



# ALLIES, PARTNERS AND PROXIES

AN INTRODUCTION TO SUPPORT RELATIONSHIPS  
IN ARMED CONFLICT

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# INTRODUCTION

Over the past 20 years, conflicts have grown in size and complexity. They continue to exact a heavy toll on civilians, who are all too often targeted or arbitrarily detained or go missing – in disregard of fundamental humanitarian principles and international humanitarian law (IHL). Their plight is further compounded by urban warfare; the destruction of essential infrastructure and services such as health care, water, sanitation and education; and the proliferation of unexploded devices.

As conflicts evolve, so does the practice of warfare, in response to its ever-changing strategic, political and economic environment. The front-line trends observed by the International Committee of the Red Cross (ICRC) include the growing involvement of external actors in support of local forces: with wars being increasingly fought with partners, in alliances and through proxies, more and more States, multinational coalitions and non-State actors are engaged in support relationships with parties to armed conflict.

## RISKS AND OPPORTUNITIES IN SUPPORT RELATIONSHIPS

The growing prevalence of support relationships in armed conflicts entails a risk of diffusion of responsibility that is detrimental to the ability to protect civilians and others not fighting. In the absence of clearly delineated roles and responsibilities, support relationships are frequently marred by practical coordination-related challenges. Efforts by partners to minimize their responsibilities further hamper their combined capacity to protect. This type of situation, ultimately, undermines accepted humanitarian principles.

However, the ICRC believes that support relationships offer an opportunity to increase civilian protection by positively influencing the behaviour of belligerents. Supporting and supported actors can and should seek to manage their relationship responsibly. This is both an individual and collective responsibility, which requires the partners to be coherent in their intent, leadership and capacity. Reducing the human cost of war is not only a fundamental humanitarian objective: it can also shape the prospects for recovery and reconstruction – two key factors that contribute to long-term stability.

## PRACTICAL STEPS TO MANAGE SUPPORT RELATIONSHIPS RESPONSIBLY

This guide sets out a framework for using support relationships to improve the protection of civilians and others not fighting. It is designed to help decision makers at all levels and across all actors to consider and develop pragmatic ways to mitigate the risk of negative humanitarian consequences and enhance the protection of those not fighting, including through better respect for IHL. In its framework, the ICRC identifies ten broad areas in which actors can implement practical measures aimed at managing the risks and opportunities of support relationships. These are outlined on pages 21 to 31. For those seeking to go further, the full publication ([also available online](#)) provides further details on the considerations that can be used to guide decision makers, including through a series of general and specific questions grouped by topic.

The ICRC asks actors involved in support relationships to:

1. integrate an analysis of the risks and consequences for civilians and others not fighting into how they manage their support relationships
2. take greater individual and collective responsibility for ensuring that civilians and others not fighting are protected
3. in the event of allegations of IHL violations or other problematic behaviour by a partner in a support relationship, take meaningful action to address the behaviour of concern.

As there is every reason to believe that support relationships will remain an enduring feature of armed conflict, the ICRC aims to facilitate an understanding of practical ways to reduce the human cost of war through continued engagement and sharing of experiences with actors in support relationships.

# SPECIFIC FACTORS IN SUPPORT RELATIONSHIPS

## UNDERSTANDING SUPPORT RELATIONSHIPS

*The ICRC defines a support relationship as one in which the support increases the capacity of a party to conduct armed conflict.*

Sources and forms of support vary greatly. It can be provided by or to States, international organizations and non-State armed groups (NSAGs), and it can consist in political support, partnered military operations or arms transfers, as well as institutional capacity support, financial support, or “hosting”.

The ICRC considers that support relationships can heighten the risks for civilians, detainees and others not fighting. However, support relationships also have the potential, exercised or not, to positively influence the protection afforded to civilians and others not fighting during a conflict and in its aftermath. They therefore create opportunities that must be seized.

Actors in support relationships should take a broad view of the role they can play in how a conflict is fought and its aftermath is managed, recognizing the strength of long-term cooperation and the influence of non-military stakeholders. Decisions concerning long-term security assistance and cooperation should also factor in the possibility that the recipient will eventually engage in armed conflict.

Four key factors come into play when assessing the risks and opportunities brought about by a support relationship in terms of humanitarian consequences: the type of conflict, the actors involved, the type of joint activities and the type of support provided.

## TYPE OF CONFLICT

Both the number and type (i.e. international or non-international) of armed conflicts add operational complexity to the support relationship, as they may impose different legal obligations on the partners. Notwithstanding the factual complexity of the situation on the ground, the applicability of IHL remains undisputed. To the extent feasible, actors should exercise their influence over partners in order to promote compliance with IHL and the protection of civilians and others not fighting.

### SPECIFIC RISKS

- Difficulty distinguishing between fighters and civilians
- Militarization of law enforcement

### SPECIFIC OPPORTUNITIES

- Leverage industrial and technological capacity to reduce the negative effects of conflict

# ACTORS INVOLVED

Support relationships can involve any of the following actors, whether bilaterally or multilaterally.

## States

A State may provide support to another State or to an NSAG, or join a multinational coalition, contribute troops to peace operations, or hire a private military and security company (PMSC) to provide support to another actor. In the most common scenario, the host or territorial State engages in a non-international armed conflict on its territory against one or more NSAGs with the support of one or more other States individually or in coalition. This State will need to manage the support it receives, which includes defining the scope of authority for foreign armed forces to operate on its territory, ensuring compliance with domestic law, and monitoring and accountability for the conduct of supporting actors.

States have legal obligations under international law. Ensuring respect for IHL includes an obligation not to encourage, aid or assist in violations of IHL, as well as a due diligence obligation to take proactive steps to influence parties to conflict and bring them to an attitude of respect for IHL. In addition, supporting States may have obligations under other provisions of international law, such as the Arms Trade Treaty.

## SPECIFIC RISKS

- Inadequate/imprecise distinction between fighters and civilians
- Militarization of law enforcement
- Choice of means and methods not adapted to military necessity

## SPECIFIC OPPORTUNITIES

- Harness cross-governmental capacity to integrate the protection of civilians and others not fighting throughout the relationship
- Leverage industrial and technological capacity to reduce the negative effects of conflict

## Multinational coalitions

The concerns associated with single States as supporting actors are multiplied when the situation includes a coalition or alliance of States. If the States provide joint support to another State (usually the territorial State), they need to work together to ensure that their support fosters compliance with IHL and protection for those not fighting, including among coalition members – especially if at least one of them is a party to the conflict. Each member will have its respective obligations under international law and a certain capacity to influence the relationship and minimize the humanitarian consequences of the conflict.

## SPECIFIC RISKS

- Confusion of roles and responsibilities, accountability gaps
- Mandates not aligned with the needs of the affected people
- Lack of alignment in reporting procedures, hindering oversight, accountability and learning processes
- Lack of alignment of capacity between partners, resulting in a diffusion of responsibility and practical challenges of coordination

## SPECIFIC OPPORTUNITIES

- Promote highest standards, e.g. through normative engagement, institutional capacity building and IHL training
- Increased availability of expertise and resources to reduce the impact on affected people
- Collective improvement through learning processes

## Peace forces

Peace forces<sup>1</sup> often support the territorial State, but the relationship between these forces and troop-contributing countries, or among troop-contributing countries, may also qualify as support. The facts on the ground determine whether peace forces become a party to a conflict, irrespective of the mandate assigned to them by the United Nations Security Council and the term used for their potential opponents.

### SPECIFIC RISKS

- Confusion of roles and responsibilities, leadership not harmonized, accountability gaps
- Mandates not aligned with the needs of the affected people
- Lack of alignment in reporting procedures, hindering oversight, accountability and learning processes
- Lack of capacity alignment between troop-contributing countries, resulting in a diffusion of responsibility and practical challenges of coordination

### SPECIFIC OPPORTUNITIES

- Adopt the protection of civilians and others not fighting as a strategic priority
- Cross-fertilization of IHL training, frameworks, systems and processes
- Normative engagement, including the sharing of good practices
- Collective improvement through learning processes
- Meaningful ownership of responsibilities in the community and individual troop-contributing countries
- Comprehensive plan for structured disengagement

## Non-State armed groups

NSAGs need to reach a certain degree of organization to be considered parties to a conflict and therefore bound by IHL.<sup>2</sup> Support relationships involving NSAGs are not unlike support relationships between States, where major powers support their allies with capacity (i.e. material assets, human resources and skills).

### SPECIFIC RISKS

- Lack of alignment between actors' leadership, resulting in a diffusion of responsibility
- Capacity not aligned, resulting in coordination issues and a diffusion of responsibility
- Limited willingness, resources or expertise to operationalize IHL in hostilities (e.g. principles of precautions, distinction and proportionality) and other activities (e.g. detention, managing displacement, managing the dead and clarifying the fate and whereabouts of missing persons)
- Group becomes predatory on the community

### SPECIFIC OPPORTUNITIES

- Have a positive impact on NSAGs by leveraging their needs in terms of resources, recruitment and control
- Engage on cultural and other IHL-compatible norms

## Private military and security companies

The role of private military and security companies (PMSCs) ranges from providing specialized services to participating directly and more actively in hostilities on behalf of a party to the conflict. In addition to being supporting or supported actors in their own right, PMSCs may be seen as vehicles through which support is provided.

The State directly contracting a PMSC (contracting State), the State in which it operates (territorial State) and the State in which the PMSC is registered (home State) may each have responsibilities with respect to

<sup>1</sup> The term "peace forces" is used generically to describe military and civilian personnel deployed on multilateral operations by the United Nations or otherwise authorized by the United Nations Security Council for peace-enforcement or peacekeeping purposes.

<sup>2</sup> NSAGs are among the broad range of armed groups – with varying goals, structures, doctrines, funding sources, military capacity and degree of territorial control – that are not recognized as States but have the capacity to cause violence that is of humanitarian concern.



a PMSC, notably to ensure respect for IHL (the Montreux Document provides a series of good practices to help States implement their obligations).<sup>3</sup>

#### SPECIFIC RISKS

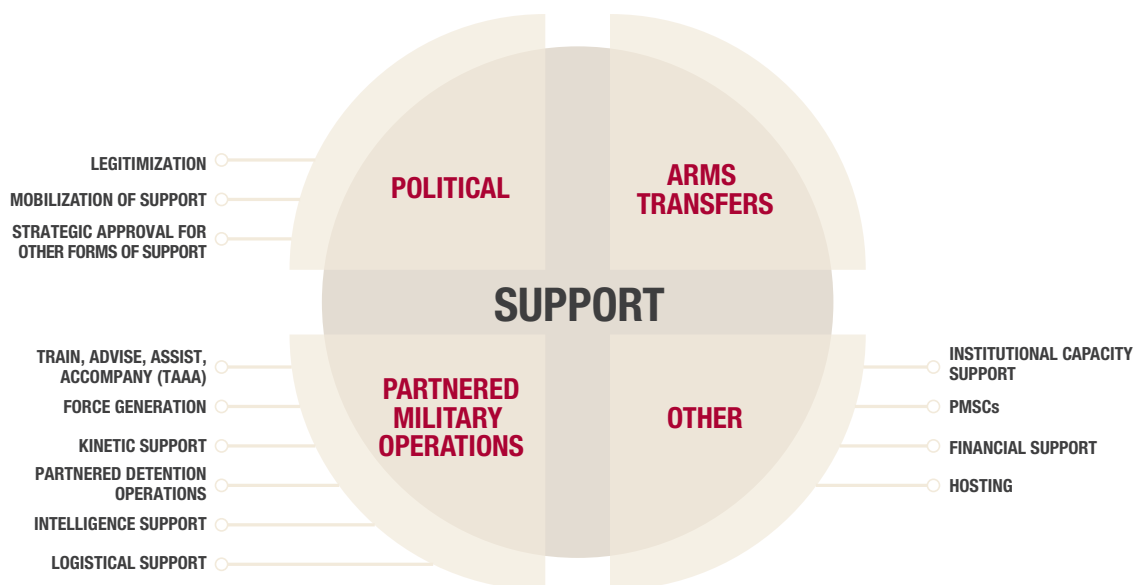
- Diffusion of responsibility between PMSCs and actors in the support relationship
- Confusion between regulatory approaches
- Absence of robust vetting
- Rules of engagement do not adequately delimit the use of force
- Inability to monitor conduct and evaluate results
- Lack of oversight and accountability

#### SPECIFIC OPPORTUNITIES

- Potential to integrate IHL into the professionally customized service-delivery approach
- Potential to build in one or more termination clauses in the event of IHL violations by the PMSC and/or the supported party to the conflict

## FORMS OF SUPPORT

The form of support provided has some bearing on the supported party's ability to engage in armed conflict.



These different forms of support may be provided separately or in some combination. Decision makers should consider the support relationship as a whole. Where possible, they should be mindful of the interaction between, and the collective impact of, multiple support relationships in the same conflict or territory.

<sup>3</sup> See ICRC and Swiss Federal Department of Foreign Affairs, *Montreux Document on pertinent international legal obligations and good practices for States related to operations of private military and security companies during armed conflict*, ICRC and Swiss Federal Department of Foreign Affairs, Geneva, 2008.

## POLITICAL SUPPORT

Expressions of support for another actor may take the following forms:

- **legitimization** – providing recognition or legitimacy to another actor, for example by facilitating access to international forums or to negotiations or advocating for having the supported party taken off sanction lists
- **mobilization of political support** – mobilization of support for a common cause and the need to provide the three other types of support
- **strategic approval for the other forms of support** – decisions to provide, modify or withhold support determine the scope for influence and likelihood of bringing about behavioural change.

### SPECIFIC RISKS

- Short-term objectives do not account for the long-term risks and impact of decisions
- The support escalates the armed conflict, notably by prompting other actors to provide countervailing support to the adversary
- The support relationship makes it harder to negotiate peace

### SPECIFIC OPPORTUNITIES

- Positively influence partners through normative engagement
- Ensure practical measures are implemented in order to promote the protection of and reduce harm to affected people

## ARMS TRANSFERS

The provision of support in the form of arms, ammunition and other means of warfare gives rise to a variety of direct risks to civilians and can have indirect and longer-term negative humanitarian consequences. When transferring arms, steps should be taken to reduce these risks.

Supporting States involved in arms transfers have a special duty to do everything reasonably in their power to assess whether the recipient is likely, based on facts or knowledge of past patterns, to use the weapons to commit IHL violations, in which case the State must refrain from transferring the weapons.<sup>4</sup>

### SPECIFIC RISKS

- Improper use, and misuse, of weapons, including in violation of IHL, leading to civilian harm, including death, injury and damage to or the destruction of civilian objects
- Diversion of weapons to unauthorized end users and for unauthorized end uses, including through resale, theft or loss
- Increased availability of weapons, fuelling armed violence and conflicts and undermining long-term peace and security

### SPECIFIC OPPORTUNITIES

- Build capacity to effectively implement arms transfer risk mitigation measures (e.g. to strengthen diversion prevention through robust weapons and ammunition management, marking, record-keeping and tracing)
- Strengthen controls on the availability of arms and ammunition
- Provide training to support the proper and legal use of weapons and support measures to effectively prevent, investigate and suppress IHL violations and, where appropriate, prosecute serious violations of IHL
- Encourage States to formally commit to and assist in faithfully implementing the highest international standards on responsible arms transfers, safe and secure weapons and ammunition management, arms control and disarmament

<sup>4</sup> See *Commentary on the First Geneva Convention*, paras. 158–163; K. Dörmann and J. Serralvo, “Common Article 1 to the Geneva Conventions and the obligation to prevent international humanitarian law violations”, *International Review of the Red Cross* (IRRC), No. 895/896, September 2015, pp. 707–736. Treaties regulating arms transfers, including the Arms Trade Treaty, impose more detailed requirements.

## PARTNERED MILITARY OPERATIONS

Partnered military operations (PMOs) are often the most direct and visible type of support provided to parties to an armed conflict. They refer to the formal arrangements between partners to achieve a specific military aim in a conflict, at times resulting in the supporting actor itself becoming a party to the armed conflict. Six types of activities are most frequent in PMOs, as detailed below.

### Train, advise, assist, accompany

Military arrangements that aim to build the military capacity of a supporting actor through training appear to be the most prevalent form of PMO-type support. They often, but not necessarily exclusively, consist of:

- **training** – a training programme provides the partner with specific skills or knowledge
- **train and equip** – a training programme set over a specific period of time provides the partner with specific skills and equipment
- **advise and assist (HQ)** – personnel are placed in a command or headquarters position to advise their partners during operations
- **accompany (ground)** – personnel advise partners during operations directly on the ground; the adviser is typically not authorized to engage in combat but may call in other forms of support such as medical evacuation, close air support or logistics support.

### SPECIFIC RISKS

- Increased civilian harm
- Efficacy of training not tested through monitoring and evaluation of trained forces
- Training does not incorporate and apply IHL rules
- Trained forces operate outside of scope of support agreement

### SPECIFIC OPPORTUNITIES

- Specific IHL training and instruction, tailored to the expected circumstances of the conflict
- Normative engagement throughout the ranks
- Improve IHL compliance
- Improve civilian harm mitigation

### Force generation

Force generation refers to the practice whereby actors, often external States, support the creation of local armed forces by recruiting, training and equipping them.

### SPECIFIC RISKS

- Lack of oversight and accountability
- Nascent institutions (frameworks, systems or culture) not robust
- Inexperienced in operationalizing IHL
- Susceptible to variations in intent and leadership

### SPECIFIC OPPORTUNITIES

- Imbue culture of respect for IHL
- Participate in recruiting and vetting supported forces
- Specific IHL training and instruction, tailored to the expected circumstances of the conflict
- Feedback loop

### Kinetic support

Kinetic support refers to situations in which the supporting actors engage in hostilities in support of a party to a conflict. There are varying degrees of kinetic support:

- **embedded support** – embedding personnel with partner armed forces before, during and after operations, directly on the ground. They are authorized to engage in combat together with the supported unit and to facilitate the use of supporting force capabilities – e.g. fire support or logistical support – to enhance the capacity of the supported force.

- **combined, joint and partnered operations** – operations conducted by a force or team composed of units or personnel from both partners; they collectively engage in combat.
- **strikes or raid operations** – a strike or a raid in support of a party. It commonly involves niche capability for capturing high-value targets.
- **fire support** – two types:
  - deliberate targeting – pre-planned attacks against targets that have been analysed, vetted and prioritized in advance
  - dynamic targeting – unplanned and unexpected attacks in which the target is not identified in advance; usually involves aircraft orbiting within a specific area awaiting instructions for targets that may or may not come (i.e. target of opportunity, troops in contact or time-sensitive targets).

#### SPECIFIC RISKS

- Increased capacity contributes to civilian harm
- Supporting actor becomes directly involved in a serious violation of IHL

#### SPECIFIC OPPORTUNITIES

- Increase monitoring, evaluation, oversight and accountability
- Increase normative engagement throughout the ranks
- Provide assistance to address humanitarian needs

### Partnered detention operations

Partnered detention operations consist of activities that contribute to the capture- and detention-related activities of a party to a conflict, including capacity building. They can take a number of forms, including:

- **capture and transfer** – ground operations leading to the capture and transfer of detainees to a place of detention, conducted by a team composed of personnel from both partners; logistical support for a detention operation conducted by another partner; detention operations making use of another partner's intelligence; or the capture of a person and that person's transfer to the other partner's place of detention or judicial system
- **intelligence collection** – interviewing (i.e. tactical questioning, interrogating or debriefing) detainees and providing and receiving intelligence relating to detainees
- **capacity building** – providing a partner with specific skills, knowledge, material assets or technology to conduct detention operations and/or maintain detention facilities (e.g. building detention facilities or training and equipping detention facility personnel).

The risks associated with partnered detention operations closely parallel the risks attendant to all detention operations, as discussed on page 12.

### Intelligence support

Partners in support relationships commonly share intelligence, i.e. information of military significance to a conflict. Intelligence support usually falls into one of two categories:

- **intelligence sharing** – sharing information already available
- **intelligence, surveillance and reconnaissance** – sharing information collected specifically for the operation being supported, typically through technical means but also through other sources.

#### SPECIFIC RISKS

- False or faulty information in intelligence partnerships leads to flawed target selection or the detention of people on incorrect grounds

#### SPECIFIC OPPORTUNITIES

- Intelligence sharing, combined with adequate safeguards and monitoring, can help to minimize civilian harm

### **Logistical support**

Logistical support refers to arrangements that provide for the maintenance and transportation of material, facilities and personnel. There are four common types of logistical support:

- **inter-theatre transport** – transport of personnel or equipment from their homeland to a theatre of operation, without deployment to the front line
- **intra-theatre transport** – transport of personnel or equipment within a theatre of operation, usually during operations in order to improve the beneficiary's range, mobility and speed of deployment
- **air-refuelling** – the refuelling of an aircraft in flight by another aircraft
- **specialized technical support** – mission-critical specialized technical support or maintenance for weapons, aircraft, or other war-sustaining equipment.

#### **SPECIFIC RISKS**

- Contributes to military operations resulting in civilian harm

#### **SPECIFIC OPPORTUNITIES**

- Provide logistical support to fulfil IHL obligations and otherwise assist civilians and others not fighting, e.g. by facilitating medical evacuations or transporting essential goods

### **OTHER FORMS OF SUPPORT**

Various other forms of support, whether provided on their own or in conjunction with other support, may have an effect on the recipient's capacity to engage in armed conflict.

#### **Institutional capacity support**

Institutional capacity support refers to often long-term external support for institutions – such as in the detention and judicial sectors – that can directly increase the recipient's military capacity. These programmes should include concrete measures to promote the protection of civilians and others not fighting, including through compliance with IHL.

#### **SPECIFIC RISKS**

- Increases only fighting capacity, with little or no contextualized integration of IHL and other protective norms
- Escalates conflict and IHL violations
- Support for justice, rule-of-law and forensics actors may also suffer from inadequate contextualization and tailoring to immediate and upcoming needs
- Rights of detainees, civilians and the dead violated as a result

#### **SPECIFIC OPPORTUNITIES**

- Contextualized integration of IHL into the systems, processes and forces of a party to the conflict
- Fewer IHL violations and better protection of civilians during hostilities
- Improved capacity of civilian authorities to ensure the rights and dignity of civilians, the dead and detained are respected

#### **Financial support**

Financial support refers to direct or indirect funding, including through loan agreements and investments, that significantly enables the supported party to engage in armed conflict.

#### **SPECIFIC RISKS**

- Reduced accountability to civilians

#### **SPECIFIC OPPORTUNITIES**

- Fund measures to promote respect for IHL and the protection of civilians and others not fighting (e.g. training, providing essential goods and clearing landmines or explosive remnants of war (ERW))
- Provide financial assistance to affected people (e.g. addressing the needs of the families of missing persons)

## Hosting

Hosting is when an actor places its territory or facilities at the disposal of a party to a conflict, such as to allow foreign armed forces or armed groups to transit through its air space or territorial waters or to use its territory for military bases. Alternatively, an actor may provide administrative services (enabling the parties' leaders to obtain transportation, visa and financial facilities, for example).

### SPECIFIC RISKS

- Enables IHL violations

### SPECIFIC OPPORTUNITIES

- Normative engagement
- IHL training
- Make hosting rights contingent on IHL compliance and the protection of civilians

# MILITARY OPERATIONS AND ASSOCIATED ACTIVITIES

By their very nature, military operations put civilians and others not fighting at risk, directly or not, as a result of the cumulative effects of the parties' actions. For example, damage or destruction to critical civilian infrastructure in populated areas can have important reverberating effects on the civilian population and can degrade essential services over time, posing a grave risk to public health and prompting further displacement. Moreover, the failure of actors to anticipate and manage conflict aftermath can also present important risks to civilians and others not fighting (e.g. in the treatment of detainees).

Besides ensuring that IHL rules are respected, actors in a support relationship should pay attention to both the risks that their activities pose for affected people and any opportunities they might have to reduce harm.

Actors need to prepare for certain key activities, as described below: capture, arrest and detention; conduct of hostilities; law enforcement operations; and weapons and ammunition management.

## CAPTURE, ARREST AND DETENTION

The deprivation of liberty is a regular occurrence in armed conflict. Actors involved in support relationships should take measures to ensure, to the extent possible, that those deprived of their liberty are treated humanely, in accordance with international law and humanitarian considerations.

### SPECIFIC RISKS

- Extrajudicial killing and/or enforced disappearances
- Failure to ensure physical and psychological safety at the point of capture or arrest and during transfers
- Torture and other ill-treatment, including sexual violence, during screening, capture and transfer operations, and in places of detention
- Inhumane detention conditions (e.g. overcrowding, malnutrition, epidemics, lack of family contacts) or conditions not adapted to special needs (e.g. children, the mentally ill and people with disabilities)
- Detention without a legal basis and/or procedural safeguards, denial of fair trial rights
- Transfer of detainees without due respect for the principle of *non-refoulement*

### SPECIFIC OPPORTUNITIES

- Engage with partners on applicable law and the implementation of good practices
- Strengthen the capacities of partner institutions
- Train partner personnel to implement relevant laws and good practices
- Monitor and evaluate partner detention practices
- Improve practices through learning processes
- Provide material assets or human resources to improve detention conditions (e.g. food, water, shelter, medical care and family contact)

## CONDUCT OF HOSTILITIES

All actors involved in a support relationship should prepare for the likelihood that hostilities will occur and will have humanitarian consequences, which is why minimizing civilian harm must be made a strategic priority when planning and conducting military operations.

### SPECIFIC RISKS

- Death of and injury to civilians and others not fighting
- Damage to civilian objects and specially protected objects (e.g. cultural property and medical facilities)
- Civilian harm resulting from the indirect (reverberating) effects of the damage to civilian objects
- Displacement

### SPECIFIC OPPORTUNITIES

- Make minimizing civilian harm a strategic priority in all operations conducted by or with partners
- Prevent or minimize civilian harm by improving targeting procedures through institutional capacity building and training
- Improve the selection and use of means and methods, ensuring through training that they are a good fit for the environment
- Provide partners with equipment or information that could help avoid or minimize civilian harm, e.g. intelligence, surveillance and reconnaissance equipment
- Ensure civilians and external observers have appropriate channels to file complaints
- Dedicate resources or expertise to support essential services such as health-care facilities, to evacuate the sick and wounded or to provide humanitarian assistance
- Improve practices through learning processes

## LAW ENFORCEMENT OPERATIONS

Whether they take place before, during or after an armed conflict, law enforcement operations are governed by international human rights law and the international standards deriving from it, while the rules applicable to the conduct of hostilities in armed conflict are governed by IHL. Both supporting actors and supported parties should be prepared to make this distinction in their operations and support relationships, e.g. in the training and equipment provided to personnel.

## WEAPONS AND AMMUNITION MANAGEMENT

Before or during an armed conflict, parties will acquire and stockpile the means to conduct military operations. Weak ammunition stockpile management increases the risks of unauthorized use, theft, loss or an accidental or deliberate catastrophic explosion of the stockpile. It can hamper later disarmament efforts, raising the risk that arms will continue to be used in the community or will be used in other conflicts in the region.

### SPECIFIC RISKS

- Diversion of weapons or ammunition to unauthorized end users and end uses, including through reselling, theft or loss
- Unsafe storage
- Continued availability of weapons and ammunition after a conflict, fuelling armed violence and conflicts and undermining peace and security in the long term

### SPECIFIC OPPORTUNITIES

- Support the establishment of frameworks, systems and processes to strengthen weapons and ammunition management
- Train partner personnel

## PROMOTING THE PROTECTION OF CIVILIANS AND OTHERS NOT FIGHTING

Actors in a support relationship should consciously manage their support relationship so as to improve the protection of civilians and others not fighting. This goal should guide decision makers when considering practical measures across the ten areas detailed below.

*Actors should place the protection of those not fighting at the centre of their efforts to manage their support relationships.*

The phrase “protection of civilians and others not fighting” is used here as shorthand for the range of measures designed to reduce the harm caused by the parties to a conflict and the actors that support them. Many measures are required under or derive from IHL.

IHL provides rules to protect people who are not, or are no longer, participating in hostilities. This includes the protection of civilians and persons *hors de combat*, such as the wounded and sick and persons deprived of their liberty. There are also groups requiring specific protection, such as women and children, medical personnel, refugees, internally displaced persons (IDPs) and those who have gone missing. Actors in support relationships need to be aware of the likely activities of the parties to the conflict and their consequences for civilians and others not fighting.

In addition, this section sets out some key areas of concern, relating to people and objects protected under IHL, that actors should consider throughout their support relationships:

- persons deprived of their liberty
- the dead
- internally displaced persons
- missing persons
- access to medical care
- essential services
- the natural environment
- landmines and ERW.

It identifies some specific risks that actors should seek to mitigate, as well as opportunities to promote the protection of civilians and others not fighting. This requires actors to take greater account of the harm that results, directly and indirectly, from activities related to armed conflict.

The subjects and considerations discussed here are not intended to be exhaustive; actors should undertake their own comprehensive assessment.



### PERSONS DEPRIVED OF THEIR LIBERTY

Whatever the reason for their detention, people deprived of their liberty are, by definition, in a vulnerable situation that may be aggravated by systemic shortcomings in facilities, procedures and processes. With judicial and detention systems often unable to cope with the numbers, the treatment of detainees is further worsened in facilities that are neglected or overcrowded.

Actors in a support relationship should plan in advance for the likelihood that arrest, capture and detention operations will happen, including by clarifying each partner’s respective roles and responsibilities in advance.

#### SPECIFIC RISKS

- Extrajudicial killings and enforced disappearances
- Torture and other forms of ill-treatment, including sexual violence
- Inhumane detention conditions (e.g. overcrowding, malnutrition, epidemics and lack of family contact)
- Detention without a legal basis and/or procedural guarantees (e.g. denial of fair trial rights)
- Conditions not adapted to special needs (e.g. children, the mentally ill and people with disabilities)



**SPECIFIC OPPORTUNITIES**

- Engage with partners on applicable law and the implementation of good practices
- Strengthen the capacities of partner institutions
- Train partner personnel to implement relevant law and good practices
- Provide material assets or human resources to improve detention conditions (e.g. food, water, shelter, medical care and family contact)

**THE DEAD**

Actors in a support relationship may be able to help partners to fulfil their obligations and improve their practices in the search for, collection, evacuation and management of the dead. Every effort should be made to ensure that dead bodies are not despoiled or used to instil fear among opposing forces or civilians or as a bargaining chip in negotiations.

**SPECIFIC RISKS**

- Missing persons or remains not returned
- Bodies being despoiled (e.g. destruction of human remains during recovery operations, or mutilation of the dead)
- Gravesites not marked or made inaccessible by hazards or deliberate action
- Cultural and religious needs not respected (e.g. burial rites)
- Misidentification or return of the wrong human remains to a family member
- Impediment to reconciliation

**SPECIFIC OPPORTUNITIES**

- Assist in properly managing the dead, identifying remains and registering gravesites
- Train on recovery, analysis and identification techniques (e.g. autopsy, forensic archaeology and forensic genetics)

**INTERNALLY DISPLACED PERSONS**

The widespread destruction of residential areas and critical civilian infrastructure can render homes uninhabitable and, therefore, cause displacement. The health and lives of IDPs are particularly at risk because of ongoing hostilities; landmines and ERW; sexual violence and exploitation; and forced recruitment. They may lack access to essential services, such as health care and education, for a long period of time. Better respect for IHL will reduce displacement and the risks to those displaced. Partners in support relationships also help to prevent displacement as well as protect and assist IDPs by establishing the conditions and providing the means for IDPs to find durable solutions and gain access to essential services.

**SPECIFIC RISKS**

- Forced displacement, at times repeated
- Families separated and people going missing
- Loss of land and movable property
- Loss of official documentation, impeding access to essential services (e.g. education)
- Abuse, exploitation (including sexual violence) and enduring trauma
- Restrictions on the freedom of movement
- Inability to work and loss of productive capacity
- Forced or premature return
- Inter-communal tension or instability and attacks against IDP sites

**SPECIFIC OPPORTUNITIES**

- Assist partners in facilitating durable solutions
- Help to restore access to essential services and clear landmines and ERW, in an inclusive way and ensuring equitable access



## MISSING PERSONS

The issue of missing persons continues to be a common feature of armed conflicts, both past and present. When people go missing, the impact on their families, on other individuals and on societies is detrimental and long-lasting. Families of missing persons have the right to know what happened to their loved ones.

During a conflict, the parties should take practical preventive and early-action measures to prevent people from going missing, to clarify the fate of, search for and locate those reported missing, to restore the link with their families and, where relevant, to bring them back together (whether they are found alive or dead). States and parties to a conflict should support professional and non-discriminatory action in support of missing persons and their families and strive for a coordinated approach to this task.

### SPECIFIC RISKS

- Enforced disappearances
- Persons going missing, including as a result of omissions or poor practices: inaccurate registries (e.g. in health, detention or forensic facilities, graveyards)
- Loss of contact between family members
- Trauma of family members left without any information on the whereabouts and fate of missing relatives
- Social, legal, administrative and economic challenges for the families of missing persons
- Long-term consequences for affected societies and possible negative impact on reconciliation processes

### SPECIFIC OPPORTUNITIES

- Share information, expertise and know-how
- Support partner to prevent persons from going missing or clarify their fate
- Assist partner in facilitating contact or restoring family links
- Institutional capacity building to put in place or improve frameworks, systems and processes to prevent persons from going missing and clarify the fate and whereabouts of missing persons, e.g. registering people deprived of their liberty, notifying their families of their status and identifying the wounded and sick when evacuated
- Provide support to understand and address the needs of the families of the missing



## ACCESS TO MEDICAL CARE IN ARMED CONFLICT

Disregard for the protection afforded by IHL to health-care providers and their beneficiaries in current armed conflicts results in a large number of wounded and sick civilians suffering or dying unnecessarily. Military operations can greatly undermine both safe access to and the delivery of health care, especially when such operations require setting up checkpoints, conducting search operations within health centres, or attacking military locations near a health-care facility. Damage to medical facilities can have a long-term impact on the public health of the community and result in displacement.

### SPECIFIC RISKS

- Death of and injury to protected persons (the wounded and sick and medical personnel)
- Damage to health-care facilities (e.g. ambulances and hospitals) and services
- The wounded and sick prevented or discouraged from seeking care
- Health-care personnel threatened or even prosecuted and no longer willing to continue working in their area of responsibility
- Epidemics
- Displacement

### SPECIFIC OPPORTUNITIES

- Work with partners to improve doctrine and processes
- Encourage and train parties to a conflict to refrain from attacking civilians, medical personnel or civilian infrastructure, including health-care facilities and vehicles
- Encourage parties to a conflict to lift measures preventing the delivery of necessary medical items

- Provide medical supplies or personnel and assist with repairing or building facilities or civilian infrastructure
- Assist in clearing risks that impede access to medical facilities, e.g. explosive devices and hazardous waste
- Investigate and ensure accountability for incidents of violence against health care by partners



## ESSENTIAL SERVICES

Armed conflicts are increasingly played out in urban areas where critical civilian water, sanitation and electricity infrastructure is directly targeted or otherwise affected by extensive destruction. If these essential civilian services<sup>5</sup> are degraded or inaccessible, millions of people are at risk of harm.

The same holds true when other components of a service are affected, such as when consumables are damaged or destroyed, or when the personnel necessary to maintain a service are killed, injured or prevented from carrying out their tasks. This is first and foremost a public health concern, but it also threatens livelihoods, can cause displacement and will eventually affect related services in critical sectors (such as communications, food and agriculture, critical manufacturing, and banking and financial services).

### SPECIFIC RISKS

- Death of and injury to protected persons (e.g. service-provider personnel – operators and technicians – and other civilians)
- Damage to essential service infrastructure or other service-provider assets (e.g. offices, warehouses, stockyards, vehicles and machinery)
- Public health (disease outbreaks)
- Displacement
- Economic losses, lost livelihoods
- Impairment of related services (i.e. critical civilian infrastructure sectors such as communications, food and agriculture, critical manufacturing, and banking and financial services)

### SPECIFIC OPPORTUNITIES

- Encourage parties to refrain from attacking critical civilian infrastructure
- Share technical expertise and good practices in order to minimize the impact of military operations on essential services
- Assist with repairing or (re)building civilian infrastructure
- Take steps to ensure safe access for service-provider personnel (e.g. operators and technicians)

### Schools and other educational facilities

Educational services can be rapidly and profoundly disrupted during armed conflicts. This occurs when students, educational personnel and education infrastructure are directly targeted or incidentally harmed in attacks and when the military makes use of educational facilities, thereby impeding learning and exposing schools to attack by opposing forces. In addition, schools are frequently closed by authorities owing to nearby hostilities and resource constraints exacerbated by conflict. The fear of harm also keeps students and staff away. The disruption of education can affect the community immediately, as schools are often involved in the delivery of other basic services. Its effects can also persist for generations.

### SPECIFIC RISKS

- Death of and injury to civilians (e.g. students, educational personnel)
- Closure of educational facilities
- Long-term effects on community education levels, with a disproportionate impact on girls
- Recruitment by armed groups
- Damage to or destruction of educational facilities and loss of educational material, and a concomitant rise in future rebuilding costs

<sup>5</sup> The ICRC considers health, water, sanitation, electricity, solid waste management and education to be essential services.

- Rise in humanitarian needs due to the loss of access to critical services, information and support typically available in schools
- Cumulative impact of long-term disruption on development standards and public health

#### SPECIFIC OPPORTUNITIES

- Encourage parties to refrain from attacking schools and other educational facilities as well as students and educational personnel
- Raise awareness of the need to protect schools as civilian objects through training programmes
- Advocate for a reduction in the military use of schools
- Provide support for educational personnel to continue activities, and facilitate repairs of educational facilities
- Assist the authorities, school personnel and other relevant stakeholders in assessing and managing security risks around schools
- Assist in clearing risks that impede access to schools (e.g. ERW)
- Investigate incidents of violence against education carried out by partners and ensure accountability for attacks that violate IHL



### THE NATURAL ENVIRONMENT

The consequences of direct and incidental environmental damage for civilians are manifold. Civilians depend on the natural environment for food and water. Farmers, herders and fishing communities depend on it for their livelihoods. When the environment is damaged and food and economic insecurity intensifies, the physical and mental health of conflict-affected people deteriorates.

#### SPECIFIC RISKS

- Water and soil contamination, impacting drinking water, food provision and longer-term food and economic security
- Long-term biodiversity loss
- Displacement
- Exacerbation of civilian harm owing to climate risks

#### SPECIFIC OPPORTUNITIES

- Disseminate and integrate IHL rules protecting the natural environment into training programmes and sanction systems for parties to a conflict
- Encourage measures to enhance understanding of the natural environment prior to or regularly during military operations
- Provide technical expertise on conducting environmental impact assessments and mapping particularly fragile environmental resources in combat areas
- Identify and designate areas containing particularly important or fragile environmental resources and share this information
- Exchange examples and best practices relating to measures that can be taken to comply with the IHL obligation to protect the natural environment



### LANDMINES AND EXPLOSIVE REMNANTS OF WAR

Until they are safely cleared, landmines and ERW (i.e. abandoned and unexploded explosive ordnance) present a continued threat of harm to civilians. In addition to the direct risk of death and injury, they can hinder access to essential services, infrastructure and agricultural lands, impede the safe return of displaced people, and hamper reconstruction and recovery efforts, with long-term consequences for human and socio-economic development.

**SPECIFIC RISKS**

- Continuing risk of civilian death and injury during and after conflict
- Prevents safe access to buildings, infrastructure and essential services, including for service providers to operate, maintain, assess or repair
- Inability to use land for productive purposes (e.g. agriculture)
- Prevents the movement of people and essential goods and commercial trade
- People displaced and unable to safely return

**SPECIFIC OPPORTUNITIES**

- Provide assistance and cooperation to States affected by landmines and ERW
- Support clearance activities as soon as possible once active hostilities end
- Enact measures to mitigate the risks to civilians until clearance is completed
- Deliver assistance to victims, in line with international standards

# FRAMEWORK OF PRACTICAL MEASURES

## OVERVIEW

Actors have a responsibility to analyse the risks that the support relationship poses to civilians and others not fighting and the opportunities to improve their protection; to adopt practical measures to mitigate the risks and act on identified opportunities; and to regularly review their effectiveness and, if need be, adapt them to changing circumstances. While promoting positive behaviour is an objective shared by many, the body of knowledge that has accumulated in this regard remains lacking. It was on this premise that the ICRC developed this framework of practical measures aimed at stimulating dialogue about existing practices.

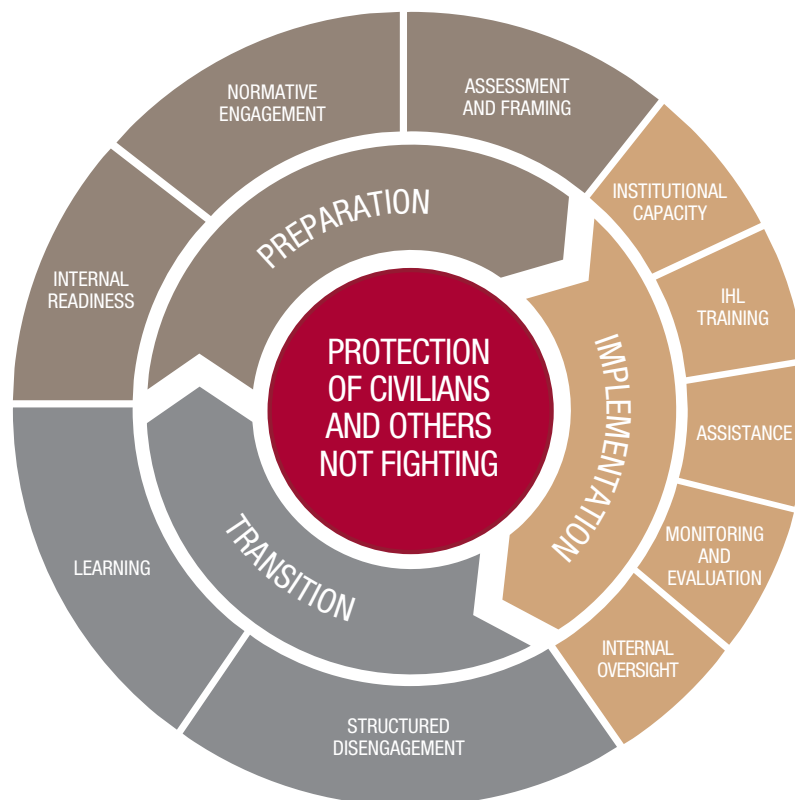
In order to design and implement a coherent and responsible support relationship with their partners, decision makers should be guided by five overarching questions:

1. What type of conflict, actors, activities and support are involved in the support relationship?
2. What gaps exist between the partners' intent, leadership and capacity?
3. What are the implications of the answers to the above questions for civilians and others not fighting?
4. What steps could you and your potential partner(s) take together to improve the level of protection and reduce harm to civilians and others not fighting?
5. If the gaps identified above remain significant, should you reconsider the support relationship?

To help decision makers to improve the protection of civilians and others not fighting, the ICRC proposes a range of practical measures and guiding questions grouped in ten broad functional areas and three main phases, as shown on page 21. The ICRC encourages actors to assess the measures in each area from a legal, policy and operational perspective and at all levels of decision-making. In contextualizing their approach, they should factor in the type of conflict, actors, support and activities involved (pages 4 to 13) as well as any specific protection concerns (pages 14 to 19).

There is no strict chronology or checklist of required steps. All ten areas should be considered before entering a support relationship and then reviewed and adapted regularly throughout the implementation and transition stages so that the relationship remains fit for purpose and strategic objectives are met.

On the basis of this framework and these guiding questions, the ICRC intends to engage both bilaterally and confidentially with a range of actors involved in support relationships. This will refine the ICRC's own understanding of the issue and allow it to collect supporting and supported actors' recent experiences and share them with the wider international community.



### Preparation to engage in a support relationship

1. **Internal readiness to engage** – Improving an actor’s own internal functions before engaging in a support relationship.
2. **Normative engagement** – Engaging with actual or prospective partners to clarify and encourage behaviour that complies with armed-conflict-related norms (legal or otherwise).
3. **Assessment and framing the relationship** – Ensuring the potential partners’ intent, capacity and leadership are aligned.

### Implementation of the support relationship

4. **Institutional capacity building** – Preparing a supported party’s authorities to protect and assist people during an armed conflict and help them to deal with its associated consequences.
5. **IHL training** – Helping partner forces understand and operationalize IHL and other relevant rules.
6. **Assistance in IHL compliance** – Helping a supported party to fulfil its IHL obligations or otherwise improve its protection of civilians and others not fighting.
7. **Monitoring and evaluation** – Monitoring a partner’s actions and, where necessary, calling that partner to account for any problematic conduct.
8. **Internal oversight** – Ensuring that an actor’s own armed forces and other governmental organs operate within the law and are accountable to their government and constituents.

### Transition away from the support relationship

9. **Structured disengagement** – Properly planning the end of the support, such as by tapering it, in order to minimize the disruption to the protection of civilians and others not fighting.
10. **Learning** – Identifying and incorporating lessons learned from the support relationship, i.e. the knowledge and insight gained from the experience.

# PREPARATION

## 1. INTERNAL READINESS TO ENGAGE

Internal readiness refers to the measures that actors can take to prepare their internal functions before engaging in a support relationship.

Actors should take stock of their own internal readiness to manage a support relationship before agreeing to do so. Internal preparedness is important because, while decision makers may be pressed to agree to the support relationship quickly, the changes required to operate in a support relationship may be significant and take time to implement.

Internal readiness consists of four key elements:

- A. framework** – the laws and policies, both international and domestic, that establish the rules and boundaries for how a support relationship will operate
- B. systems and processes** – the procedures, bound by the framework, used to establish, maintain, oversee and end a support relationship
- C. personnel** – determining the staff positions that will be involved in support relationships, and selecting and training the individuals for these positions
- D. culture and intent** – the influences, both internal (such as leadership, institutional culture and peer pressure) and external (such as public opinion, media, societal culture and religion), that shape how support relationships are conducted.

Given the variety of actors and forms of support that may be involved (see pages 5 to 13), preparations may need to be made within and across several agencies, departments or functions. The key point is to consider an actor's overall readiness to engage in a support relationship and the coherence of its approach. Internal readiness should entail a realistic assessment of the spectrum of support relationships the given actor might engage in. The measures taken to prepare internally should put the actor in a position to manage future support relationships in a way that increases the protection of civilians and others not fighting.



### Key questions

- What conditions and criteria need to be met in a support relationship? Are these conditions and criteria consistent across all your support relationships?
- Do resources need to be allocated differently, do processes require “partner-proofing” and do personnel need specific training?
- Are the internal entities involved in a support relationship aligned in their vision, and are they set up to manage the type of support relationship envisaged? How do you ensure coordination between these entities?
- Do you have systems in place to assess your partner's intent, capacity and leadership with regard to protecting civilians and others not fighting?
- Do you have established systems and procedures, as well as the capability, to monitor your partner's actions?



## 2. NORMATIVE ENGAGEMENT

Normative engagement refers to the range of measures taken to clarify and encourage adherence to conduct-related norms in connection with armed conflict. The relevant norms may be found in international law (both treaty and customary), domestic law, “soft” law or other guidance or be derived from practice.

Normative engagement can take several forms, such as:

- A. **strategic communication** – communicating publicly or privately to reinforce standards or express a commitment to behave in a certain way
- B. **contributing to the development of norms and practical guidance** – clarifying international law and developing guidance for operationalizing it
- C. **engaging and influencing** – engaging directly with partners and influencing them to comply with IHL
- D. **socialization** – working with partners to socialize their personnel so that they will adopt certain norms and rules
- E. **dissemination** – making the law known, in particular through training and instruction
- F. **mobilization** – engaging and mobilizing other actors to encourage the parties to improve their compliance with IHL.

To maximize engagement, partners should have a good understanding of the major political, social and economic factors driving their partner’s decisions. These multiple factors will have a bearing on the value parties place on IHL and the extent to which they comply.

There is a risk that partners do not share the same understanding of IHL or do not implement their obligations. When entering a support relationship, steps should therefore be taken to identify potential discrepancies and to ensure that any conduct within the context of the support relationship will be undertaken according to the more protective of the partners’ standards. This work can be started before a specific support relationship in armed conflict is engaged in.

An actor’s intent is a critical factor in IHL implementation and compliance. To the extent possible, supporting actors should seek to assess the strength of a potential partner’s intent to comply with IHL in a given situation and to take measures to influence that intent if needed. For example, actors can make their support contingent upon IHL compliance. Moreover, actors in a support relationship should engage with their partners to address potential humanitarian concerns and consider more general preventive measures.



### Key questions

- In its international relations and in international forums, has your leadership committed to broad, multilateral positions supporting IHL compliance?
- Does your leadership encourage other parties to accede to international legal instruments and other standards intended to reduce the humanitarian consequences of armed conflict?
- Do you have programmes that promote IHL compliance and the protection of civilians, and do you make these programmes available to partners or potential partners?
- Do you have bilateral and multilateral mechanisms designed to influence potential partners’ views and perspectives on compliance with IHL?

### 3. ASSESSMENT AND FRAMING OF THE RELATIONSHIP

Assessment and framing are critical to managing a coherent support relationship and require a careful analysis of potential partners and planning support in a manner that more closely aligns the partners in order to reduce the risk of harm to affected people.

The following practical measures should be taken to prepare for a support relationship:

- A. **support assessments** – conducting a thorough support assessment to identify risks and opportunities in relation to compliance with IHL and other standards and the protection of civilians and others not fighting
- B. **agreements** – based on that assessment, the actors can incorporate measures to address the risks and opportunities identified into the parameters of the support relationship
- C. **specific operational readiness** – reviewing the measures taken to prepare internally and adapting them to the identified partner and situation
- D. **transition strategy** – creating a detailed plan for structured disengagement that clarifies the intended outcomes of the relationship and the measures that will be taken to minimize harm during the transition and beyond.

Three factors are key to assessing protection risks and opportunities:

1. **intent** – the actor's objectives or goals, notably its intention or willingness to comply with IHL and promote the protection of civilians and others not fighting
2. **leadership** – the actor's organizational structure and its ability to ensure that the leaders' intent, goals, directions (instructions or guidance) and values are understood, respected and faithfully executed throughout the organization's hierarchy
3. **capacity** – the enabling material assets, human resources and skills.

These factors should be assessed prior to entering into the support relationship and reassessed in the light of subsequent behaviour and evolving circumstances.<sup>6</sup>

Before entering a support relationship, each actor should assess itself and its potential partner in terms of intent, leadership and capacity. It should then conduct a gap analysis to determine whether the partners are compatible, taking into account the following questions:

- Is each partner strong enough on each criterion to operate well in a support relationship?
- Working together, would the partners be able to tackle any weaknesses in one or the other?
- What practical measures could be taken to close any identified gaps?
- How do you assess the effectiveness of measures aimed at closing the gaps?
- What are the implications of any remaining gaps for affected people?

Bringing these factors into alignment is central to ensuring that a support relationship serves to enhance, not undermine, IHL compliance and the protection of civilians and others not fighting. Significant gaps should lead an actor to reconsider the relationship altogether.



#### Key questions

- Have you accurately assessed the intent, leadership and capacity on both sides?
- Can any gaps in intent, leadership and capacity be addressed through the planned support?
- What are the conditions that define a successful support relationship?
- How will you transition out of the support relationship when: (a) your objectives are met or (b) your objectives are not met?

<sup>6</sup> As a matter of law, see Arms Trade Treaty, Arts 7.1 and 7.7.

# IMPLEMENTATION

## 4. INSTITUTIONAL CAPACITY BUILDING

Institutional capacity building refers to the group of measures taken to prepare the institutions that constitute a supported party to undertake activities associated with the conduct and consequences of an armed conflict.

The ICRC identifies four components of institutional capacity building:

- A. **framework** – the framework of policies and laws setting out how an actor should operate, as well as the system in place to enforce that framework
- B. **systems and processes** – aligning the systems and processes of all of the armed forces or groups, ministries, departments and agencies that make up the supported party, with the goal of achieving greater respect for IHL and enhancing the protection of civilians
- C. **personnel** – establishing and systematically implementing robust, standardized processes for selecting and vetting the members of the armed forces of the party they support
- D. **culture and intent** – positively shaping institutional culture.

A key concern in support relationships is the supported party's institutional capacity to manage and utilize the support it receives in a manner conducive to the protection and assistance of people during armed conflict and in its aftermath.

Actors entering a support relationship should consider whether the institutions comprising the supported party are suitably prepared to receive the proposed support. The range of institutions potentially affected by armed conflict is wide, starting with those associated with the armed forces and other security forces but extending to those involved in detention, policing, criminal justice, health care, education, social welfare and civil registration. Taking steps to strengthen those institutions could help to maximize the positive impact of the support and minimize the risk of the support being misapplied, in particular to commit or facilitate violations of IHL.

Some institutional capacity-building programmes between supporting and supported actors are implemented in peacetime in the normal course of international relations, such as security and defence sector reform programmes. It may be the case that the long-term nature of these programmes and their prescribed objectives make them resistant to shorter-term adjustments. If partners engage in conflict, and this was unforeseen at the outset of the capacity-building relationship, decision makers should be flexible and prepared to adapt those programmes.



### Key questions

- Do the partner's institutions apply a framework and use systems and processes that support and ensure the proposed conflict-related support activities are in compliance with IHL and other relevant legal standards?
- Are partner armed forces selected and vetted effectively?
- Does the partner have the capacity to manage the aftermath of hostilities?
- When the proposed support draws to a close, will the partner's institutions have the capacity to continue IHL-compliant operations on their own?

## 5. IHL TRAINING

IHL training refers to training activities specifically designed to ensure respect for IHL and reduce harm to civilians, others not fighting and both civilian and specifically protected objects.<sup>7</sup>

Broadly speaking, at least three related types of measures can be implemented:

- A. **training** – tailored to the recipient partner’s needs, as determined during the support assessment
- B. **mentoring** – by partner personnel in operational situations outside of formal training programmes or institutions
- C. **monitoring and evaluation** – to assess and improve the effectiveness of the training and mentoring.

Although it cannot mitigate all risks arising in support relationships, IHL training is central to ensuring respect for IHL and the protection of victims of armed conflict. It ensures that the applicable rules are systematically known, internalized and put to work. All other military training must be consistent with the requirements of IHL. Indeed, other training programmes or exercises often provide opportunities to reinforce or clarify IHL rules.

Comprehensive IHL training should be provided on the rules governing specific activities, as needed, such as the humane and dignified treatment of people deprived of their liberty, or the rules applicable to the conduct of hostilities. Training on norms and principles pertaining to the respectful engagement with civilians and particularly vulnerable groups may further contribute to the overall protection of people affected by armed conflict.

Other legal frameworks such as international human rights law, international refugee law and international criminal law may be relevant in the circumstances and may therefore need to be included in the training.

The effectiveness of training depends on several factors, including the content, format, audience and trainers. Actors in a support relationship should carefully consider any training and mentoring programmes and be prepared to adapt them in response to operational observations (such as the performance of past trainees or with respect to specific issues).



### Key questions

- Do you incorporate training on IHL and other relevant laws into your support relationship?
- Do your personnel have the appropriate skills, including an understanding of the trainees’ language and culture, to provide training?
- Is your training programme adapted to the partner in terms of content, methods and materials, timing and frequency, and audience?
- How do you evaluate the effectiveness of your IHL training and incorporate that assessment into subsequent training cycles?
- Is IHL training integrated across your broader training programme, such as in combined exercises?
- Will you supplement training or instruction with mentoring?

<sup>7</sup> IHL training as a practical measure to improve humanitarian protection should be distinguished from “train, advise, assist, accompany” (TAAA) PMOs as a type of support provided to a party to a conflict (see page 9). Training and instruction on IHL would not necessarily qualify as a support relationship in and of itself. Conversely, training and instruction on IHL or other protection issues can be, and often are, incorporated into broader TAAA programmes.

## 6. ASSISTANCE IN IHL COMPLIANCE

Assistance in IHL compliance refers to measures that can help an actor to fulfil its IHL obligations or otherwise improve its protection of civilians and others not fighting. It is more operationally targeted than institutional capacity building.

The ICRC has identified three main types of assistance in IHL compliance:

- A. **capacity multiplication** – providing expertise and advice that improve compliance with IHL and the protection of those not fighting
- B. **resources** – providing additional resources such as goods and services for civilians and others not fighting
- C. **substituting functions** – where necessary, performing certain functions that the supported party is unable to do itself, such as providing health care or clearing areas contaminated by ERW.

These measures provide actors in a support relationship with effective ways to reduce the negative humanitarian consequences of an armed conflict. They are especially relevant where a partner intends to be physically present in the conflict situation – although some actors may consider allocating specific personnel for the purpose of implementing these measures. These measures relate to ensuring adherence to IHL during the conduct of operations and may take place alongside, and reinforce, similar efforts during training or to build institutional capacity.

Assessments or ongoing monitoring may reveal gaps in a party's capacities to fulfil its obligations under IHL and otherwise improve the protection of civilians and others not fighting. The existence of a support relationship can provide an avenue for a party to a conflict to receive assistance to fulfil these obligations.

Actors should consider what specific or technical assistance they may be able to provide or need to request, for example in caring for the wounded and sick, preparing for and managing detainees, managing the dead, preventing people from going missing or clarifying their fate and whereabouts, and marking and clearing ERW. Assistance may serve as a means to mitigate an identified risk, or simply to contribute towards improving conditions for those affected by the conflict.

Supporting actors are encouraged to plan ahead when providing this type of specialized assistance in order to mitigate the negative humanitarian consequences of the conflict to which they have contributed, even after they have achieved their own strategic objectives. If a supporting party reduces or withdraws its support, it should seek to minimize the impact on the supported partner's ability to continue to fulfil its protection obligations towards civilians and others not fighting. This may require transitional arrangements, such as the slow ramping down of assistance.



### Key questions

- Does your partner have gaps in its capacity, functions or resources that impede its ability to fulfil its obligations towards people protected by IHL?
- Can you commit resources to address these gaps and help your partner to incorporate civilian protection into its military planning?
- What contingencies do you have in place if the supported party proves unable to fulfil its obligations towards people protected by IHL?

## 7. MONITORING AND EVALUATION

Measures can be taken by an actor to ensure visibility over its partner's actions and, where necessary, to call that partner to account for, and to improve, any problematic conduct. Ordinarily, these measures will build on the mechanisms each actor has developed to conduct internal oversight and accountability during a support relationship.

Decision makers should consider and address six interrelated elements:

- A. monitoring and evaluation** – to track whether a support relationship is working efficiently and correctly and to identify any specific risks
- B. recording** – collecting, documenting and retaining information relating to military operations, which enables improvements in terms of learning, operational effectiveness and training, reviewing risk assessments and conducting investigations
- C. oversight** – a certain degree of high-level visibility into the partner's behaviour in the context of the relationship and at least some power to intervene
- D. reporting procedures** – enabling actors to identify and investigate possible violations of IHL; this includes a process for receiving allegations from external sources
- E. investigations** – establishing the facts surrounding an incident to allow for a subsequent determination of responsibility for a possible violation of IHL or other law
- F. accountability** – procedures for being informed of, raising and resolving problems relating to either partner; these procedures may be military or civilian, and administrative or criminal.

All actors should regularly assess the conduct of their partners. A responsible support relationship requires effective mechanisms that ensure that each side has knowledge of how the other behaves within the framework of the relationship and how the support received is being used. At the outset, a clearly defined agreement that places a priority on how adherence to IHL and the protection of civilians will be monitored can signal the importance placed on this issue and have a deterrent effect.

The supporting actor should also take the supported party's behaviour into account as it assesses the risk of continuing to support that party, and it should seek to identify any necessary corrective measures. To prevent violations of IHL or other norms from recurring, the supported party must be held accountable for its actions and sanctioned appropriately.

Where the partners each have effective internal mechanisms, the focus will be on achieving alignment between their respective measures. If any existing mechanisms are not expected to be effective in a given situation, the actor can help its partner to strengthen them.

The monitoring and evaluation mechanisms should also be integrated into learning processes. This means incorporating any issues identified through those mechanisms into analyses and, where appropriate, making systemic adjustments to prevent those issues from recurring.



### Key questions

- Do you have visibility on your partner's operations?
- How do you evaluate the humanitarian impact of your partner's operations?
- How do you determine whether the support you provide is used in compliance with IHL?
- What metrics do you use to review and modify the support relationship over time?
- What system do you use to address potential misconduct by the partner, or other problems in the relationship?
- If IHL violations may have occurred, how will they be effectively investigated?

## 8. INTERNAL OVERSIGHT

Internal oversight refers to the group of measures established to ensure that an actor's own armed forces and other governmental bodies operate within the law and are accountable to their own government or constituents.

Actors should consider how the following are managed in the context of a support relationship:

- A. **internal oversight** – mechanisms to review an actor's decisions and conduct in a support relationship, including decisions to provide or receive support, the selection of the type of support provided and the conduct of personnel while providing support
- B. **investigations** – systems in place to ensure that effective investigations are conducted into possible violations of IHL under their jurisdiction.

Actors that engage in armed conflict often have systems in place to ensure that decisions to go to war and the conduct of their forces in war have a sound legal basis. To this end, mechanisms are established so that armed forces and other governmental bodies operate within their legal powers, that the conduct of individual personnel can be reviewed and, where necessary, that sanctions are imposed for violations of applicable domestic and international law.

All too frequently, however, actors structurally or politically distance themselves from the conflict situation in which they provide support. For example, some programmes or activities may be excluded from standard oversight frameworks because they relate to national security. Furthermore, depending on the type of support provided, supporting actors may not apply domestic frameworks to certain programmes or activities with the same degree of scrutiny as they would if these actors were themselves party to the armed conflict. Even while support relationships may be regarded as a means of minimizing an actor's costs or the risk of taking direct action, they could be used to operate with impunity if appropriate measures are not taken. In view of the potential humanitarian consequences of providing support to parties to armed conflict, it is important for supporting actors to establish systems of oversight and accountability that allow them to review and, where necessary, correct the support they provide.

Where the scope of the support provided is wide or varies over time, there is a risk that no single agency or body within the actor has general oversight of the support relationship. This hampers effective coordination, creates tension between different bodies and contributes to an internal lack of accountability and a diffusion of responsibility.

In coalitions, a lack of oversight or accountability can occur wherever roles and responsibilities are unclear. This is particularly prevalent where actors pool resources in loose alliances with no formal coordination and accountability mechanisms.



### Key questions

- Do you have a procedure for effectively investigating all possible IHL violations by your armed forces or personnel, including in the context of a support relationship?
- What is your process for reviewing your own decisions to provide support?
- Do other parts of the government have the power to check that the support relationship is planned and implemented in accordance with international and domestic law?

# TRANSITION

## 9. STRUCTURED DISENGAGEMENT

The end or reduction of support must be properly planned in order to minimize the disruption to the protection of civilians and others not fighting.

Practical measures may be taken in the following areas:

- A. **system sustainability** – ensuring the supported party’s institutions and operations are maintained, transferred or ended following disengagement in a way that promotes continued IHL compliance and the protection of civilians and others not fighting
- B. **ongoing protection of those not fighting** – giving special consideration to actors’ continuing legal obligations or other responsibilities towards, for example, persons deprived of their liberty, the dead and the missing
- C. **responsible resource disengagement** – ensuring that material assets and personnel are disengaged responsibly, such as by establishing a disarmament, demobilization and reintegration programme or removing, destroying or permanently disabling weapons and ammunition
- D. **managing the aftermath** – addressing the impact of military operations and associated activities on affected people, including through reconstruction efforts, durable solutions for IDPs and the clearance of mines and ERW.

It is important to have a comprehensive exit or transition strategy in place from the outset. Because some measures will need to be taken in advance of the disengagement, a last-minute plan increases the risks for the local community.

Actors should consider scenarios in which their strategic objectives have or have not been met. For example, disengagement may or may not take place until an armed conflict ends. In addition, in some cases the transition strategy will be part of a larger recovery strategy encompassing, for example, economic development, security sector reform, the return of refugees and IDPs, and justice and reconciliation.

The broader humanitarian consequences of the armed conflict must also be taken into account, as they will be felt for years if not decades after the conflict has ended. The disengagement strategy should therefore identify ways of minimizing the long-term impact of the actors’ activities on affected people. Many of these measures may themselves need to be implemented over the medium to long term. Failing to properly manage these consequences may result in continued instability and violence or even the recurrence of armed conflict.



### Key questions

- Does the supported party depend on the support to comply with IHL, and what can you do to ensure it remains compliant once your support ends?
- What other functions that the supporting actor fulfils to promote the protection of people affected by conflict will need to be assumed by the supported party or another actor when the support ends?
- How will the supported party’s intention to comply with IHL and other relevant standards be affected if the support relationship changes or ends?
- Have you agreed on responsible resource disengagement measures (such as disarmament, demobilization and reintegration programmes or arms management programmes) to put into place?
- How will you assess and mitigate the risk of harm to members of your partner’s armed forces and their families or communities once the support or conflict ends?



## 10. LEARNING

A “lessons identified and learned” process is one that crosses functional boundaries and allows organizations to learn from both their mistakes and successes. The process should prevent the actors from repeating mistakes and encourage them to build on successes.

If they do not learn lessons from past experience, all actors are liable to repeat the same mistakes. The objective of learning processes is to improve compliance with IHL and to better protect civilians and others not fighting by stopping something, doing something differently or doing something new. In that sense, the lesson is not learned until it has been identified and incorporated into subsequent practices.

Broadly speaking, three related types of measures could be implemented:

- A. **systematic learning to enhance the protection of affected people** – establishing a system of ongoing or periodic reporting to continually identify potential issues
- B. **learning together** – achieving a fuller understanding of an issue by combining the experiences of supported and supporting actors and identifying joint lessons
- C. **incorporating lessons into doctrine and future practice** – ensuring that lessons identified in one support relationship are applied to improve future relationships.

Learning is an ongoing and cyclical process that takes place at every stage of the support relationship:

- at the preparation stage, when past lessons learned are incorporated into the framework, systems and processes
- during the relationship, when a system for recording issues that go wrong is implemented
- after the conflict or relationship ends, when lessons are identified, incorporated into future practice and shared with others.

Monitoring and evaluation mechanisms should also be integrated into learning processes. As a result, problems identified through those mechanisms can be incorporated into lessons-learned analyses and, where appropriate, prevented from recurring through systemic adjustments.



### Key questions

- Do you have a process for capturing and managing observations and lessons learned throughout the support relationship?
- Does the learning process allow you to identify issues relating to IHL and the protection of those not fighting?
- Do you have a process for finding root causes and developing remedial actions?
- How do you make sure the lessons identified or learned are correctly implemented?
- Does your learning process allow you to identify, capture and incorporate lessons in order to improve an ongoing support relationship?
- How will you incorporate your partner’s feedback in the learning process?
- Do you share your lessons with other partners or allies, or other parties, in order to improve support-relationship practices?

# CONCLUSION

Support relationships have become a prominent and enduring feature of warfare. While they may be pursued for strategic reasons, they create humanitarian risks and opportunities that cannot be ignored. The ICRC hopes that this publication will help decision makers to take a more holistic view of the support relationship they are considering or already engaged in, to ask themselves the right questions, and to apply their influence as effectively as possible to protect civilians and others not fighting from the brutalities of war.

Today's conflicts involve an ever-growing number of actors organized in overlapping webs of alliances, proxies and other types of support relationships. As a result, not only are political solutions more difficult to achieve, but loose alliances and unclear coordination can contribute to a diffusion of responsibility that heightens the vulnerability of civilians. This risk must be mitigated by improving support-related practices and leveraging the influence resulting from support relationships. That can help to achieve humanitarian objectives such as improving detention conditions, preventing disappearances, protecting health-care facilities and ensuring mortal remains are handled in a dignified manner.




The analytical framework and guiding questions presented in this document are described more fully in *Allies, Partners and Proxies: Managing Support Relationships in Armed Conflict to Reduce the Human Cost of War*, a practical guide published by the ICRC, as well as on a dedicated website. In addition to these resources, anyone interested in learning more about or further discussing support relationships in armed conflicts may contact the ICRC.

The knowledge and evidence surrounding these important questions remain incomplete. The ICRC, for its part, seeks to move forward on this issue through this publication and subsequent consultations with supporting and supported actors on front lines around the world. Drawing on these actors' existing practices and shared experiences, the ICRC will continually enhance its advice and improve its practical tools. Ultimately, it will expand the global body of practical knowledge, best practices and recommendations intended for decision makers in support relationships.



The ICRC helps people around the world affected by armed conflict and other violence, doing everything it can to protect their lives and dignity and to relieve their suffering, often with its Red Cross and Red Crescent partners. The organization also seeks to prevent hardship by promoting and strengthening humanitarian law and championing universal humanitarian principles. As the reference on International humanitarian law, it helps develop this body of law and works for its implementation.

People know they can rely on the ICRC to carry out a range of life-saving activities in conflict zones, including: supplying food, safe drinking water, sanitation and shelter; providing health care; and helping to reduce the danger of landmines and unexploded ordnance. It also reunites family members separated by conflict, and visits people who are detained to ensure they are treated properly. The organization works closely with communities to understand and meet their needs, using its experience and expertise to respond quickly and effectively, without taking sides.

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