Cover photo: Minova, Democratic Republic of the Congo (2012): Soldiers participate in a session on principles related to protecting the civilian population and the conduct of hostilities.
PREVENTING CIVILIAN HARM IN PARTNERED MILITARY OPERATIONS

A COMMANDER’S HANDBOOK
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The International Committee of the Red Cross (ICRC) works with state armed forces and non-state armed groups to foster respect for the law of armed conflict (LOAC) and to improve the protection of civilians during conflict. We do this at strategic, operational and tactical levels. Daily, we work with policymakers, commanders and front-line fighters around the world to promote the integration of humanitarian norms into their training, planning and operational decision-making.

This handbook is for military commanders and staffs tasked with supporting either another country’s armed forces or a non-state armed group within the framework of partnered military operations (PMOs). It offers planning and decision-making considerations for reducing the adverse humanitarian impact of PMOs on civilian populations. Accordingly, much of the guidance is equally relevant for commanders and staffs of supported forces, as well as for policy advisers.

This handbook is not based on any specific national doctrine. It is part of an expanding series of ICRC products aimed at helping commanders and staffs limit the negative humanitarian consequences of war. Other handbooks in the series include Decision-Making Process in Military Combat Operations, Decision-Making in Military Security Operations and Reducing Civilian Harm in Urban Warfare: A Commander’s Handbook.

Integrating humanitarian considerations and the LOAC into military planning and decision-making is the mark of effective, professional command and staff processes. This handbook encourages further development of processes and practices that prevent and reduce harm to civilians during PMOs.
INTRODUCTION

Whenever a partnership is arranged between state armed forces, or between state armed forces and non-state armed groups, there is the potential to either lessen or worsen human suffering. The risk of negative humanitarian consequences is all too evident on today’s battlefields. These consequences include civilian deaths or injuries, displacement, destruction of civilian property and infrastructure, sexual violence, torture and unlawful detention.

In April 2021, the ICRC published Allies, Partners and Proxies: Managing Support Relationships in Armed Conflict to Reduce the Human Cost of War.¹ It proposes a framework for strategic reflection on how to minimize LOAC violations and enhance the protection of civilians² and others not participating in hostilities.

The ICRC defines a support relationship as one that increases the capacity of another party to conduct armed conflict. PMOs are a type of support relationship. They are established by partners for the purpose of achieving a specific military aim during conflict.

This handbook draws on Allies, Partners and Proxies but is more narrowly targeted. It focuses on PMOs and on how partners can prevent and reduce civilian harm. It is intended primarily as a practical resource for “supporting” partner commanders and staffs that are planning and conducting PMOs (though “supported” forces can benefit too).

Based on its extensive humanitarian experience in conflict zones, the ICRC believes that PMOs offer significant opportunities to anticipate and reduce the risk of negative humanitarian consequences for civilians, protected objects and detainees under one of the partners’ control.

² “Civilians” is shorthand for “civilians, wounded and sick civilians and combatants, and persons deprived of their liberty”. This shorthand is used throughout this handbook to make the text more readable.
Part I of this handbook places the idea of reducing civilian harm and positively influencing a partner at the forefront of PMO planning. Part II outlines risks and practical mitigation measures associated with six categories of PMO. Part III presents planners with practical considerations to foster LOAC compliance by their partners and to avert or mitigate potential negative humanitarian consequences.

This handbook does not provide a checklist for avoiding civilian harm. Nor does it address every type of PMO. Instead, it seeks to do two things. First, it seeks to stimulate partners’ awareness and actions. And second, it promotes measures that avoid or lessen harm to civilians during a PMO. The ICRC stands ready to support these processes and practices.
PART I

THE COMMANDER AND PARTNERED MILITARY OPERATIONS
SUPPORT RELATIONSHIPS

Support relationships in armed conflict may take various forms and include PMOs (see Figure 1 below). PMOs and other support relationships can reduce risks to civilians without impacting partners’ combat effectiveness. However, they can also increase risks. The degree of risk in a PMO is affected by elements that partner forces may have little control over, such as partners’ political objectives, political will and resources. There are, however, key aspects where a commander can potentially affect the degree of risk to civilians. One relates to the level of priority the commander places on civilian harm prevention and mitigation. This is evidenced by emphasis, training, processes and practices. A second relates to how much influence a commander has with a partnered force counterpart, and what form that influence takes.

Figure 1: Forms of support relationships in armed conflict
CIVILIAN HARM

Partnered forces should consciously manage their relationship in a way that improves the protection of civilians. This necessitates a range of measures designed to reduce civilian harm caused by both partners. Civilian harm can include direct harm (e.g. deaths, injuries or damage to civilian objects caused by an attack) as well as indirect harm or reverberating effects. Crucially, reverberating effects are commonly the most destructive and the most difficult to recover from. Commanders should consider taking a broader view of civilian harm that accounts for indirect or reverberating effects on the civilian population.

CLARIFYING RESPONSIBILITIES IN PMOs

One factor that potentially increases risk to civilians is diffusion (blurring or weakening) of responsibility. This can happen in multiple ways.

Diffusion can occur within a government supporting a PMO. Policymakers, and senior commanders above commanders in the field, have key responsibilities before, during and after a PMO. They will normally decide the PMO’s framework and any conditions or criteria that must be met through the partnership. They may also decide – explicitly or implicitly – the government’s

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3 The “reverberating effects” of an event are its indirect consequences, often also known as the “second and third order”, “knock-on” or “long-term” effects. For example, incidental damage to civilian homes is likely to cause the displacement of civilians, while incidental damage to hospitals is likely to cause the disruption of medical services, which in turn is likely to lead to the death of patients. Critical civilian infrastructure, such as vital water and electrical facilities and supply networks, is particularly fragile and vulnerable to the incidental effects of attacks, particularly in urban settings. The interconnectedness of the essential services that depend on critical infrastructure is such that disruption to one service will have knock-on effects on the other service, such as health care, energy and water supplies and waste management, leading to the spread of disease and further deaths.


5 Some militaries use Civilian Casualty Tracking (CCT) cells to track incidents involving deaths and injuries to civilian, as well as property damage. An accurate and complete record of civilian casualty incidents can help to identify causes and provide valuable lessons to military forces on how to decrease the number of civilian casualties. Reverberating effects, however, are overlooked in traditional CCT cells.
policy on preventing or reducing adverse humanitarian consequences, both
during hostilities and in the aftermath. Through their action or inaction, they
influence the degree to which LOAC compliance and the protection of affected
people factors into a PMO relationship.

When deciding whether or how to partner, governments should assess the
wider implications a PMO may have on a partner’s internal structures and
resources. An incomplete or flawed assessment could exacerbate humanitarian
risks. This is especially true if support is delivered to the partner’s security
sector alone. For example, a PMO may result in large numbers of detainees that
the partner’s justice sector cannot adequately cope with.

Whether or not preventing or mitigating civilian harm is a policy priority or
a clearly stated objective influences the options military planners develop.
Policymakers can support a PMO commander by establishing a civilian harm
policy that clearly establishes protection of civilians as an operational objective.
They can resource the PMO with an aim to mitigate civilian harm. They can
also work with their partner counterparts to reduce the human cost of conflict.
And, by providing operational oversight, they can assess a PMO’s effect on
civilians. Commanders at multiple levels contribute to policy oversight by
reporting operational or policy shortcomings in mitigating civilian harm.
This assists further policy or mission refinements. It also establishes a strong
responsibility link between policy and operational levels.

PMO commanders sometimes attribute civilian protection shortfalls to policy-
level decisions. Likewise, policymakers sometimes suggest that civilian
protection is the responsibility of military commanders, not policymakers.
Civilians suffer as a result of these diffused responsibilities. Integrating civilian
protection into mission objectives – and resourcing accordingly – is critical to
reducing the humanitarian impact on a civilian population. Equally important
is maintaining clear lines of responsibility from a national capital to the field.

Diffusion can also occur between partners. Partners’ responsibilities can
become unclear or diminished with respect to LOAC compliance and protection
of civilians, whether intentionally or not. This is something commanders
and their subordinates should be particularly attuned to. Clear command
responsibility and accountability are embedded in the LOAC and are the
foundation of military command; without this, there is a greatly increased risk
of LOAC and human–rights violations. Conversations that clarify responsibility
and accountability enable partnered commanders to collaborate and align their respective commands on agreed norms and standards.

In the interest of partner relations, it is common to emphasize a unified, “we’re in this together” approach. Such a stance cannot, however, ignore each partner’s respective obligations and responsibility for LOAC violations or systemic failures to protect civilians. Doing so can harm civilians, introduce risks to a partner’s reputation and jeopardize the mission. On the other hand, when partner commanders proactively consider and align their respective intents, leadership and command emphasis, and capacities (to the extent feasible), this can strengthen compliance with the LOAC and therefore foster better protection of civilians. Partner commanders’ guidance and direction to their respective forces should address not only what should happen, but also – critically – what should not happen. A clear statement on the protection of civilians can directly influence the actions of subordinates.

INFLUENCING PARTNER BEHAVIOUR

Between partners, there may be a potential to positively influence each other’s approach to the protection of civilians. The degree of influence will be determined by several factors. These include the nature of the conflict and the type of PMO, the quantity and effect of support, the degree of dependency each partner has on the relationship, and the strength of ties between partners. As these factors change over time – particularly as the conflict and the relationship evolve – so will each partner’s influence. Importantly, even PMOs that seem relatively minor can have the potential to positively influence partner behaviour and foster better protection for those not participating in hostilities.

The need to exercise positive influence becomes more acute when there are known problems with a partner’s behaviour, such as possible LOAC violations or systemic issues that may lead to LOAC violations or harm to civilians. Understanding the sources of these problems is key to attempting to change partner behaviour. If the problem is generated at or below the level at which the commander has influence, then the commander can endeavour to positively influence that behaviour. If it is a problem above the commander’s reach, the commander should seek support from the next-highest command level. By confronting challenges rather than ignoring them, a commander already stands a better chance of having a positive influence.
Soldiers at all levels can encourage and potentially influence partners to comply with the LOAC and humanitarian norms. The following themes can help partners frame conversations about respect for the LOAC and humanitarian norms:

• core values (consistent with the LOAC)
• military professionalism and discipline
• reciprocal respect and mutual interest
• reputation
• criminal prosecution
• economy and infrastructure (during conflict and in its aftermath).

In a partnered relationship, a commander should constantly ask the following question:

“What am I doing to help shape how my partner is behaving?”

Questions like those listed below can be explored between partnered commanders to help align views and behaviours on agreed operational norms and standards. These can subsequently be transferred into rules of engagement (ROE) and standard operating procedures (SOPs) across the partnered force:

• What constitutes a legitimate target and, in cases of doubt, who makes the determination?
• Under what circumstances is it permissible to target a person who is not a member of the enemy armed forces?
• What do “hostile intent” and “hostile act” mean as pertains to ROE and use of force?
• What are the criteria for determining whether a member of an organized armed group can be targeted?
• What are the procedures for escalation of force in a non-combat situation, such as at a checkpoint?
• What are the criteria for positive identification of a target?
• What precautionary measures can be established to maximize civilian protection?
• Are “warning shots” permissible?

Shared understandings help build consistency across the partnered force. They also help clarify responsibilities and accountabilities that can prevent or reduce civilian harm.
The ICRC has studied factors that induce militaries and armed groups to observe limits, increase compliance with the LOAC and preserve a minimum of humanity in combat. It sought answers to why different state militaries and non-state armed groups behave as they do. The answer is linked to the sources and processes – the influencers – by which norms and rules become socially accepted, internalized by soldiers and fighters, and implemented in battle. Humanitarian restraint within a military or armed force might be socialized formally and from the top down. In other instances – perhaps even within the same organization – it might be socialized informally and horizontally.

Identifying these sources and processes in supported partner forces is key to influencing behaviours that foster humanitarian restraint. The major findings from this study are highlighted below.

**Major findings of the ICRC study entitled *The Roots of Restraint in War***

1. Integrating the law into doctrine, training and compliance mechanisms in centrally structured armed forces and armed groups increases restraint on the battlefield.
2. 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 can give 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.
3. Understanding the structure of armed groups is a first step in identifying potential sources of influence over their behaviour. The more decentralized the armed group, the more the sources of influence are external to the group.
4. Youth make up the bulk of fighters. Finding innovative and locally adapted ways to reinforce norms of humanity among them, including via digital media, is essential.
5. External entities can influence the behaviour of armed forces and armed groups.

Source: ICRC, *The Roots of Restraint in War*

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DIFFERING PARTNER VIEWS ON THE OPERATING ENVIRONMENT

PMO are often arranged between forces that speak different languages, have different organizational structures, and may not share similar doctrinal approaches, equipment or capabilities. A partner may or may not be a state military. In many cases, the decision to engage in a PMO is a political decision. In other cases, a PMO may be a loose partnership of convenience fashioned on the battlefield. In some cases, a commander may have months to prepare for a PMO; in others, the preparation may be condensed into days.

Partnering introduces additional variables when analysing the operational environment. It requires an understanding not only of the friendly and enemy situations, but also of how the arrangement might affect perceptions of the local community. It also requires an understanding of the civilian population and the services and infrastructure that support the population. And it requires an understanding of the civilian perspective of the overall environment.

From a partnering standpoint, analysing the operational environment also includes specifically assessing how a partner operates with respect to the civilian population (this can be even more challenging when it involves a coalition of partners). A partner’s intent, leadership and capacity to adhere to the LOAC and humanitarian norms should be prime considerations. Gaps in a partner’s ability to meet its LOAC obligations should inform a partner commander’s mission analysis and planning guidance.

During a PMO, there may be fundamental differences in respective partners’ LOAC interpretations or practices that affect civilians. These can lead to civilian harm and confusion between partners. While the four Geneva Conventions of 12 August 1949 have been universally ratified by states, other LOAC treaties have not.7

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7 Such treaties include, for example, the 1977 Protocols additional to the Geneva Conventions, the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, the 1980 Convention on Certain Conventional Weapons, the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, the 1988 Rome Statute of the International Criminal Court, the 2000 Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, and the 2005 Protocol III additional to the Geneva Conventions establishing an additional emblem (commonly referred to as the red crystal) alongside the red cross and the red crescent.
To further complicate matters, even those states that have ratified the same LOAC treaties may not adopt the same practical interpretations of the law embodied in them. Others may be parties to further conventions with additional constraints on their use of force or weapons. Host nation obligations may impose additional territorial constraints on ROE. Commanders should discuss with partners to ensure a common understanding of ROE and to harmonize their application. The aim should be to work to the higher standard rather than the lowest common denominator.

Importantly, any gap between respective PMO partners’ views of intent, capacities, leadership, and LOAC interpretations or practices is a potential risk to civilians.

**PREPARING FOR PARTNER OPERATIONS**

At levels below the commander, soldiers may face unique challenges in a PMO when confronted with questionable behaviour. Their mission focus and their desire to meet command expectations for success can be tested by a partner force’s actions that result in LOAC violations or civilian harm. To help soldiers better understand their responsibilities in a partnered environment, some militaries have explored select moral dilemmas. These may include exercising potential scenarios, role-playing and discussing situations they could face with a partner force. These kinds of conversations help signal to subordinates the responsibility to act, so they feel confident that their chain of command will support them if they speak up. They can be particularly impactful when conducted together with a partner and can also help to set the tone for a relationship.

Before contemplating partnered aspects of civilian harm prevention or mitigation, commanders should examine their own unit’s practices and mindsets regarding protecting civilians on the battlefield. For instance, they could consider the following questions:

- What is the relative weight assigned to defeating an adversary versus mitigating harm to the civilian population?
- What is considered civilian harm?
- How much of a force priority is civilian harm mitigation and is it understood across the force and across warfighting functions?
When preparing for any military operation, commanders and staffs go through various planning steps. These include examining their own unit’s preparedness, as well as assessing factors that can influence mission success or failure. Conducting PMOs is no different in that regard. What differs significantly in a PMO, however, is how a unit looks at itself as it prepares, and what it looks for in its partner.

**Key takeaways for planning and conducting a PMO**

**Prepare** by examining your own unit’s readiness to engage in a PMO (mindsets, specialized training, staffing and liaison requirements; advisory, sociocultural understanding and language capability gaps; organizational process and doctrinal concerns; policy directives and policy shortfalls; etc.).

**Assess** by analysing how your partner operates in relation to operating environment aspects that directly or indirectly affect the civilian population’s safety and welfare, and by identifying any gaps in its ability or willingness to meet humanitarian norms or LOAC obligations.

**Monitor** by asking the following question: “Across the command, how are we observing and tracking partner actions and their humanitarian impact at all levels?”
PART II

PARTNERED MILITARY OPERATIONS
A PMO is a deliberate arrangement between partners to achieve a specific military aim in a conflict. Supported partners can be other state forces or non-state armed groups. Military forces often engage in activities unrelated to a conflict that are very similar to some described in this section. But PMOs, as defined by the ICRC, relate to conflict. Risks and practical measures to prevent or reduce civilian harm for six categories of PMOs are explored in this section.

Figure 2: Six categories of PMOs

8 While coalition warfare to some extent features dynamics that are very similar to PMOs and brings important stakes when it comes to accountability and coordination, it remains largely out of the scope of this publication. For more on this topic, refer to Allies, Partners & Proxies.

9 Some partnered activities may result in a supporting partner also being categorized as a party to an armed conflict. This is a legal determination and it can be complex to determine. Commanders should seek appropriate legal advice to understand the operational implications when embarking on a PMO.
TRAINING PARTNERSHIPS

Training partnerships vary considerably. Examples include:
• providing “in-theatre” training, or even top-up training during a conflict
• advising partners during operations (either in a headquarters or in the field)
• assisting partners as they integrate new systems into their operations
• providing a partner with specialized schooling (such as flight school) or staff college training well removed from a battlefield.

In the field, a supporting partner’s ability to influence a partner often increases with closer proximity between them.

Importantly, whether on the battlefield or far from it, training partnerships are opportunities to reinforce the LOAC and humanitarian norms.

RISKS

Potential risks associated with a training partnership include:
• a lack of interoperability, shared warfighting approaches or shared views regarding civilian protection
• failure to comply with the LOAC or humanitarian norms
• use by a partner of its improved military capabilities in ways that exceed or contradict the partnership agreement
• engagement by a partner in combat operations before it is fully prepared to employ new equipment and training in ways that mitigate civilian harm
• failure by the supporting partner to design and implement an effective and comprehensive training programme before its partner engages in combat operations
• a lack of visibility or oversight over how a partner employs improved military capabilities (the risk is that misuse can affect the civilian population).
PRACTICAL MEASURES

Specific measures to reduce risk include the following:

- **Improve interoperability to enable a partner to fight more effectively without resorting to weapons or tactics that might threaten civilians.**
- **Conduct a gap analysis of a partner’s understanding of the LOAC and humanitarian norms as part of the initial training needs assessment.**
- **Enhance understanding of LOAC principles and humanitarian norms by incorporating them into all training programmes:**
  - Integrate lessons into operational training and during practical application activities for greater effectiveness.
  - Identify and exercise scenarios that could result in civilian harm.
  - Encourage development of common understandings and approaches to civilian protection.
  - Tailor training to a partner’s military capabilities and available technology.
  - Translate material related to protection of civilians into the partner’s language.
- **Emphasize the risks of incidental civilian harm and how to avoid it:**
  - Improve a partner’s collateral damage estimation practices, targeting procedures and battle damage assessments.
  - Incorporate potential incidental civilian harm scenarios into a broad range of training activities, such as urban tactics training, combat shooting, night fighting, counter-improvised explosive device operations, fire support coordination and forward air control training.
  - Ensure partners understand the effects of explosive weapons with a wide impact area in populated areas and know how to implement practices to avoid their use and to mitigate their effects.
- **Establish monitoring protocols to evaluate partner practices related to mitigating risks of civilian harm (ideally this should occur in conjunction with the partner).**
- **Embed trainers, observers or advisers with a partner where feasible and appropriate.**
FORCE GENERATION PARTNERSHIPS

Supporting a partner’s efforts to recruit, train and equip its force creates opportunities to imbue the force with respect for the LOAC and humanitarian norms. From the perspective of protecting civilians, this should be the PMO’s aim.

RISKS

*Some potential risks associated with this category of PMO include:*

- increased civilian harm if a partner exercises insufficient monitoring and oversight of newly operational forces
- limited partner force experience in operationalizing LOAC rules, preventing civilian harm and improving operational practices
- a lack of established frameworks, systems or culture to form LOAC-compliant actions and practices that reduce harmful effects on a civilian population
- diversion of weapons and equipment to unauthorized uses or users
- increased civilian harm resulting from a partner’s failure to provide appropriate training and equipment to facilitate civilian harm prevention.

PRACTICAL MEASURES

*Specific measures to positively influence the “generated force” include the following:*

- Introduce recruitment vetting processes to screen out underage individuals or people who have committed LOAC or human rights violations.
- Provide tailored LOAC/civilian harm mitigation training.
- Align LOAC and civilian harm mitigation training with the partner’s informal socialization of norms.
- Share practices that prevent or reduce harm to civilians.
- Link equipment or weapon deliveries to assessments of potential civilian harm or other behaviour incompatible with LOAC, international human rights standards, and applicable laws and policy standards regulating their transfer.
- Condition the supply of weapons with a wide impact area on recipients limiting their use in populated areas to prevent civilian harm.
• Undertake post-delivery measures in cooperation with the partner in order to ensure safe and secure storage, transport and handling of equipment and weapons, and monitor their use in order to ensure compliance with the LOAC and humanitarian norms.

• Provide relevant equipment, weapons and training to prevent or mitigate civilian harm (e.g. if internal security is a partner’s priority mission, providing heavy weapons and large-formation manoeuvre training might present a greater risk of civilian harm than training and equipping for crowd control).

KINETIC SUPPORT PARTNERSHIPS

Kinetic support refers to PMOs where one partner engages in hostilities directly in support of another partner. It may involve accompanying a partner into combat. It often involves providing partner forces with access to more potent effects than they are accustomed to employing – weapons and munitions of greater range, precision and destructive power than a partner possesses and trains with. This applies to both ground and maritime operations and air support, and it carries a heightened risk of direct or indirect civilian harm.

RISKS

Potential risks associated with a kinetic support partnership include a variety of areas where partners are misaligned operationally, philosophically or legally, such as:

- interoperability issues
- failure to comply with the LOAC or humanitarian norms, or with restrictions/prohibitions on particular types of weapon
- differing views and priorities regarding preventing or reducing civilian harm
- poor planning or poorly executed activities
- inadequately aligned operational systems, processes and tactical approaches
- different ROE
- lack of oversight or verification procedures for requesting kinetic support.

Any partnered military activity has the potential to blur responsibility and accountability. Risks may be particularly heightened during partnered kinetic operations involving close air support or indirect fire support.
PRACTICAL MEASURES

Specific measures to reduce risk include the following:

- Identify interoperability challenges and rapidly develop workaround procedures or common practices.
- Establish mechanisms to pause operations if either partner has civilian harm concerns.
- Train and rehearse with a partner on a specific kinetic support operation prior to conducting an actual one.
- Embed or exchange personnel with partners to enhance real-time communications.
- Accompany partner forces in situations where doing so might enhance civilian protection (accompanying a partner increases the potential to monitor or oversee its actions, and hence influence a partner’s behaviour, particularly during combat operations).
- Insist on detailed battle damage assessments to better assess civilian casualties and improve lessons learned.
- Understand a partner’s operational processes, tactics, techniques and procedures relevant to kinetic support, and establish channels to clarify them if needed, in order to enhance operability and align approaches between partners.
- Consider employing a national veto (“red card”) during partnered or coalition operations if practices are insufficiently focused on civilian harm mitigation.
- Exercise oversight of activities whose nature suggests increased risk of civilian harm, such as partner requests for air support or operations in populated areas.
- Develop shared targeting practices, such as by:
  - defining criteria for positive target identification
  - establishing a joint no-strike list, and specifying who adds or deletes objects (and under what criteria)
  - establishing who the target engagement authorities are for certain weapon systems with greater risk to civilians, such as explosive weapons with a wide impact area, including some indirect fires or air support
  - requiring collateral damage estimates and battle damage assessments.
It is essential that a partner understands the full extent of weapons’ and munitions’ potential effects. Equally essential is that the legal, operational and humanitarian consequences of their misuse are understood. This is especially important when a partner is entrusted with elements of the targeting process, such as identifying and designating targets, identifying civilian harm potential, or observing and adjusting fires.

Sirte, Libya (2011): An ICRC team visited Sirte to assess the destruction following weeks of heavy fighting. The city was virtually empty and very few civilians had returned to their homes.
PARTNERED MILITARY OPERATIONS

PARTNERED DETENTION OPERATIONS

Partnered detention operations result from both formal partnering decisions and inadvertent actions. In either case, commanders assume legal obligations they may not be familiar with. For this reason, PMO commanders should have some familiarity with partnered detention operations, even if they are not assigned it as a mission.

This type of PMO involves one partner contributing to capture and detention-related activities by another partner. It encompasses a range of activities, from capacity-building oriented towards strengthening the rule of law, to intelligence collection, logistics support, and physically capturing and transferring individuals.

Arrest and detention-related activities are among the most challenging and contentious issues in partnered relationships, for both legal and practical reasons.

RISKS

Potential risks associated with a partnered detention operation include:

• a lack of interoperability between partners resulting in misaligned priorities or capabilities regarding detainee treatment
• a lack of coherence in partners’ respective capabilities
• forced disappearance, extrajudicial killings, unlawful detention, torture and other forms of ill-treatment committed by a partner force
• a lack of clarity over:
  • who is exercising control over a detainee
  • the legal and procedural frameworks governing capture and transfers between partners
  • the legal responsibilities one partner has regarding the humane treatment of people captured and detained by another partner.

Without clarity, practical and legal challenges can lead to a diffusion of responsibility among partners. This can affect how those detained are treated and their detention conditions, which can entail legal responsibility for the partner.
PRACTICAL MEASURES

Specific measures to reduce risk include the following:

- Incorporate measures to reduce the risk of ill-treatment, torture and other harm occurring during detention operations by:
  - developing formal technical agreements, memoranda of understanding or SOPs that are compliant with the LOAC, other relevant laws and good detention practices
  - training personnel to apply relevant laws and good detention practices
  - providing material, people or other direct assistance to improve a partner’s ability to provide humane conditions for those detained
  - adapting detention practices for people with special needs (e.g. children, women, and people with mental illnesses and disabilities).

- Provide tailored training for both partners’ detention personnel, focused on:
  - applying relevant laws and standards during capture
  - managing places of detention humanely
  - using only non-coercive interrogation techniques.

- Strengthen the administrative detention and review system in order to better protect the rights of detainees and ensure that they are released as soon as the reasons for their detention cease to apply.

- If detainee transfers to partner forces are envisaged:
  - establish review procedures for the transferring partner in order to assess whether a transfer is lawful (there are no substantial grounds to believe that the transferred person will be in danger of fundamental rights violations, etc.)
  - ask the transferred person about fears of fundamental rights violations and assess these fears
  - do not transfer if such a danger exists
  - obtain written guarantees from the receiving partner on the treatment of transferred detainees, and assess whether these guarantees can be relied upon
  - seek to conduct post-transfer monitoring.

10 Legal obligations related to captured persons in conflict stem from the LOAC as well as from international human rights law.

11 In the ICRC’s experience, the effectiveness of guarantees must be considered with caution. Such guarantees are unlikely to be effective if there is a systematic practice of torture by the receiving partner. In addition, in order to be effective, guarantees need to be provided for specific individuals and not generally for a detainee population. Guarantees can only remove risks if accompanied by post-transfer monitoring.

12 In situations of international armed conflict, post-transfer monitoring is an obligation.
- Create mechanisms to monitor and report any ill-treatment of persons under partner control.
- Ensure that independent monitoring bodies, in particular the ICRC, have unimpeded access to all places of detention.
- Take other practical measures, including:
  - creating a “captured persons form” detailing the time and place of capture, the condition of the detainee, their property and circumstances, and other relevant details in order to formally “register” a captured person and initiate a tracking system
  - requiring recorded medical examinations for all captured persons on in-processing in order to establish a baseline health condition
  - creating a “transfer form” detailing the time and place of transfer, the condition of the detainee, their property, the transferring authority and the receiving authority, and other relevant details
  - requiring that partners are informed of all detentions and transfers by the other partner
  - requiring periodic reporting on all detainees’ status, to be provided to both partners (e.g. a weekly summary of who is held, where they are held, the next step in process, etc.)
  - permitting a partner to visit detainees held by their partner “at will”.

Bamako, Mali (2018): Soldiers from the Malian Armed Forces attend a session on the Law of Armed Conflict and the role of the ICRC.
INTELLIGENCE SUPPORT PARTNERSHIPS

Partners often share intelligence or information of military significance, both during formal intelligence-sharing partnerships and while conducting other PMOs. Intelligence-sharing can result in harm to civilians and detainees, and can contribute to LOAC violations. However, when used with care, it can reduce harm. When providing intelligence, partners should consider the potential misuse of that intelligence. They should also consider that failing to share available intelligence could, in some cases, be as harmful as intelligence that is misused.

RISKS

Some potential risks associated with intelligence-sharing include:

• the use of shared intelligence to contribute to a LOAC violation or civilian harm during detention-related activities or other operations
• the use of intelligence outside the scope of a partner’s intent, such as for targeting or detaining individuals assessed as security threats (this can even occur when intelligence is subject to stringent requirements for inclusion in pooled databases before being shared)
• the sourcing of intelligence on individuals assessed as security threats and subject to legitimate targeting/capture from a partner whose credibility is not established
• a lack of physical, cultural or linguistic familiarity with certain information on the part of a receiving partner, which can increase risks of misidentification or location error (time pressure to use unverified intelligence greatly raises the risk level).

PRACTICAL MEASURES

Specific measures to reduce risk include the following:

• Create ways to process and validate shared/received information for reliability and accuracy (particularly if it could lead to use of kinetic force decisions).
• Condition the release of intelligence on a partner’s respect for the LOAC and humanitarian norms. Caveats and constraints are already practised by many supporting actors as reasonable measures to avoid foreseeable harm. For example, conditions could limit a partner to capture operations only, rather than detention. Likewise, kinetic force might only be permitted outside densely populated areas.
• Prohibit the use or sharing of information suspected to have been obtained through torture or other forms of ill-treatment.
• Identify and clarify information gaps that may affect either partner’s ability to mitigate civilian harm and conduct LOAC-compliant operations.
• Allocate enough intelligence, surveillance and reconnaissance (ISR) assets (human or material) to conduct pattern-of-life assessments with a view to preventing or reducing civilian harm.
• Emphasize the fact that accurate intelligence can help to reduce civilian harm because it:
  • leads to better targeting decisions
  • protects civilians and civilian objects (such as hospitals, schools, and public utilities and infrastructure) from direct harm
  • prevents potential indirect harm by identifying key infrastructure and supporting targeting decisions that limit reverberating effects.
LOGISTICAL SUPPORT PARTNERSHIPS

Often, a logistical support partnership involves significant outside involvement beyond purely military aspects. It is sometimes complicated by commercial interests and contractual obligations beyond a commander’s influence. Similarly, political decisions can also limit a commander’s options. Even so, a commander still has opportunities to influence a partner’s approaches towards the civilian population.

RISKS

A partner might use the increased combat or logistic capabilities arising from the partnership in ways that increase risks to civilians.

PRACTICAL MEASURES

Specific measures to reduce risk include the following:

- Consider the consequences of the operations to which the support contributes, particularly as a partner’s capacity to engage in conflict increases.
- Consider making logistical support conditional on compliance with the LOAC and humanitarian norms. These conditions may be set by policymakers (for activities such as providing in-flight refuelling for partner aircraft in support of air strikes) or by a commander (such as for situations involving less visible weapons, or equipment requiring specialized maintenance).
- Assess the partner’s capacity to fulfil its LOAC obligations and frame support accordingly, by:
  - designing appropriate mitigating measures and adjusting internal practices
  - designing monitoring measures to determine if logistical support contributes to endangering civilians.
- Enhance the partner’s ability to meet the needs of the civilian population under its control by providing support (medical care, food, shelter and other supplies essential to the survival of the civilian population, etc.).
PART III
RISK MITIGATION PLANNING

GENERAL

This section is primarily for planners. It is designed to encourage staffs to develop pragmatic ways to prevent or reduce risks of civilian harm during or stemming from PMOs. It offers considerations to guide unit planning, the development of procedures, and approaches to working with a partner. These considerations are not comprehensive; rather, they are ideas to stimulate thinking. Not every consideration applies to every PMO category. Some considerations are statements or examples, while others are guided questions. Collectively, they suggest practices that can reduce risks to civilians or detainees by attempting to close potential gaps between partners’ intents, capacities and leadership. This is a major objective in any PMO.

The ICRC has developed a framework to assist PMO planners, as shown below. It divides practical considerations into ten functional groupings. These are arranged into three planning stages but should be considered as continuous actions rather than being strictly sequenced. The stages should be revisited to reassess the mission, to refine plans and to keep the partnered relationship fit for purpose.

**Figure 3: Framework of practical measures**
ASSESS AND PLAN STAGE

This stage is intended to inform what military decision-making processes often refer to as “mission analysis”. It offers suggestions and guided questions to assist staffs in better understanding the operating environment as it pertains to the humanitarian implications of conflict. These considerations may also help planners to deduce implied tasks – those unstated tasks that are necessary to achieve the mission. This stage highlights the need to look inward to first examine a unit’s readiness to engage in a PMO. It also provides elements that may assist in assessing how a partner operates with respect to the civilian population.

1. INTERNAL READINESS TO ENGAGE

Are your forces’ internal functions, processes and mindsets adapted for engaging in a PMO? Are they optimized to strengthen your partner’s civilian protection approaches and mindsets?

Framework

- Integrate protection of civilians into policies, doctrines, instructions and practices that govern PMOs.
- Acquire familiarity with legal frameworks governing your partner’s operations and how they might differ from your own. Understanding your partner force’s laws can help your partner comply with them. It can also aid in early identification and resolution of legal interoperability challenges likely to arise during operations, such as use of force or detention.

Systems and processes

- Develop specific instructions, doctrine or other guidance to establish, maintain and monitor a PMO.
- Create a civilian harm tracking mechanism and incorporate likely or potential indirect harm or reverberating effects on the civilian population.
- Train your forces to address the protection of civilians with their partners.
- Train your forces to identify and address LOAC violations by your own and partner forces.
- Establish processes for obtaining timely reach-back legal support during times of physical dislocation.
**Personnel**
Include, on the military staff, specialized positions focused on protecting civilians and supporting practices that help your partner to avoid civilian harm:
- Ensure personnel possess sufficient advisory and people skills, experience and operational judgement to build an effective relationship with partner forces.
- Ensure that there are sufficient numbers of suitably trained legal advisers.
- Within the military staff, include perspectives that are particularly valuable in helping to prevent or mitigate civilian harm. For instance, is there an adviser to integrate a gender perspective? Such an advisor can best advise how, or even whether, gender sensitivity can realistically be integrated into the partnership. A gender adviser can also assess whether a partner force’s gender-specific actions (such as introducing stricter rules for women in territories controlled) creates partnership risks. Or, in a logistics partnership, whether material support to help meet a partner’s humanitarian need obligations adequately accounts for civilian women’s needs. These examples caution against blind spots regarding women in the operating environment, but they also more broadly illustrate the need for different perspectives.

**Culture and intent**
The commander sets the tone regarding the priority level of civilian harm mitigation and whether it is understood across the force and across warfighting functions. This affects whether the force possesses a mindset oriented on actions and practices that prevent and mitigate harm to civilians.

### 2. STANDARD SETTING
How will your forces work with partners to encourage and clarify behaviour that prevents or reduces civilian harm and complies with conduct-related norms in armed conflict?

**Strategic argumentation**
Identify and assess different methods to communicate to your partner about prioritizing civilian protection:
- Seek to understand your partner’s situation and perspective.
- Acquire familiarity with your partner’s organizational structure and chain of command, and how effectively decisions are implemented:
• Understanding these aspects can be helpful in identifying key
decision makers and primary contacts for addressing operational and
humanitarian concerns.
• It may be difficult to understand lines of authority in decentralized
non-state armed groups or community-embedded groups (or where
lines of authority are opaque to outsiders).\(^\text{13}\)
• Acquire familiarity with major stakeholders and societal norms that
influence a partner’s understanding of and willingness to comply with the
LOAC, as well as its approaches towards civilians.
• Consider using public and private statements to signal to a partner the
standard of conduct expected within a PMO.

**Norm development and practical guidance**
Identify opportunities to reach agreements with – or to influence – your
partner to strengthen policies and practices that protect civilians:
• Seek agreement with your partner to make preventing or reducing civilian
harm a strategic priority when planning and conducting operations.
• Seek and share information about the population, structures, the location,
interdependency and functioning of critical civilian infrastructure, and
patterns of life with a view to preventing or reducing harm to civilians.
• Mutually agree on basic soldier-level ROE or use of force cards – the same
for both forces.
• Mutually agree to include an ROE element in all operational briefs.
• Ensure that instructions:
  • reflect the means, methods and equipment available to your partner and
  how they might affect its ability to prevent or reduce civilian harm
  • explain how to ensure that command, control, coordination and
    situational awareness measures and processes enhance civilian
    protection
  • include monitoring and review processes to update doctrine and
    procedures to reduce risks to civilians
  • contain specific, clear and comprehensive provisions governing arrests
    and detention that reflect legal obligations and recognize specific risks
    in terms of civilian harm.

\(^\text{13}\) See, e.g.: ICRC, *The Roots of Restraint in War.*
Socialization
Identify formal and informal influence mechanisms that can socialize partners to act with restraint:
• Centralized armed groups rely on clearly established rules and values, normally imparted to fighters 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.
• Formal socialization approaches include examples such as integrating the LOAC into education programmes and field training.
• Informal norms can be as strong as formal norms, even within highly professional armed forces. Peer-group conformity, or the spirit of camaraderie, can strongly influence soldiers’ views and actions. New recruits may be introduced to the formal norms by the institutional hierarchy, but peers will show them how to interpret these norms in real-world operations. When formal norms are supported at the peer level, they are more likely to be internalized and become part of the soldier’s identity – the “right thing to do”.

Dissemination
Seek opportunities to more broadly communicate civilian harm prevention and mitigation messages, to broaden LOAC training and to share practices that prioritize protecting the civilian population.
• Investigate how these messages are shared with police, other armed forces, security forces, and private military and security companies.

Mobilization
Encourage others to assist you in getting key LOAC and civilian-protection messages across to your partner:
• Higher command or senior policy levels might be able to assist. In a coalition, other members could act in concert to address partner concerns. Similarly, international organizations or forces outside the partnership might assist.
• Encourage your partner to:
  • engage in a constructive, confidential, bilateral dialogue with the ICRC to improve the protection of civilians
  • ensure that detainee treatment and detention conditions comply with international law and standards
• grant access and protection to neutral, impartial and independent humanitarian actors.

3. ASSESSMENT AND FRAMING

Have you assessed your partner’s intent, leadership and institutional capacity to protect and assist civilians, and to deal with the humanitarian consequences of operations?

Support assessment
Perform a gap analysis of intent, leadership and capacity to assess your partner’s risk to civilian harm:
• If critical gaps exist, plan how you will address them to reduce the risk of harm to civilians. Decide how frequently you will formally update this assessment.
• Conduct a baseline assessment of potential risks of civilian harm independent of your partner’s role. Doing so may highlight ways that your partner’s involvement can either reduce or increase the risk level.

Figure 4: Gap analysis

<table>
<thead>
<tr>
<th>INTENT</th>
<th>LEADERSHIP</th>
<th>CAPACITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Partner’s intention or will to comply with the LOAC and to mitigate civilian harm.</td>
<td>Partner’s organizational structure and ability to ensure that its intent is understood and faithfully executed throughout the force.</td>
<td>Processes, structures, resources and skills that enable a partner to achieve its mission while adhering to the LOAC and humanitarian norms.</td>
</tr>
</tbody>
</table>

Agreements
Formally set expectations for behaviour with your partner and have both sides agree on the scope, objectives and conditions of operations:
• At the outset, partners should ensure their approaches to preventing or reducing risk to civilians are aligned.
• Approaches should be articulated in agreements between partners, applied in operational and tactical level planning, and spelled out in orders, SOPs and other guidance (such as agreements on weapons end-use).
• Policies must be clear regarding information and intelligence-sharing that could lead to civilian harm. This includes assessing how a recipient uses shared intelligence or establishing safeguards to verify the accuracy of information shared.

**Operational readiness**
Tailor tactics, techniques and procedures to reduce the impact of partnered operations on civilians:
• Specific tactical directives or revised operational procedures might be appropriate in certain contexts.
• Partner forces may better understand the situation as it relates to the civilian population. They may also know the location, interdependency and functioning of critical civilian infrastructure. This kind of knowledge can help to reduce civilian harm.

**Figure 5: Alignment gap visualized**

Where there are gaps between the partners, practical measures should be identified to close them.

**Transition**
Explore training, tools, processes and conditions that will enable your partner to reduce the humanitarian impact on civilians after the partnership ends.

Assessing and framing are critical to managing a PMO responsibly. Conducting a thorough assessment prior to executing the operation allows a commander to identify risks upfront and develop mitigating measures.
EXECUTE STAGE

This stage deals with implementing a PMO. It highlights how a supporting force can help maximize its partner’s ability to operate while complying with LOAC and humanitarian norms. It offers suggestions and guided questions to assist staffs in building partner capabilities and practices that minimize civilian harm.

4. INSTITUTIONAL CAPACITY-BUILDING

Does your partner have the capacity to manage and use your support to protect and assist the population during conflict and its aftermath?

Framework
Identify legal frameworks, rules and procedures that regulate your partner force’s conduct:
• Identify opportunities to enhance the laws, policies, doctrine or instructions that govern your partner’s military operations.

Systems and processes
Examine functions and actions that can augment your partner’s capabilities or positively influence partner actions:
• Help your partner create a system for investigating and, where appropriate, prosecuting serious LOAC violations by its forces.15
• Positively influence your partner’s command and control, operational planning, etc., in order to reduce civilian harm risks.
• Organize your force to support partner efforts to mitigate civilian harm during operational phases through measures such as embedding personnel and employing a broader network of liaison officers.
• Ensure your partner has the capacity to conduct pattern-of-life assessments with a view to reducing harm to civilians.
• Use your enabling capabilities to support legally compliant targeting processes that maximize civilian protection.

• Synchronize operational actions and effects through combined planning processes and closer coordination in order to prevent or reduce civilian harm.
• Consider something as basic as partnered forces living together as a way to positively influence partner-force actions that enhance civilian protection.

**Personnel**
Verify whether your partner vets and selects combatants (particularly in terms of age and knowledge of prior LOAC/human rights violations).

**Culture and intent**
Your partner commander sets the tone for LOAC-compliant activity and behaviour in the partner force. A commander’s guidance and direction must address not only what *should* happen, but also – and critically – what *should not* happen to civilians.

**5. LOAC TRAINING**

After assessing your partner’s intent, capacity and leadership, can you help them design programmes to operationalize the LOAC and practices that reduce civilian harm?

**Training**
There are opportunities to support your partner’s LOAC training and instruction in all PMO categories. Training integrated horizontally into all relevant modules, rather than as standalone LOAC training, is more effective. When contextualized in ways relevant to your partner, it socializes the process of integrating LOAC norms into partner behaviour:
• Partner consultations when preparing a training programme help keep the programme relevant and situation-specific.
• Combining LOAC briefings, classroom discussions, case study reviews and practical field exercises is most effective in inculcating norms of restraint in combatants.
• Intense, realistic and fast-paced exercises based on applicable ROE help to operationalize LOAC training and links it to on-the-ground realities and challenges.
• Norms pertaining to respectful engagements with civilians – and with sensitive and vulnerable groups in particular – can further mitigate
humanitarian consequences. Providing training on such norms may further contribute to LOAC compliance and the protection of people affected by armed conflict.

- Leadership at all levels is key to instilling an organizational culture of LOAC compliance and civilian protection. Non-commissioned officers are central to promoting norms of restraint among junior soldiers within operational units. Partner commanders’ active participation in training sessions reinforces the value of the training in the audience’s eyes.

Mentoring
Create opportunities to mentor partner forces in operational contexts outside of formal training programmes or institutions.

Monitoring and evaluation
Outcome-oriented mechanisms focused on behaviours and approaches provide a more realistic appraisal:

- Evaluate the effectiveness of LOAC training and incorporate that assessment into subsequent training cycles and future training support decisions.
- Ensure LOAC-related materials are accurately translated into your partner force’s language.

6. ASSISTANCE

Is it feasible to more directly help your partner avoid, mitigate and address the humanitarian consequences of hostilities?

Capacity-building
Assist with expertise or staff to advise or undertake key functions relevant to protecting civilians. Examples include the following:

- Provide intelligence analysis/fusion assistance to improve target identification and incidental harm assessments.
- Provide kinetic support so that means and methods are employed in a way that best seeks to prevent or reduce harm. This could take the form of training in aspects such as marksmanship, close-quarter fighting, urban manoeuvre, targeting or collateral damage estimation.
- Offer legal expertise on lawful internment and detention operations. Support the conduct of lawful material/personnel exploitation in order to
mitigate the risk of obtaining information via unlawful means (such as torture or other forms of ill-treatment).

- Offer training on basic evidence-gathering techniques and evidence preservation in order to better ensure that subsequent prosecutions are conducted in accordance with judicial guarantees and safeguards.
- Offer combat casualty care training and more advanced medical training for wounded and sick, to include civilians and enemy combatants.

**Resource provision**
Provide logistical support to increase your partner’s ability to meet its obligations towards civilians. Examples include the following:

- Provide a partner with resources to facilitate compliance with LOAC obligations concerning captured persons, particularly regarding treatment and conditions during detention/internment.
- Provide a partner with resources to better ensure compliance with LOAC obligations regarding the provision of medical care to wounded and sick civilians and combatants.
- Prioritize the allocation of ISR capabilities to ensure more refined pattern-of-life analyses and incidental harm assessments during the planning and conduct of operations.

Seek to convince your partner to facilitate access and activities for relevant humanitarian organizations, such as by facilitating their access to civilians in order to restore and maintain family links of those displaced and separated by war.

**Substitution of functions**
If your partner is not capable of discharging certain LOAC obligations to an adequate standard, perform them until your partner’s capacity has been built sufficiently to do so. For example, if your partner lacks capability to clear areas contaminated by explosive remnants of war (ERW), your force could provide those functions.
7. MONITORING, EVALUATION AND ACCOUNTABILITY

How will you maintain visibility over your partner’s actions and, where necessary, hold your partner accountable for behaviour inconsistent with the LOAC and humanitarian norms?

Monitoring and evaluation
Planners can consult many sources to identify and address behaviour that increases risks to civilians. This includes using triangulated reporting, affected populations, organic intelligence capabilities and external monitoring bodies to encourage partner transparency on humanitarian issues. All partners should encourage transparency and, where appropriate, jointly review activities or actions that adversely affect the civilian population:

- Engage directly with the civilian population and people deprived of their liberty, if possible, to understand and assess the effect of operational activities.
- Seek and assess information on the conduct of operations provided by external monitoring bodies, particularly those that are independent and impartial, and incorporate this information into future operations and partner support decisions.
- Engage with neutral, impartial humanitarian organizations and encourage your partner to do the same. Accept confidential, bilateral dialogue with the ICRC.
- Designate dedicated monitoring personnel. A joint monitoring cell could improve reactivity to incidents and more easily identify any systemic issues. The ability to respond quickly to civilian harm incidents may help to reduce the negative humanitarian consequences. The cell may also respond to partner and affected community concerns and, where relevant, take corrective measures.

Reporting and recording
Establish information-sharing procedures for possible civilian harm and other incidents resulting in negative humanitarian consequences (such as arms diversions):

- Evaluate aspects related to civilian protection in combined after-action review (AAR) processes and take appropriate remedial measures identified through these combined AAR processes.
**Oversight**

Effective oversight is fundamental to ensuring respect for the LOAC and to reducing risks of civilian harm. This is typically a matter for a partner to implement internally:

- Assist your partner in creating a framework and processes to conduct its own internal oversight (i.e. the power to review and act).
- Clarify, throughout the chain of command, who has the authority to investigate and take administrative and disciplinary action.
- Newly established or highly decentralized forces may lack training, command experience or sufficiently mature structures. Similarly, accountability mechanisms may not exist or yet be rooted in the organizational culture. In these cases, consider exerting oversight until such a time as your partner can do so independently.

**Accountability**

Identify whether your partner has effective mechanisms to ensure accountability for actions taken:

- Consider withholding certain kinds of assistance to a partner who might be subject to ongoing investigative processes for LOAC violations until these are satisfactorily resolved.

**8. INTERNAL OVERSIGHT**

Are mechanisms in place to ensure that your own forces operate within the law and are held accountable?

**Training and equipping**

- Train soldiers to recognize behavioural “grey areas” that can arise at the tactical level and can ultimately lead to LOAC violations and/or civilian harm.
- Equip soldiers with the people skills, confidence and judgement to take appropriate action.
- Foster, within the force, a culture of individual responsibility to act if suspected LOAC violations occur.
- Ensure soldiers know what to do if they witness or suspect a LOAC violation.
• Provide soldiers with appropriate equipment and training to improve their understanding of civilian considerations, such as cultural norms and patterns of life.
• Reinforce or augment training on mitigating civilian risks and on the LOAC over the duration of a deployment.

**Internal mechanisms**
Put in place effective incident management and reporting procedures for investigating possible LOAC violations and other incidents giving rise to civilian harm by own forces.

**Investigations**
Partners should make sure systems are established, available and understood, in order to ensure that investigations are conducted into possible LOAC violations under their jurisdiction.

Mosul, Iraq (2017): Children playing in the streets. Many homes and much civilian infrastructure were destroyed during the fighting.
TRANSITION STAGE

As noted, the ten functional groupings are not strictly sequenced. “Structured disengagement” and “learning” are not simply the end of a partnership. In fact, a supporting force must develop a strategy early on that builds partner capabilities to prevent and mitigate civilian harm after the PMO concludes. This strategy should be revisited regularly as part of reassessing the mission, refining plans and keeping the partnership fit for purpose. Similarly, lessons learned should be incorporated throughout the duration of a PMO. After it concludes, the lessons should inform future partnered operations.

9. STRUCTURED DISENGAGEMENT

How do you set the conditions for disengaging from the partnership? Are you enabling your partner to promote the protection of the civilian population while assuming support functions you provided to the partnership?

System sustainability
The objective is to prepare your partner for the loss of support as you disengage:

- Establish train-the-trainer programmes to facilitate the protection of civilians after the PMO.
- Create training packages to prepare your partner to assume roles related to the protection of civilians that your force provided.
- Plan for how to deliberately draw down your force while still enabling your partner to conduct independent, LOAC-compliant operations.
- Identify, at an early stage, structural changes within a partnered force that can equip them for diminished partner support in the future:
  - Some capabilities to help mitigate civilian harm take years to develop and should be long-term goals in a partnership. These include creating an officer training continuum and a professional NCO corps, as well as improving aspects such as medical care, logistic sustainment capabilities, and intelligence and targeting capabilities.
  - Plan for how to manage your disengagement and the effect on the civilian population resulting from a future absence of support.
  - Create mechanisms to address effects from ending the PMO on health care, detention and justice systems.
Ongoing protection of those no longer fighting
Even if disengagement occurs, both partners may have continuing legal obligations to detainees, the dead, the displaced and the missing.

Responsible resource management
Facilitate efforts to remove weapons, munitions, equipment and defences that place civilians at risk.

Management of aftermaths
To the extent feasible, planners should consider measures to address the aftermath of a conflict on affected populations. During operations, forces should take steps to limit their long-term and cumulative impact. In the aftermath, they could contribute to or facilitate infrastructure reconstruction, durable solutions for internally displaced persons, or the removal of ERW.

10. LEARNING

How are lessons learned regarding the protection of civilians identified and incorporated into ongoing and future partnered operations?

Systematic recording of lessons learned
The objective is to improve LOAC compliance and better protect civilians by stopping something, doing something differently or doing something new:
- Ensure there is a process for systematically capturing and managing observations learned throughout the PMO.
- Include, in the lessons-learned process, issues relating to the LOAC and the protection of civilians.
- Share lessons learned with partners and assist them in implementing lessons correctly.
- Incorporate civilian harm tracking into a lessons-learned process that accounts for direct, indirect and long-term harm to civilians.
- Ensure there is a process for recording and sharing lessons learned from the performance of private military and security companies with other government agencies that may hire such companies.
- Incorporate lessons learned into doctrine and future practice.
Combined learning processes between partners
Incorporate your partner’s feedback in the learning process:
• Where possible, the lessons-learned process should involve both partners. Combining experiences and providing joint lessons gives a more complete picture (the process may need to be tailored to the relationship to accommodate each partner’s culture and learning traditions).
• The partner’s learning processes should also include a civilian perspective where possible. Communities can identify the humanitarian consequences of the PMO.
The above logic chart demonstrates the interplay between the practical areas for implementing risk mitigation measures, and the execution of the PMO. We recommend that, before engaging in a PMO, supporting actors take preparatory steps in the Plan and Assess phase. At the conclusion of the Execute phase of a PMO, we also recommend that commanders follow up with Transition steps in disengagement and learning. Throughout the execution of a PMO, commanders should consider applying practical measures tailored to each PMO (the overlap).
FURTHER READING


MISSION
The International Committee of the Red Cross (ICRC) is an impartial, neutral and independent organization whose exclusively humanitarian mission is to protect the lives and dignity of victims of armed conflict and other situations of violence and to provide them with assistance. The ICRC also endeavours to prevent suffering by promoting and strengthening humanitarian law and universal humanitarian principles. Established in 1863, the ICRC is at the origin of the Geneva Conventions and the International Red Cross and Red Crescent Movement. It directs and coordinates the international activities conducted by the Movement in armed conflicts and other situations of violence.