



# THE ROOTS OF BEHAVIOUR IN WAR

Understanding and Preventing IHL Violations



ICRC

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## Understanding and Preventing IHL Violations

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# Executive summary

The object of the *Roots of Behaviour in War* study was to identify the factors which are crucial in conditioning the behaviour of combatants in armed conflicts, with a view to determining whether the policies developed by the International Committee of the Red Cross (ICRC) to prevent violations of international humanitarian law (IHL) take sufficient account of the characteristics of the bearers of weapons. This report describes the main findings and conclusions of the *Roots of Behaviour in War* study. It includes three main parts: an overview of the study, the main findings, and the main lessons.

Through empirical research and a review of the literature, the *Roots of Behaviour in War* study enunciated and confirmed three hypotheses concerning the behaviour of combatants at war: (1) the universal character of adherence to humanitarian principles, (2) the importance, for combatants, of authority, group affiliation and the spiral of violence they often find themselves locked into, and (3) the existence of mechanisms of moral disengagement when violations of IHL are committed. In addition, the study provided information on the impact of ICRC activities on combatants' behaviour.

The study's main lessons may be summarized by the following three points: (1) Efforts to disseminate IHL must be made a legal and political matter rather than a moral one, and focus more on norms than on their underlying values, because the idea that the combatant is morally autonomous is mistaken. (2) Greater respect for IHL is possible only if bearers of weapons are properly trained, if they are under strict orders as to the conduct to adopt and if effective sanctions are applied in the event they fail to obey such orders. (3) It is crucial that the ICRC be perfectly clear about its aims when it seeks to promote IHL and prevent violations: does it want to impart knowledge, modify attitudes or

influence behaviour? The ICRC must develop strategies genuinely aimed at preventing violations of IHL.

The *Roots of Behaviour in War* study sought to contribute to improvements in the communication policies and strategies of the ICRC so as to make them more effective in preventing violations of IHL. The study addressed two main questions:

- a) What are the key factors which influence the behaviour of bearers of weapons so that they respect or violate IHL in any given situation?
- b) Do prevention strategies drawn up by the ICRC take due account of the answers given to the foregoing question?

An attempt was made to categorize the causes of violations of IHL.<sup>1</sup> The categories identified are as follows: (1) the encouragement to crime that is part of the nature of war, (2) the definition of war aims, (3) reasons of opportunity, (4) psycho-sociological reasons and, finally, (5) reasons connected with the individual. It goes without saying that these categories are not rigidly compartmentalized. The present study focused mainly on psycho-sociological factors universally present in any group of armed combatants taking part in a war, such as the influence of the group, integration within a hierarchy and moral disengagement. These are also the areas in which ICRC prevention activities are most likely to bear fruit.

On the basis of the initial conceptual framework taking into account the main results achieved by sociology and psychology in this area, models were drawn up relating to changing the behaviour of the combatant. These models were based on the following three main hypotheses: (1) that, just like civilians, combatants acknowledge and share humanitarian values because they are universal; (2) that violations of IHL involve social and individual processes of moral disengage-

ment brought about by two main mechanisms, namely the justification of behaviour and the lack of any sense of responsibility; (3) that, in situations of armed conflict, the mechanisms of this abdication of responsibility are induced chiefly by group conformity and obedience to orders.

The study consisted of four parts, the main findings of which are summarized in the present report. The first part of the study was a bibliographical survey of the findings of historical, sociological and psychological investigations on the behaviour of men in war. The three other parts were scientific studies in their own right. The various populations interviewed replied to questionnaires specially drawn up to probe their opinions on IHL and to test the hypotheses described above. The answers given by the participants and the test of the hypotheses were subjected to a variety of statistical analyses.

The first part of the study, entitled “The Roots of Behaviour in War: A Survey of the Literature”, reviewed other works in this field of research and looked for clues as to how to answer the questions at issue.

The second part of the study, entitled “Public Attitudes to International Humanitarian Law”, was carried out in cooperation with the University of Geneva.<sup>2</sup> It consists of an intercultural analysis of the quantitative data from the *People on War* survey. In 1999, to mark the 50th anniversary of the Geneva Conventions, the ICRC launched a large-scale survey covering some 15,000 civilians and combatants in 15 war zones with the aim

of finding out their opinion on the rules to be respected in time of armed conflict and the reasons for which these rules are often violated. The survey was conducted by Greenberg Research Inc.<sup>3</sup>

The third part of the study, entitled “The Combatants of Four War-torn Countries and Respect for IHL”, consists of surveys of bearers of weapons carried out in Bosnia-Herzegovina, Colombia, the Republic of the Congo and Georgia. Around a hundred combatants and ex-combatants replied to a questionnaire in each of these countries. The questions related to the knowledge the bearers of weapons have of the rules of IHL, to their attitudes towards these norms and to their declared intention to comply with them. The questionnaire also asked them about their personal experience of war and their ways of justifying violations of IHL.

The final part of the study, entitled “ICRC Delegates and Dissemination of IHL”, consists of a questionnaire submitted to most ICRC delegates working in the area of communication of IHL. The questionnaire enabled us to draw up a precise profile of the delegates, the impact they expected from their work, their impression of the bearers of weapons and the reasons for which the latter respect or violate IHL. The delegates were also asked to say how, in their opinion, the ICRC could effectively prevent violations of IHL.

1 For further details, see the first part of the study: “The Roots of Behaviour in War: A Survey of the Literature”. This report may be accessed on the ICRC website: <<http://www.icrc.org>>

2 This report may be accessed on the ICRC website.

3 The initial results from this survey can be found in the report prepared by Greenberg Research Inc. entitled *The People on War Report: ICRC Worldwide Consultation on the Rules of War*, International Committee of the Red Cross, Geneva, 1999. This report is available on the ICRC website.



# Main findings

Given that the surveys undertaken in the framework of the *Roots of Behaviour in War* study, and especially the *People on War* consultation, recorded the opinions of both civilians and combatants living in war-torn countries, the summary of results presented below highlights both the attitudes to IHL of these two populations and the specific characteristics of combatants.



## The attitudes<sup>4</sup> of civilians to IHL

### The universality of IHL

**IHL has a universal character, in that both civilians and combatants in very varied countries which have experienced different forms of armed conflicts acknowledge and adhere to humanitarian principles.**

The study enables the ICRC to affirm that IHL is universal – not only because that is how it is intended but also because it is acknowledged as such by the persons interviewed in the various contexts surveyed. However, this statement needs to be qualified inasmuch as the consensus relates not to the *application* but to the *acknowledgement*<sup>5</sup> of such general norms as the fact that certain kinds of behaviour are prohibited in time of war or that civilians must not be the object of indiscriminate attack.

Nevertheless, the most significant finding is that, across the board, in all the contexts studied and in all the different regions, there emerges a universal consensus as to the importance of the humanitarian principles. The moral authorities to which people refer when asked to explain their adherence to the norms of IHL are rooted in culture. They are to be seen mainly in a distinction between communities which look to religious principles and those which refer more to a secular tradition. However, this polarization does not throw up differences in relation to attitudes concerning IHL. Accordingly, we must conclude that, as far as attachment to the norms of IHL is concerned, it makes no difference whether the origin is sought in references to Islam, for example, or to human rights.

It will also be noted that there was a certain ranking in the replies irrespective of countries surveyed. For example, the fact that protection must be granted to prisoners is more readily acknowledged than the principle that a distinction must be drawn between civilians and combatants.

### Normative references

**Reference to the norms or legal principles to which interviewees of very different cultures adhere has a preventive effect, helping people to resist negative dynamics which would lock them into spirals of violence. Norms are an important symbolic resource, even if they cannot ensure appropriate behaviour.**

4 An attitude may be defined as the disposition of an individual towards someone or something. This disposition is rooted in stimuli from three sources: cognitive (knowledge that I accumulate), affective (sentiments that I feel) and behavioural (intentions and acts that I propose).

5 When we speak of the *acknowledgement* of IHL, we are using the term in two senses: that of identifying something with the help of memory (knowledge of something) and that of accepting and identifying with something (adherence to something). Similarly, when we speak of the application of IHL, we are referring not to the way in which people do in fact respect or have in fact respected IHL, but rather to what they say about their intention to respect it.

The findings of the study permit us to conclude that the existence of normative references is indeed important. Without such a frame of reference, those who have been victims of war are drawn into a cycle of vengeance which leads them to pay less and less heed to the application of IHL. On the other hand, if the acknowledgement of such principles is firmly rooted, attitudes encouraging people to seek the protection offered by the norms tend to become predominant.

## Collective vulnerability

**The civilian populations of countries which have experienced war are strongly inclined to call for the effective application of IHL. The strength of this call depends on the level of collective vulnerability (victimization) endured by the population concerned, i.e. the extent of the armed conflict in terms of time and space and its destructive social and economic consequences.**

The differences which may appear among the interviewees are connected much more with the characteristics of conflicts and the number of victims than with cultural divergences. Thus, it emerges very clearly from the results that the duration and intensity of violence (the geographical, temporal and economic extent of a conflict) and the traumatizing experiences of war (number of dead, collective victimization) have a significant impact in bringing people to adopt a more favourable position with regard to IHL.

It may be affirmed, therefore, that it is vulnerability as a collective experience which is the critical variable and this is particularly true for civilians. It is an established fact that what makes them attach greater importance to humanitarian norms is not so much having been personally the victim of an armed conflict as having lived through a context in which a large number of persons have directly suffered the effects of war.

On closer examination, it can be seen that, in a majority of countries, the number of people calling for the application of the norms far exceeds the number claiming they know about them. This means that, for

the civilian population, the wish to see certain limits applied to war is often greater than their knowledge of the rules existing in this regard. The longer the conflict and the greater the number of casualties, the more civilians call for the norms to be respected.

## The deleterious effect of partisan commitment

**The greater the division of societies along partisan lines and the greater the commitment to one or other of the warring camps, the greater the deterioration in adherence to the principles of IHL and their application.**

When the civilians interviewed declared themselves to be partisans of one or other of the warring camps, they were more likely to accept contraventions of the humanitarian norms. This was all the more true of the combatants, who may be deemed partisan by definition. In short, the more people are involved in a conflict, the more likely they are to display tolerance for violations of IHL.



## Characteristics of combatants

### Group conformity

**Combatants are subject to group conformity phenomena such as depersonalization, loss of independence and a high degree of conformity. This is a situation that favours the dilution of the individual responsibility of the combatant within the collective responsibility of his combat unit.**

The individual may not normally be a killer but the group certainly is. Many studies have shown that fighting men are generally motivated more by group pressure than by hatred or even fear. What counts is the esteem of their comrades, defence of their collective reputation and desire to contribute to the success of the group. The combatant is no longer a totally

autonomous individual but is subject to the rules of the group, to respect for his leaders and to conformity. Military studies on the cohesion which can exist within a unit show that the relations which bind the combatants to each other are often stronger than those that bind a married couple. This is a situation that favours the dilution of the individual responsibility of the combatant within the collective responsibility of his combat unit.

To these findings, we must add a number of more general observations. The individual within a group has a “natural” tendency to assign a higher value to his own group and a lesser one to other groups, to attribute to the members of his own group qualities of which the members of other groups are deprived. The group, by definition, generates prejudices, simplifications and discrimination. It has to be emphasized that when another group is declared to be an enemy, these tendencies become all the more acute. Thus, it is quite easy for the group to slide into criminal behaviour and perhaps even to end up promoting and encouraging it.

## Obedience to authority

**Combatants are also subject to a process of shifting individual responsibility from themselves to their superior(s) in the chain of command. While violations of IHL may sometimes stem from orders given by such an authority, they seem more frequently to be connected with a lack of any specific orders not to violate the law or an implicit authorization to behave in a reprehensible manner.**

Ordinary men submit willingly to an authority when they believe that it is legitimate; they then perceive themselves as its agents. The great majority are ready to adopt the behaviour that is expected of them, even when it is contrary to their moral convictions. This principle, amply demonstrated for “ordinary” citizens, is further reinforced when it is a question of combatants placed within a military hierarchy, a framework generally more constraining than any civilian authority. The individual is rendered even more docile by

military training and collective preparation for confrontation with an enemy that is often demonized and dehumanized.

According to Stanley Milgram,<sup>6</sup> the disappearance of personal responsibility is by far the most serious consequence of submission to authority. Although, under these conditions, the individual commits acts which seem to violate the dictates of his conscience, it would be wrong to conclude that his moral sense has disappeared. The fact is that it has radically changed focus. The person concerned no longer makes value judgements about his actions. What concerns him now is to show himself worthy of what the authority expects of him.

The status of the combatant must be distinguished from that of persons constrained to obey under a yoke of oppression. The latter obey the orders given to them only so long as the situation of oppression lasts and the external constraints are sufficiently strong. The combatant, on the other hand, is generally an individual whose obedience stems from an internal motivation and not just from an external cause. People are inclined to accept the definition of the action supplied by the legitimate authority. In other words, although the subject accomplishes the action, he allows the authority to decide its significance. It is this ideological abdication which constitutes the essential cognitive basis of obedience. If the world or the situation is as the authority defines it, it follows that certain types of actions are legitimate. This is why the authority-subject pairing must not be seen as a relationship in which a superior imposes a line of conduct on a reluctant subordinate by force. The subject accepts the definition of the situation supplied by the authority and so conforms willingly with what is expected of him.

6 Stanley Milgram, *Obedience to authority: An experimental view*, Harper & Row, New York, 1974.



## Combatants' particular behaviour

### The spiral of violence

**Combatants who have taken part in hostilities and been subjected to humiliation and trauma are led, in the short term, to perpetrate violations of IHL.**

Combatants who have used violence and have been directly affected by acts of violence are inclined, in the short term, to perpetrate violations of IHL. These situations of violence concern two processes which interact to create a spiral of violence: (1) the cycle of vengeance which leads a “victimized” combatant (i.e. one who has suffered violence against his property, his loved ones or his own person) to commit violations of IHL, and (2) the spiral of violations following an initial breach of humanitarian principles. These dynamics should not be overlooked, particularly in view of the high rate of “victimization” among combatants involved in armed actions.

Certain armies are not free of extreme violence even within their own ranks. According to various sources, armies sometimes indulge in acts of great violence against their own men. Every year, bullying leads to the death by murder or suicide of large numbers of young soldiers, while many more servicemen desert, partly to escape maltreatment. As far as we are concerned, one thing is perfectly clear: how can we expect combatants to respect the principles of IHL in their behaviour towards their enemies when they have been victims of bullying, humiliation and all kinds of brutality at the hands of their own superiors?

### Pathological behaviour

**Violations of IHL are not generally the work of sick, sadistic or irrational individuals.**

War is essentially conducive to crime. A very small minority of individuals take advantage of the circumstances to give free rein to their impulses and commit atrocities for the pleasure of it. However, the intoxication of the battlefield can also carry away a broader fringe of combatants, often under the influence of drugs or alcohol. While this last aspect of the problem has not been examined within the framework of the present study, it is undeniably a factor in violations of IHL.

### The gulf between knowledge, attitudes and behaviour

**There is a significant mismatch between the knowledge combatants have of humanitarian norms and their limited inclination to respect them in the event of hostilities.**

Knowledge does not suffice to induce a favourable attitude towards a norm or to the institution responsible for its promotion. Moreover, a favourable attitude – or indeed sincere adherence – to a norm does not mean that combatants will conform to it in a real-life situation.

The gulf which exists between adherence to the norms of IHL and the actual behaviour of combatants also exists between the acknowledgement and the application of these norms in the sense in which we use the terms in this study. Thus, the findings indicate that the consensus appears with regard to the acknowledgement of general norms (such as the fact that certain kinds of behaviour are prohibited in time of war or that civilians must not be attacked) but not with regard to their application. When the combatants interviewed are asked to refer to more specific situations which confront them with a dilemma (e.g. can we attack civilians who are helping the enemy?), serious cracks begin to appear.

### Moral disengagement

**The gulf observed between the acknowledgement and application of humanitarian norms derives from a series of mechanisms leading to the moral disengagement of the combatant and to the perpetration of violations of IHL. The moral disengagement of combatants is effected mainly by having recourse (1) to justifications of violations, and (2) to the dehumanizing of the enemy.**

Adult individuals normally adopt moral standards and avoid kinds of behaviour which violate them so

that they do not have to enter into a logic of self-condemnation and develop guilt feelings. For these mechanisms to operate, they must first be activated. However, there are various ways to avoid their activation. Moral disengagement is a complex process and malicious acts are always the product of interactions between personal, social and environmental influences. In the case of combatants, we have seen that submission to authority and group conformity are important characteristics of their environment. To these, it is necessary to add the justifications for violent behaviour described in the following chart and explained below.

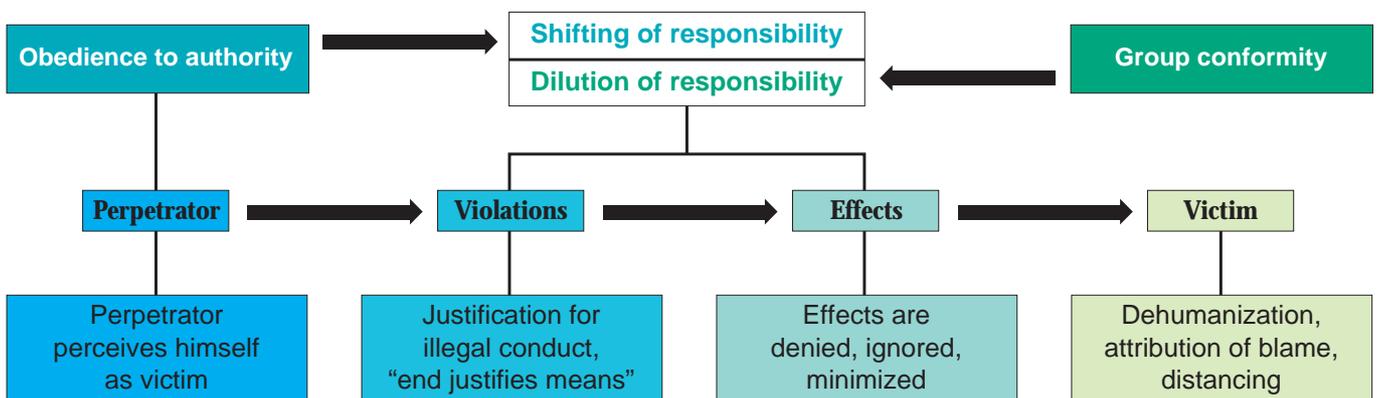
**Justifications connected with the perpetrator of reprehensible acts** – The person who commits a reprehensible act often sees himself not as a torturer but as a victim. He feels himself to be a victim, believes himself to be a victim and is told that he is a victim, all of which somehow gives him the right to kill or to commit atrocities. He belongs to the camp of the defeated, the humiliated, the damned, the dispossessed, those to whom History has been unjust and so on. And not only is he a victim but he is threatened with being so again. So he has to get in first and kill his enemies before they kill him. This status of victim and the real or imagined threat of becoming one again justify the resort to any means in order to obtain justice.

**Justifications connected with reprehensible behaviour** – One of the reasons often cited to justify failure to respect IHL is that a people, ethnic group, race or country fighting for survival cannot afford the luxury of humanitarian considerations and rules which could weaken it. For this people, the end justifies the means. More generally, it may be observed that “ordinary morality” often makes way for “the morality of results”. While people will concede that a kind of behaviour is contrary to morality in absolute terms, they will argue that circumstances render it not only admissible but also necessary.

It is perfectly possible for people to know that an act is illegal but to consider it to be legitimate. One justification that is constantly heard from combatants is the conduct of the enemy. If the enemy is guilty – or simply suspected – of violations of IHL, combatants will argue that they are justified in not respecting it either. Apart from mere revenge – which often introduces an element of passion – the argument of reciprocity is universally invoked to justify reprehensible behaviour.

The vocabulary used is a constant prop in justifying certain types of behaviour. Recourse to euphemisms is commonplace when one refers to war crimes in wartime: people speak of “events”, “police actions”, “mopping-up operations”, “dealing with a target”, “surgical strikes” and so on.

### The main factors determining the behaviour of combatants<sup>7</sup>



<sup>7</sup> Adapted from Albert Bandura, “Moral disengagement in the perpetration of inhumanities”, *Personality and Social Psychology Review*, Vol. 3 (3), 1999.

**Justifications connected with the consequences of reprehensible behaviour** – Attempts at justification which rely not on behaviour but on its prejudicial effects are designed to deny, ignore or minimize the consequences. Modern methods of warfare which permit remote-control killing facilitate recourse to justifications of this kind – especially where the media are not present to reveal the realities of a conflict. Many studies have shown that people find it difficult to kill their fellow human beings at close range and that special conditioning is needed to overcome this inhibition. Conflicts in which recourse is had to advanced technologies which permit killing at a distance or on the computer screen prevent the activation of neuro-psychological mechanisms which render the act of killing difficult.

**Justifications connected with the victims of reprehensible behaviour** – Whether insidiously or directly, the enemy is demonized and considered as vermin. And vermin have to be exterminated. Sometimes, the enemy is compared with a disease which needs to be eradicated. Once politicians, journalists, scientists, judges and intellectuals equate the enemy with vermin or viruses, combatants find it easier not only to attack them but also to rationalize the most extreme kinds of behaviour and to convince themselves that they are justified and necessary.

Next come distancing mechanisms. To the physical distance we have just referred to, a psychological distance is added. The humanity of the other side is denied by attributing to the enemy contemptible character traits, intentions or behaviour: “We are superior, they are inferior.” “We are fighting for an honourable and disinterested cause, they are fighting for inadmissible interests and objectives deserving only condemnation.” It is also possible to blame the victims themselves: “They are often responsible for what happens to them.”

It remains for us to point out that there may be a gap between the perception of one and the same act from the point of view of the victim and that of the perpetrator. However, to understand the psychology of the perpetrator, it may be necessary to distance oneself from the point of view of the victims. Whereas the victims in their moral judgements generally perceive such acts

in terms of black and white, the perpetrators see only different shades of grey.

## The progressive nature of moral disengagement

**Moral disengagement is not only a gradual process but also one that determines behaviour which draws from past actions the force needed to sustain future actions.**

The psycho-sociologist Erwin Staub<sup>8</sup> has shown that group norms change progressively and that behaviour towards the victims evolves. What would once have been inconceivable becomes first acceptable and then normal.

“Great violence, and certainly group violence, usually evolves over time. Individuals and groups change as a result of their own actions. Acts that harm others, without restraining forces, bring about changes in perpetrators, other members of the group, and the whole system that makes further and more harmful acts probable. In the course of this evolution, the personality of individuals, social norms, institutions, and culture change in ways that make further and greater violence easier and more likely.”<sup>9</sup>

This change is not only a gradual process but also one that determines behaviour which draws from past actions the force needed to sustain future actions. Each action taken by the individual exerts an influence on the next one and makes a change of behaviour more difficult because the individual will have to admit that if he ceases to behave reprehensibly, everything he has done hitherto will have been bad. This is why it is so much easier to influence persons who admit that they have committed faults than those who retreat into attempts at justification.



## The impact of the ICRC

### **ICRC activities have an impact on the acknowledgement of humanitarian norms but not on their application**

**This effect must not be underestimated because, on the one hand, it permits limits to be fixed and, on the other, it acts as an indirect restraint on the spiral of violence to which the combatant is subjected.**

While ICRC activities contribute to a wider acknowledgement of humanitarian norms, they do not have any direct impact on their application. Nevertheless, they do have an indirect effect. If it is true that combatants, when they perceive themselves as victims, call for the application of humanitarian norms only in so far as they are aware of them, it has to be conceded that the efforts undertaken by the ICRC to raise awareness of IHL – whether through dissemination or through specific activities – have not been in vain. In any event, it may be affirmed that the ICRC helps to prevent combatants from entering into a spiral of violence.

### **Mere awareness of IHL or favourable attitudes towards it are not sufficient to produce a direct impact on the behaviour of the combatants**

**Spreading knowledge of IHL may even prove counter-productive where mechanisms of moral disengagement are present.**

The findings of the study indicate that the influence of the ICRC on knowledge relating to IHL has contrasting consequences. On the one hand, knowledge of this body of law has a moderating effect on the spiral of violence: it seems to prevent combatants from entering into a cycle of vengeance. On the other, imparting knowledge of IHL may have a negative effect on combatants who have already developed

justifications of the kind mentioned above when, for instance, they use it perversely or in bad faith to explain away the excesses committed.

### **The ICRC's operational activities can help to strengthen combatants' respect for IHL, provided that a working relationship and individual trust can be established with them**

The study shows that combatants who affirm that they have developed a relationship of trust with the ICRC on an individual basis are more favourable to the application of the norms of IHL. This result is explicable partly as a manifestation of the fact that “the best means of dissemination is action”. However, it also draws our attention to two important elements: the trust that the combatants need to develop towards the ICRC depends more on individual than on collective factors and this trust is developed through action rather than serving as a vehicle to transmit a message.

8 Erwin Staub, *The roots of evil: The origins of genocide and other group violence*, Cambridge University Press, Cambridge, 1989.

9 Erwin Staub, “The roots of evil: Social conditions, culture, personality, and basic human needs”, *Personality and Social Psychology Review*, Vol. 3 (3), 1999, p. 182.



## Other important findings



### The civilian/combatant distinction and reciprocity

The study has highlighted the following two problems of which experts are aware but which may not have been taken fully into account: (1) the objections raised by the persons interviewed to the principle of distinguishing between civilians and combatants, and (2) the frequent recourse to the argument of reciprocity so as not to comply with IHL.

The distinction between civilians and combatants, which represents one of the pillars of IHL, was often blurred well before the current day. Michael Walzer,<sup>10</sup> for example, reports that, in Vietnam, the American rules of engagement only made a show of acknowledging and respecting this combatant/non-combatant distinction. In reality, they instituted a new dichotomy between non-combatants seen as “loyal” or “disloyal”, “friendly” or “hostile”. While ICRC delegates are certainly of the opinion that the distinction is often less than clear-cut, they believe that violations of IHL are more often the result of a deliberate intention to attack the civilian population rather than of any objective difficulty in distinguishing the one from the other. The two problems need to be separated. In certain cases, civilians are perceived as having forfeited their civilian status because, willingly or not, they are contributing to the enemy’s war effort. The IHL distinction between civilians and combatants is then replaced by a distinction between guilty and innocent. In the other case before us, civilians are perfectly identifiable as such and are deliberately targeted in their civilian status.

The other problem that recurs constantly in the various parts of the study is recourse to the argument of reciprocity. Though the belligerents may be reminded of their unilateral undertakings to respect IHL and to discharge this obligation regardless of the conduct of the enemy, the fact of the matter is that individual and collective behaviour in time of war is generally governed by the *lex talionis*. The present work does not attempt to provide an answer to these questions, but an in-depth study needs to be made of them by the ICRC.



### Non-State armed groups

All armed groups capable of launching operations with some semblance of a military character have structures of one kind or other – one or more leaders and degrees of organization which, though they may vary, exist and need to be identified. They have their own objectives, strategies, diasporas, links with crime, sources of finance, codes of conduct and the like. Given that the mechanisms identified above (moral disengagement, submission to authority, etc.) are also at work within these armed groups, humanitarian organizations would do well to remove the term “destructured conflict” from their vocabulary – or at least not to abuse the term – and to explore whatever avenues would allow them to know the groups better and approach them more effectively.

<sup>10</sup> Michael Walzer, *Just and Unjust Wars*, Basic Books, New York, 1977.



## Main lessons



### Force of law, force of morality

**We need to treat IHL as a legal and political matter rather than as a moral one, and to focus communication activities more on the norms than on their underlying values because the idea that the bearer of weapons is morally autonomous is inappropriate.**

Without denying that individuals have the capacity to act in accordance with the dictates of their conscience, it has to be admitted that ordinary men who have become combatants are, in certain circumstances, moved by other parameters. The study demonstrates that IHL has a universal character in that individuals adhere to it in very different cultures, drawing both on religious and on secular sources. It was further shown that if they perceive IHL from a normative point of view, they are less tolerant of violations. In other words, the perception that there are legal norms is more effective than the acknowledgment of moral requirements in keeping combatants out of the spiral of violence.

The desire to promote tolerance or benevolence towards the victims of war is at best ineffective. At worst, it leads us to make value judgements and to propose moral authorities which can be more easily relativized than the rules of law. While attempts at justification such as those referred to can enable combatants to switch off guilt feelings in the face of inhuman acts and to stretch moral values by legitimizing such acts, they cannot confer legality on such behaviour. The norm draws an easily identifiable red line, whereas values represent a broader spectrum which is less focused and more relative.

### The importance of training, orders and sanctions

**The training of the bearers of weapons, strict orders as to the conduct to adopt and effective sanctions in the event of failure to obey them are the prerequisites to obtain greater respect for IHL.**

The behaviour of combatants is determined mainly by three parameters: (1) their position within a group, which leads them to behave in conformity with what the group expects of them, (2) their position in a hierarchical structure which leads them to obey authority (because they perceive it as legitimate or it acts on them as a coercive force, or a mixture of the two), (3) the process of moral disengagement favoured by the war situation, which authorizes recourse to violence against those defined as being the enemy.

All of this leads on naturally to an initial conclusion, namely that the training of combatants, strict orders and effective sanctions are the most effective levers to obtain greater respect for IHL.

If the combatants are to respect IHL, the rules must be translated into specific mechanisms and care must be taken to ensure that practical means are set in place to make this respect effective. In other words, it is necessary, wherever possible, including with non-State bearers of weapons, to opt for an integrative approach. This means an approach which provides not only for IHL to be included in military policies, taught to officers and to the rank and file, incorporated into exercises and training but also, and more importantly, for the rules to be incorporated into the orders passed down through the chain of command, and that combatants are given the necessary means of

ensuring that their behaviour can indeed comply with IHL.

Any failure to obey an order must be sanctioned. Sanctions, which are central to determining a combatant's behaviour, can take different forms (e.g. disciplinary, penal or social). Disciplinary or penal sanctions should be promoted both for the purpose of setting an example and for prevention. It is essential that the authorities should take action, even for offences which are less serious than a war crime, so as to ensure the discipline of their troops and avoid entering a spiral of violence in which violations may become not only more and more serious but also more and more acceptable in the eyes of those who commit them.

For the ICRC and other humanitarian organizations, the main thing is not to persuade combatants that they must behave in a different way, or to win them over personally, but rather to influence the people who have an ascendancy over them, beginning with the instigators of any "excessive" violence and including those who prepare the political, ideological and moral ground so as to dehumanize the enemy.

## Distinction between knowledge, attitudes and behaviour

**In seeking to prevent violations of IHL, it is crucial that the ICRC be perfectly clear about its aims: does it want to impart knowledge, modify attitudes or influence behaviour? The ICRC must draw up genuine prevention strategies.**

There are significant differences between combatants and civilians in terms of their attitudes and behaviour towards IHL. The ICRC needs to know and understand these differences in order to define policies for the prevention of violations of IHL which are adapted to each of these populations. In particular, the ICRC has to be clear about its objectives: the methods to obtain an impact on the knowledge, attitudes and behaviour of the target populations are not all the same and the ICRC's resources have to be coordinated to permit the definition of a prevention strategy.

The parameters which determine the behaviour of bearers of weapons need to be more clearly understood because they will determine our influence strategies. They will be designed not to persuade free individuals of the need to adopt types of conduct in conformity with IHL but to convince more or less structured and hierarchically organized groups to respect these norms. This means that it is not absolutely necessary to obtain the individual adherence of the members of the group. Though it is quite clear that behaviour adopted by personal conviction is more durable than behaviour adopted under constraint, we have seen that men who are subject to mechanisms of moral disengagement and to an authority that they perceive to be legitimate will, most of the time, carry out orders, even if these are in conflict with their conscience or their values.

It is necessary to take note of the fact that, as far as combatants are concerned, if IHL is to be respected, it is more important to influence behaviour than attitudes. In general, the ICRC has recourse to persuasion, which is a communication act intended to modify the mental state of an individual in a context where he retains or believes that he retains a certain freedom. The freedom of action of the target is an essential component of persuasive interaction. When it comes to bearers of weapons, persuasion may – in certain circumstances and often to a limited extent – be an appropriate means of influence. However, the main effort to influence the behaviour of combatants has to proceed from a different approach involving the incorporation of norms of IHL into military orders, policies and instruction.

## MISSION

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The International Committee of the Red Cross (ICRC) is an impartial, neutral and independent organization whose exclusively humanitarian mission is to protect the lives and dignity of victims of war and internal violence and to provide them with assistance. It directs and coordinates the international relief activities conducted by the Movement in situations of conflict.

It also endeavours to prevent suffering by promoting and strengthening humanitarian law and universal humanitarian principles.

Established in 1863, the ICRC is at the origin of the International Red Cross and Red Crescent Movement.



ICRC