

# Protection of civilians: learning from ICRC's Roots of Restraint in War study

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April 2022

## Lessons learned

An exclusive focus on International Humanitarian Law to influence the behaviour of armed actors in conflict is often insufficient. Complementing the law with a wider set of arguments based on social norms, values, community traditions and religion can be more effective.

The way armed actors are organised or structured has implications for how they adopt and apply rules in war. More structured groups tend to follow rules through their hierarchies. Less organised groups are more open to outside, or community, influence. Combatants are often influenced more by culture and peer pressure than by rules.

Armed actors are often more open to protection dialogue when this focuses on instances when they have limited their violence towards civilians, or exercised 'restraint'. Focusing on restraint also offers an opportunity for protection actors to work on preventing, rather than responding to, violence.

Developing a nuanced understanding of the interactions between communities and armed actors is important in supporting community self-protection strategies.

Shifting protection approaches within organisations requires senior leadership, operational champions and easily applied frameworks. Providing protection actors with accessible, easy to use and operationally relevant tools is key to promoting their adoption.

# Acknowledgements

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## About this publication

The Humanitarian Policy Group (HPG)'s work is directed by its Integrated Programme (IP), a multi-year body of research spanning a range of issues, countries and emergencies, allowing us to examine critical issues facing humanitarian policy and practice and influence key debates in the sector. This paper is part of HPG's 'Advocating for humanity: opportunities for improving protection outcomes in conflict'.

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**How to cite:** Davies, G. and O'Callaghan, S. (2022) 'Protection of civilians: learning from ICRC's Roots of Restraint in War study'. HPG briefing note. London: ODI ([www.odi.org/en/publications/protection-of-civilians-learning-from-icrcs-roots-of-restraint-in-war-study](http://www.odi.org/en/publications/protection-of-civilians-learning-from-icrcs-roots-of-restraint-in-war-study)).

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# The Roots of Restraint in War research: an overview

## Background

The last decade has seen a substantial increase in non-international armed conflicts, as well as in the number and range of armed groups fighting them. These shifts have created challenges for humanitarian actors seeking to influence armed actors' behaviour towards civilians.

The 'Roots of Restraint in War' research (Terry and McQuinn, 2018) built on the 'Roots of Behaviour in War' study by the International Committee of the Red Cross (ICRC) (Muñoz-Rojas and Frésard, 2004). This earlier work analysed sources of influence over combatants and led to the ICRC's 'integration approach' to engaging armed actors, which involved promoting adherence to International Humanitarian Law (IHL) by training armed groups on the law, and encouraging incorporation of the law into their rules and regulations. At the time, the emphasis on legal obligations based on these sources of influence was a major step forward from the ICRC's previous approach, which focused solely on disseminating IHL.

Co-led by a senior ICRC researcher with an operational background and a specialist on armed group behaviour, and championed by one of ICRC's directors, the Roots of Restraint in War research examines how to influence the behaviour of different types of armed actors in conflict. A product of collaborative multi-country research between the ICRC and a number of academics, the research explores how to influence different types of armed groups, ranging from traditional militaries with highly centralised structures to loosely structured actors embedded within communities.

By providing a framework for humanitarians to analyse and understand armed actors, the study identifies approaches that humanitarian actors can use as they seek to encourage armed actors to reduce violence or exercise restraint towards civilians. Using empirical evidence, the research confirmed the continued value of the ICRC's integration approach. It also recommended that the ICRC could enhance its approach to influencing the behaviour of armed actors by going beyond the integration approach to understand the implications of peer opinion, and to find ways to address informal codes, behaviours and practices. The study recognised that informal norms can strengthen or undermine formal teaching in IHL and hence should be better understood.

The findings of this research are useful in informing the way the ICRC and other humanitarian actors might better influence the behaviour of armed groups so that they refrain from violence and protect civilians in conflict. In reviewing how the ICRC developed and promoted the work across its organisation, other humanitarian agencies can learn how to shift protection approaches within their own organisations. As a result, a mini case study on the Roots of Restraint

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in War work was chosen as one of a series of five case studies for HPG's project 'Advocating for humanity: securing better protection outcomes for conflict-affected people'. The project explores the practice of advocacy by international humanitarian actors seeking to promote the protection of civilians in conflict, and offers recommendations for strengthening this core aspect of humanitarian action. This briefing note is based on a rapid review of available literature and interviews with 13 key stakeholders within and external to the ICRC.

### Key findings from the Roots of Restraint in War research

The Roots of Restraint in War research can be summarised into the three following areas.

**First, focusing on instances where armed actors exercise restraint, not just violence, offers an opportunity for more influential dialogue.** The research examined situations where armed actors exercise restraint towards civilians. It focused on instances where armed actors limited the number or severity of violent incidents, despite the opportunity to be more violent. This aimed to address a perceived gap in conflict literature, which overwhelmingly focuses on violence (McQuinn et al., 2021). There were also pragmatic reasons: building on positive behaviour is an easier entry point for humanitarian dialogue with armed groups than denouncing violence. A focus on restraint therefore provides humanitarians with more opportunities for protection dialogue and offers the potential to work on the prevention of harm to civilians.

**Second, the way armed organisations are structured plays an important role in how they comply with rules or norms.** The study highlighted that armed forces and armed groups vary significantly in how they are structured and controlled, and how open they are to external influence. It found that the structure and organisation of armed groups play a significant role in whether and how the rules and standards set by IHL are promoted and applied. A detailed understanding of the inner workings of armed groups is, therefore, a prerequisite for identifying the sources of authority, cultures and key figures relevant to violent or restrained behaviour (Terry and McQuinn, 2020). The research found that the more centralised the armed actor, the greater the chance that rules are reinforced through hierarchy. Less centralised groups – such as some non-state armed actors or armed groups which are embedded in communities – have more diffuse sources of influence than centralised ones.

Different armed organisations have different cultures, with varying degrees of formality. For instance, in Australian armed forces, the example set by immediate peers was found, in certain instances, to be more influential than formal rules or law despite them being highly structured. Here, the behaviour of sector commanders at times conditioned that of cadets and junior officers more than the behaviour of higher-ranking officers. On the other hand, less centralised or more community-embedded groups are often more influenced by external actors – whether communities or other groups. This can be seen in the significant role communities play in encouraging or discouraging violence in conflicts in Somalia and Nigeria.

**Third, the research demonstrates the importance of encouraging restraint by focusing on values, not just the law.** The research found a number of formal and informal processes through which norms of behaviour are adopted within armed groups. It found that identifying and trying to leverage informal peer pressure and peer group opinion based on the norms and values of armed actors can have as strong an influence on behaviour as formal mechanisms like training.

The research found that armed actors are more likely to show restraint, more consistently, if doing so is linked to their identity, rather than just because it is required by international law. The research highlighted increasing levels of application of rules or standards due to the potential for punishment or reward ('I respect them, as they are the rules'); to application as a result of group expectations ('I respect them, as that is what is expected'); or, at the highest levels, to application where rules or norms are respected as they reflect the values of the individual or group ('I respect them, as that's who I am') (Terry et al., 2020). Focusing on local culture and values offers the potential for a more comprehensive dialogue to influence the behaviour of armed groups than through IHL alone.

# The use of the Roots of Restraint in War study in practice

## A framework for analysing armed actors

The Roots of Restraint study began life as a collaboration between the ICRC and academia, with the findings synthesised into an accessible policy report. This considered four categories of armed groups: integrated state armed forces, centralised non-state armed groups, decentralised non-state armed groups and community-embedded armed groups. The characteristics of these groups were summarised into a fold-out 'blueprints for engagement', outlining approaches to analysing armed actors and tactics for promoting IHL compliance.

These blueprints were cited by interviewees within and outside the ICRC as a clear, accessible framework to guide their analysis of armed actors. For example, in Central and South America, ICRC delegates interviewed by HPG had struggled to understand and engage with the armed actors they encountered. Delegates reported that the blueprints gave them a common framework for collective analysis across the delegation. In Nigeria, ICRC delegates used the framework to understand networks of organised violence in the south of the country. Learning from Roots of Restraint is now integrated into the ICRC's law and protection course in Geneva. While the blueprints were of practical value, in the Americas some delegates felt the organised, criminal violence they were encountering didn't easily fit into any of the four identified categories of armed groups. They suggested that there may be a need to create a fifth category which would cover armed violence by criminal gang networks.

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Actors outside of the ICRC are also using the framework. For example, in South Sudan the Conflict Sensitivity Resource Facility and the World Food Programme (WFP) developed an analytical framework to understand organised violence by armed actors outside the main conflict parties in South Sudan. This drew heavily on the Roots of Restraint work. WFP has also drawn on components of the research for their conflict sensitivity approaches.

### **A practical tool to support dialogue with armed actors**

While the study was only published in 2018, and does not feature in the ICRC's institutional policies, it has informed how the ICRC engages in dialogue with armed actors in a number of contexts and by different specialist groups within the ICRC. The focus on values, and the need to develop a structural understanding of armed groups, resonated strongly with ICRC delegates, particularly those who undertake regular dialogue with armed actors.

The ICRC's armed and security force delegates (FAS), who are responsible for the ICRC's dialogue with militaries and armed actors, were very positive about the Roots of Restraint findings, largely because they reflected and reinforced what FAS delegates were already doing in practice. For example, the ICRC had already used customary law to undertake dialogue with armed groups in Somalia (ICRC, 2014), and had for some time been working with Islamic scholars to ensure IHL dissemination aligned with Islamic values (Al-Dawoody, 2017). The FAS unit tested the research in their engagement with armed actors in 10 contexts, with positive results. In 2021, the FAS unit employed a full-time delegate with responsibility for developing operational guidance and tools to inform engagement with armed actors.

The tool has been applied in a range of contexts, including with security forces in the Philippines, with groups engaged in organised violence in Nigeria and Northern Ireland (see Box 1).

### **Box 1 Application of Roots of Restraint findings in Northern Ireland**

The ICRC Delegation to the UK and Ireland adopted the Roots of Restraint framework in 2019 to engage armed actors in Northern Ireland. Having developed strong relationships with a range of political and community groups, the ICRC was seeking opportunities to deepen its networks and strengthen positive engagement. The ICRC ran a series of workshops with political groups, community activists, police and academics in Northern Ireland using the Roots of Restraint blueprints. These workshops were received very positively by the different participants. They indicated that the way the research described the structures, characteristics and behaviours of different armed actors reflected armed actors in Northern Ireland.

The ICRC believed that the ensuing discussions were a ‘game-changer’ with some groups, as the focus on restraint, rather than condemnation, offered an opportunity for safe closed-door conversations across different constituencies – in some cases for the first time. Many of those present engaged actively and openly in the workshops, leading to the ICRC gaining considerable insights into the functioning of different groups and how restraint is exercised. This included greater understanding of how communities in Northern Ireland can encourage or discourage violence, how the media exacerbates tensions in the region and the important roles that some ex-prisoner groups play in supporting peace. The ICRC delegation indicated that the workshops have led to deeper, more trusting relationships with different actors due to a perception that the ICRC is genuinely committed to understanding the dynamics and issues in the region. Although it is difficult to attribute impact, the ICRC has witnessed positive changes in the behaviour of some of the armed actors.

### **Contribution to knowledge and policy engagement**

The Roots of Restraint research is now incorporated into the ICRC’s annual law and protection course. It has also informed country-level training, and some training outside of the ICRC. For example, it was a core resource in ProCap’s advanced course on advocacy for protection outcomes, piloted in 2021.

The work has also fed into the ICRC’s community-based protection guidelines, and ICRC tools for community engagement, dialogue and early-warning approaches. Efforts to deal with the presence of armed actors in areas of displacement, led by the ICRC, the UN High Commissioner for Refugees (UNHCR) and the Department of Peacekeeping Operations drew on the research. This resulted in an ICRC aide memoire on maintaining the civilian and humanitarian character of displacement sites and settlements (ICRC, 2018), and informed the UNHCR ‘Guidance note on maintaining the civilian and humanitarian character of asylum’ (UNHCR, 2018).

The work stimulated a conversation within the UK Foreign, Commonwealth and Development Office (FCDO), the funders of the research, about ways to influence non-state armed groups. The FCDO has since funded further research to understand community and armed actor engagement and community self-protection measures (GPPI, 2020). The work also featured in policy presentations by senior leadership within and outside the ICRC, including a number of speeches by the ICRC's President, Peter Maurer, and Mark Lowcock, former Emergency Relief Coordinator. It has also been referenced in the UN Secretary-General's annual *Protection of Civilians* report. This signifies that the study is being referenced at senior levels to promote protection of civilians.

# How the Roots of Restraint findings shifted institutional approaches

## Ensuring the operational relevance of the research

Every effort has been made to ensure the operational relevance of the research, which is seen as one of its core strengths. The research was developed and undertaken in close collaboration with operational parts of the ICRC, including the protection and FAS units. Interviewees spoke about the benefits of the work being led by a researcher with an operational background. This helped ensure that the Roots of Restraint work centred on the dilemmas and constraints faced by ICRC operations.

Indeed, the Roots of Restraint study was initially delayed, with additional time taken to work with operational parts of the ICRC to maximise the relevance of the research. For example, the protection unit had at the time a strong focus on community protection, for which the research was useful. The work is also informing further practical guidance. For example, FAS is developing a handbook on urban conflict, drawing on the research.

## Leadership and the role of champions

Leadership and the role of champions both within and external to the ICRC have been key to the acceptance and adoption of the Roots of Restraint approach. Given that the ICRC is mandated by the Geneva Conventions, there was understandably some nervousness that the research could challenge the long-standing institutional approach of relying on positions grounded in IHL in seeking to influence the behaviour of armed actors. By securing senior-level buy-in, the leaders of the research were able to counter early resistance. The ICRC's Director of International Law and Policy personally chaired the project and secured cross-institutional support. This helped ensure that the Roots of Restraint research was seen as complementary, rather than a threat, to existing approaches to promoting IHL compliance.

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Adoption of the Roots of Restraint's findings initially happened organically, as specific functions or delegations became familiar with the research and saw its value. Early buy-in of armed and security force delegates was important, and testing by the FAS unit has given it visibility across the ICRC. Where the work has been operationalised in delegations, this has been as a result of its being championed by individuals, rather than being driven by senior ICRC leadership across the organisation. The ICRC is currently undertaking a restructure, which could present opportunities for the work to be integrated more fully into protection and operational approaches.

### Promoting uptake

The research team put significant effort into disseminating the research both within and outside the ICRC. The research was discussed at the ICRC's annual protection, prevention and FAS meetings, and the Roots of Restraint was incorporated into country-level annual planning processes (Terry et al., 2020: 13).

Continued engagement with specific parts of the ICRC such as FAS has allowed for an 'internalisation' of the approaches the research promotes. Further uptake across ICRC as a whole and in country delegations requires further promotion within the institute, including through demonstrating its added value and linking the research to ICRC operational priorities.

Attention and praise for the research externally, as well as at senior levels within the ICRC, catalysed greater internal buy-in (ibid: 12). For example, the team presented the research at the ICRC's Senior Workshop on International Rules for Military Operations meeting in 2018, attended by senior officers from a range of militaries. This enabled an early dialogue to test the findings and approaches recommended by the research.

Lastly, interviewees emphasised that the timing of the research was significant for policy uptake. FCDO interviewees highlighted the limited traction in diplomatic and political spheres for promoting IHL compliance. They suggested that there is increasing recognition that traditional approaches to promoting IHL compliance and influencing the behaviour of armed actors are failing, and alternatives are needed. The Roots of Restraint work understands this, promotes an understanding of why this is the case, and offers solutions. Interviewees recognise that the research came at a time when there was political appetite to seek alternative approaches to influence the behaviour of armed actors.

# Why is the Roots of Restraint in War study relevant to protection?

## Highlighting the limitations of a purely legal approach

One of the research's key findings is that an exclusive focus on the law to influence the behaviour of armed actors is not as effective as combining the law with norms and values specific to armed actors and their constituencies or communities. The law is critical to setting standards and goals. However, focusing on ways that armed actors adopt and internalise norms, by emphasising how these standards resonate with their values, was found to be a more effective way to promote restraint in their treatment of civilians.

This is a key point of difference with the protection approaches adopted by most humanitarian actors. A criticism of the protection sector, and the use of legal frameworks alone, is that it is failing to have influence on or traction with armed actors. Recognition of alternative approaches allows for a framing of protection which is accessible to non-legal specialists and in a language that targets of protection dialogue, for example armed groups and political actors, can understand and relate to. Emphasising complementary approaches to protection beyond those based on IHL could provide a basis for a wider range of actors to engage, including peace-building actors, conflict specialists and security actors.

## A tool for contextual analysis and engagement

The Roots of Restraint work emphasises the need for contextual analysis to inform approaches to engagement grounded in social norms, values, tradition and religion. It sets out that, to successfully influence the behaviour of conflict parties, it is important to frame IHL in the norms and values of specific armed actors and the communities or contexts from which they come. The study showed that the profile of IHL instructors also matters, as different militaries exhibited varying levels of respect for more legalistic or practical experience. However, to influence the behaviour of groups, it is important to go beyond instruction and to understand the structure of the group, and to identify and work with informal influencers. As one interviewee put it, 'it teaches you that it's not only about the instructor, it's about the method of instruction'. Finally, the work demonstrates how building on positive practice – where armed actors have exercised restraint – can offer more potential for influential dialogue than (solely) condemning the violent behaviour of armed groups.

### Encouraging greater recognition of community agency

The research identifies how civilians in communities can influence armed actors towards restraint or violence. Developing a nuanced understanding of the interactions between communities and armed actors offers an entry-point to building a dialogue between humanitarian organisations and communities. It allows for the development of tools for community engagement and support to community self-protection measures. However, it also emphasises the need for humanitarian organisations to be sensitive to unintended consequences. This includes not disrupting successful community self-protection approaches, and not promoting community strategies that may result in violence.

### A basis for preventative action in protection programming

Many protection activities focus on monitoring, documenting and responding to abuses and establishing accountability, often to deter similar abuses in the future. However, in seeking to encourage restraint from violence, Roots of Restraint research focuses on preventing violent behaviour towards civilians. This has obvious benefits. However, it is often a much more difficult area of protection work, especially with non-state, decentralised or community-embedded groups, which lack the formal hierarchies of centralised militaries and thus may be less influenced by such deterrence work. If patterns of violence by different groups are known, there is also an opportunity to assess the impact of different interventions on levels of restraint. This is a welcome development as assessing impact on protection work is notoriously difficult. In collaboration with the Swiss universities, ETH Zurich and the École Polytechnique Fédérale de Lausanne, the Roots of Restraint project team is currently exploring ways of analysing patterns of violence and restraint in different contexts, and the degree to which this can be attributed to mechanical or environmental causes (such as adverse weather conditions reducing violence in certain conflicts) or from interventions based on the Roots of Restraint analytical framework.

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