humanitarian law (IHL), the International Committee of the Red Cross (ICRC) seeks to ensure that the rules and norms aimed at restraining the destructive forces of armed conflict are known and respected by soldiers and fighters around the world. *The Roots of Restraint in War* report is a contribution to that endeavour.

The report, based on two years of research by a group of distinguished scholars, sets out to identify the various sources of influence on the behaviour of those bearing arms in different types of armed forces and armed groups.

The research found that armed forces and armed groups vary significantly in their organizational structure, capacities of command and control, socialization mechanisms and openness to external influence. It has shown that patterns of violence and restraint may differ both between and within armed forces and armed groups, and that the number of competing influences over them increases with the extent of decentralization and community-embeddedness of a group. Sources of influence also change over time and in response to events. These findings suggest that a detailed understanding of the inner workings of armed groups is a prerequisite for identifying the sources of authority, the beliefs, the traditions and the people steering their behaviour towards violence or restraint.

The "blueprints" presented in this brochure aim to guide reflection on which type of approach might be appropriate for which category of armed force or armed group, depending upon its organizational structure.

INTEGRATING THE LAW INTO POLICY AND PRACTICE

The research found that the ICRC's approach to instilling norms of restraint in vertically structured State armed forces and non-State armed groups remains highly pertinent. In State armed forces, the intensity of training and its adaptation to the specificities of the audience increase its effectiveness. In centralized non-State armed groups, ideology and its inculcation through all-encompassing socialization practices shape behaviour to a large extent, suggesting that gaining the commitment of armed-group leaders to humanitarian norms continues to be relevant.

However, the research also found that the informal socialization processes of the peer group can have as strong an influence on behaviour as formal mechanisms like training, and thus can strengthen or undermine adherence to IHL. Hence, better understanding of those socialization processes is warranted, particularly ways to address informal codes and practices that do not align with formal rules, such as marching songs glorifying sexual violence.

INFLUENCING BEHAVIOUR IN DECENTRALIZED AND COMMUNITY-EMBEDDED ARMED GROUPS

The behaviour of members of decentralized and community-embedded armed groups is not as chaotic or uncontrolled as often depicted; there are clear sources of influence on their behaviour. The more decentralized the group, the more these sources are external to the group. Competing sources of authority seek to control the use of violence at the local, regional and global levels and these shift over time and in accordance with events. This presents more entry points for dialogue on behaviour but dilutes the impact of any one source on the armed group.

A FOCUS ON LAW AND VALUES

Across all types of armed groups, 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. A downward spiral of reciprocal IHL violations seems less likely to occur if norms of IHL are intrinsic to a combatant's honour. Thus, identifying historical and contemporary references that resonate in local contexts enhances the persuasive power of arguments for restraint.

UNDERSTANDING ARMED GROUPS

The organizational structure of an armed group provides important clues to the sources of influence on the behaviour of its members. Analysing the patterns of violence of armed forces and armed groups – the type of violence, and for each type, the target, frequency and method used – can shed light on questions of command and control and help identify where and when restraint is exercised. Monitoring instances of restraint can in turn spark inquiry into why restraint was shown in one context and not another, potentially broadening understanding of the dynamics and personalities at play. Distinguishing between violence as a "policy" as opposed to opportunistic "practice" can steer decisions over the appropriate level at which to direct dialogue.

INTEGRATED STATE ARMED FORCES

CHARACTERISTICS

- Strictly hierarchical decision-making and authority
- Codified, observable rules that are consistently applied
- Observable signs of discipline (professionalism in uniforms, saluting, routines)
- Separation from civilian life when on duty

SOURCES OF AUTHORITY AND RESTRAINT

- Senior leadership
- Junior officers and non-commissioned officers
- Doctrine, standard operating procedures, rules of engagement and informal norms and values
- Threat of punishment

SOCIALIZATION PROCESSES

- Formal training, hierarchy and discipline
- Informal values and rituals (e.g. hazing, marching songs)

INSIGHTS

The intensity of training in IHL (frequency, methods) makes a difference to battlefield conduct. The trainer must be credible with the audience, whether through experience or expertise.

Training effectiveness is best tested under battlefield-like conditions.

Norms of restraint need to be reinforced at critical moments by the immediate superior.

Formal socialization can be reinforced or undermined by informal socialization processes.

Norms of restraint are more likely to hold if they are internalized as part of a soldier's identity – beyond "it is against the law" to "it is not who we are".

CONSIDERATIONS

What events, legends, personalities and values form part of the armed force's identity? How do these shape formal and informal socialization?

How much influence do junior and non-commissioned officers have on unit members' behaviour and viewpoints?

What intersecting identities (e.g. religious, ethnic) do members of the armed force have? Do they create other entry points for messages on restraint?

Do monitoring mechanisms weaken with distance from central command? How does this affect behaviour?

What profile of trainer would be most credible with particular audiences?

APPROACHES

Advise and assist in the integration of IHL into national laws and into military doctrine at all levels.

Assist in the development of IHL training tailored to the audience. Find references that resonate with participants. Recommend that training be tested under duress.

Promote the socialization of values related to IHL by supporting its integration into organizational culture.

Track patterns of violence and identify instances of restraint. Investigate the sources of influence on restraint. Distinguish between violence as a policy and as a practice.

Encourage States allying with other State and non-State forces to ensure that their partners socialize norms of restraint among their soldiers or fighters.

CENTRALIZED NON-STATE ARMED GROUPS

CHARACTERISTICS

- Leadership exercises tight command and control over subordinates through a strict hierarchy, but monitoring mechanisms may be weak
- A prominent doctrine or ideology outlines goals, approaches and world view
- Observable signs of discipline (professionalism in uniforms, saluting, routines)
- Isolated from civilian population (housed in camps or barracks)

SOURCES OF AUTHORITY AND RESTRAINT

- Senior leaders and commanders of sub-units
- Group ideologues and codes of conduct
- Ideology, codes of conduct, discipline
- Threat of punishment

SOCIALIZATION PROCESSES

- Immersive regime (e.g. controlling all aspects of the daily routine)
- Initiation rituals and informal bonds

INSIGHTS

Groups espouse an elaborate doctrine or ideology that specifies goals. They regularly publish or broadcast the group's ideas and values to a wider public.

The rules stipulate the parameters and targets of permissible violence.

A weak capacity to monitor the behaviour of fighting units leaves unit commanders with scope to interpret how norms are understood and applied.

Group loyalty is forged through intense socialization practices that aim to reshape members' identities.

CONSIDERATIONS

What is the group's ideology? What does its code of conduct say about violence and restraint? Where are the overlaps with IHL?

Who articulates or interprets the group's doctrine or ideology?

How are group beliefs and rules socialized among members?

Are there variations in patterns of violence between different units of the same group? What does this convey about command and control?

What is the relationship between the armed group and local communities? Are communities able to resist being drawn into the conflict?

What profile of trainer is most credible with particular audiences?

APPROACHES

Track patterns of violence and identify instances of restraint. Investigate the sources of influence on restraint. Distinguish between violence as a policy and as a practice.

Discuss parallels between the group's doctrine and IHL, and seek further alignment.

Discuss with the leadership any disparities between the rules and observed behaviour. Advise on ambiguities that allow different interpretations of the rules.

Discuss with the leadership the informal norms that may undermine formal rules, and the strength of monitoring mechanisms.

Discuss with communities ways in which they engage with an armed group and how they shield community members from violence and recruitment.
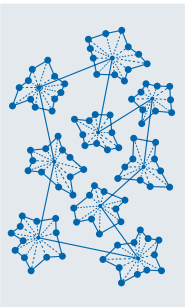
DECENTRALIZED NON-STATE ARMED GROUPS

CHARACTERISTICS

- Fluid alliances of small armed groups
- Individual commanders retain decision-making power over group members
- Units may break away to join new associations, without compromising group cohesion
- Multiple decentralized groups can work in a broader movement, giving local, regional and global reach
- Loose coordination within the alliance, including in military planning and operations
- Few observable signs of military discipline

SOURCES OF AUTHORITY AND RESTRAINT

- Unit commanders
- Local business, religious or cultural elites
- Senior leadership
- Ideological and religious texts
- Threat of punishment

SOCIALIZATION PROCESSES

- Extremely varied
- Can be based on local culture and customs
- Could include military and ideological training
- Strong informal socialization in the peer group

INSIGHTS

The more decentralized the armed group, the more its behaviour is influenced by sources external to the group.

The conduct of individual units depends heavily on the commander's preferences.

Groups are integrated into local social networks (e.g. communities, local notables) and can retain links to regional or global armed groups.

The influence of local actors on the behaviour of the armed group fluctuates over time and in response to events.

Group values and rules can promote restraint, even in the absence of monitoring systems.

CONSIDERATIONS

How does the alliance of armed groups fit together? What is the nature of the relationships between small-group leaders and alliance leaders?

What is the relationship between the armed group and the local community? Do community/business/religious leaders exert influence on armed-group behaviour?

Does the group draw on socialization processes based on local customs or traditions (e.g. coming-of-age rituals)?

How has the influence of key actors in an armed group changed over time, and why? What is the source of their influence (e.g. religious, financial, political or social).

What are the customary rules on warfare? What parallels are found in IHL?

APPROACHES

Track patterns of violence and identify instances of restraint. Investigate the sources of influence on restraint. Distinguish between violence as a policy and as a practice.

Prioritize dialogue with local commanders. These may change regularly.

Develop a nuanced understanding of the most important sources of influence over an armed group's behaviour, noting the type of authority they draw on.

Engagement strategies need to mirror the structure of the alliance, interacting at the local, national, regional and global levels.

The ICRC must be consistent, predictable and transparent in all that it says and does.

COMMUNITY-EMBEDDED ARMED GROUPS

CHARACTERISTICS

- Comprise 10–50 young men, and in some cases women, from a local community
- Formed to defend community interests
- Flat hierarchical structure
- Mobilized to fight by community notables or politicians
- Initiation rituals forge group cohesion
- Mobilization is temporary
- Codes of conduct are unwritten and reflect local values, customary law and traditions

SOURCES OF AUTHORITY AND RESTRAINT

- Traditional leaders
- Local politicians
- Local religious leaders
- Local business elite
- Leaders of local youth fighters
- Community norms and values
- Community debates over interpretation of norms

SOCIALIZATION PROCESSES

- Community coming-of-age rituals
- Local religious and customary practices

INSIGHTS

Group members do not remain mobilized, but return to their roles in the community.

Community-embedded groups may not choose when, where or how they fight.

Local, regional and national actors may compete for influence and control over such groups.

Traditional norms regulating violence and restraint may be subject to community debate.

The image of chaotic, uncontrolled violence by these groups may mask who is really in control.

CONSIDERATIONS

How do community-embedded armed groups fit into their communities?

How do group leaders emerge? On what does their authority lie? What is the extent of their direct influence over the group?

Who influences when and how a group fights?

What are the customary rules on warfare? What parallels are found in IHL?

How does the ICRC engage with group members when they are in their community role? Can we use this engagement to indirectly discuss behaviour during armed conflict?

APPROACHES

Track patterns of violence and identify instances of restraint. Investigate the sources of influence on restraint. Distinguish between violence as a policy and as a practice.

Acquire a deeper understanding of how community-embedded groups relate to different types of local and national authority figures.

Promote restraint through community norms, customary law or other legal frameworks (e.g. IHL and Islam).

Pursue a cross-sectoral approach to understanding and engaging with communities.

TRUST IS A PREREQUISITE FOR ENGAGEMENT

The ability of humanitarian organizations to engage with, and try to influence the behaviour of, armed forces and armed groups depends to a large extent on the trust others have in the organization's purposes and practices. This trust relies on the coherence and consistency of the ICRC's humanitarian approach, based on the principles of neutrality, impartiality and independence.

B. Heger/ICRC

CRIMINALIZING CONTACT WITH ARMED GROUPS IS COUNTERPRODUCTIVE

External entities are able to influence the behaviour of armed forces and armed groups. Making it a criminal offence for humanitarian organizations and local communities to interact with armed groups is counterproductive and hampers efforts to promote respect for humanitarian norms.