



DCAF Geneva Centre
for Security Sector
Governance

Parameters of Effective Military Training in International Humanitarian Law

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Photo: League of Officers

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I started to make a study of the art of war and revolution and, whilst abroad, underwent a course in military training. If there was to be guerrilla warfare, I wanted to be able to stand and fight with my people and to share the hazards of war with them.

Nelson Mandela

A large, stylized white quotation mark icon consisting of two separate curved shapes, one for the opening and one for the closing, positioned at the bottom of the page.

This publication is a practical guide to effective military training in the area of International Humanitarian Law (IHL). It is intended to serve as a tool for military personnel, academics, and civil society actors in the implementation of IHL training for the armed forces.

The need for training in IHL is of paramount importance, as it establishes the legal framework for armed conflicts, and helps to protect civilians and combatants alike from the horrors of war. Training in IHL is essential for military personnel, as it will help them to understand the legal principles and regulations governing the conduct of hostilities and will ensure that they act in accordance with the law.

The publication is essential in the development of good international practice. It is necessary to ensure that all parties involved in armed conflicts are aware of the legal obligations they are bound by, and to enable them to adhere to these obligations in the course of hostilities.

The analysis provides detailed information on how to effectively implement IHL training, including best practices, resources, and methods. It covers very practical aspects such as training frequency, assessment modalities, selection of instructions, training material, level of training, war crime reporting amongst others. It assists those responsible for training military personnel in IHL, in order to ensure that they are aware of their legal obligations and are able to comply with.



Photo: League of Officers

1. MILITARY EDUCATION AND INTERNATIONAL HUMANITARIAN LAW

The conceptual framework of military education contributes to success on the battlefield by establishing healthy civil-military interactions and by improving critical analysis. Military education provides skills that enable military personnel to recognise social diversity, the dynamics of military life, and security challenges, thereby delivering positive outcomes in the execution of duties.

The incessant pace of technological change, a renewal of serious great power competition, and persistent political pressure on militaries have all contributed to a sense that intellectual agility and innovation are crucial to ensuring that Western armed forces remain competitive in the mid-21st century¹. Military education should not lose its value during war and conflicts. War undoubtedly impacts curriculum guides and educational frameworks as governments attempt to focus their resources and manpower on the battlefield. Training programs often articulate a strong commitment to patriotism and supporting the nation's commitment to its war effort. In democratic countries, military education during wartime instils liberal values, respect for human rights and democratic traditions. Furthermore, military education safeguards rule-of-law principles and inculcates principles of humanity through instruction in IHL, sometimes called the Law of Armed Conflict (LOAC) or the Law of War (LOW). Demand for instruction in and the application of IHL standards increases exponentially during armed conflict. This demand can challenge the ability of military educational systems to effectively deliver training.

The obligation to spread knowledge of IHL is based on the idea that sound acquaintance with the rules set forth in said law are essential for their effective application and, consequently, for the protection of the victims of armed conflicts². The obligation is a result of the commitment made by the States party to the instruments of IHL to respect and ensure respect for the provisions they contain. Although dissemination activities must be increased during armed conflicts, they

1 Morgan-Owen, David. "Professional Education and Military Learning in the 21st Century". *War on the Rocks*, 25 July 2018, Available at: <https://warontherocks.com/2018/07/approaching-a-fork-in-the-road-professional-education-and-military-learning/>

2 ICRC. The Obligation to Disseminate International Humanitarian Law, February 2003, Available at: <https://www.icrc.org/en/download/file/1042/obligation-dissemination-ihl.pdf>

must also be carried out in peacetime: knowledge of the law is not a wartime matter alone³. The universal commitment to disseminate IHL is reaffirmed in all four 1949 Geneva Conventions with essentially the same wording.

The High Contracting Parties undertake, in time of peace as in time of war, to disseminate the text of the present Convention as widely as possible in their respective countries, and, in particular, to include the study thereof in their programmes of military and, if possible, civil instruction, so that the principles thereof may become known to all their armed forces and to the entire population⁴. The ICRC explanatory note states that the Third Geneva Convention of 1949 adds that any military or other authorities who in time of war are responsible for prisoners of war must possess the text of the Convention and be specially instructed as to its provisions (Art. 127(2)). The Fourth Geneva Convention of 1949 provides the same obligations with regard to any civilian, military, police or other authorities who assume responsibilities in respect of civilians, particularly in places of internment (Arts. 99 and 144(2)). The 1977 Additional Protocols reaffirm and elaborate on the duty to propagate the Conventions and the Protocols (AP I, Art. 83; AP II, Art. 19). Protocol I makes provision for specific measures with a view to strengthening the general obligation. Protocol II makes the obligation applicable to situations of non-international armed conflict. The reflex of compliance with the rules of IHL that is to be inculcated is in fact always the same, irrespective of the nature of the conflict⁵.

The IHL training obligation is given over to State discretion. The International Committee of the Red Cross (ICRC) Commentary to Article 83 of AP I emphasizes that “setting up the programme [of military instruction] ... will probably require decisions at a ministerial level”. In Resolution 21 of the Diplomatic Conference of Geneva of 1974–1977, States were “invite [d]” to “encourag[e] ... the authorities concerned to plan and to give effect” to IHL training, with ICRC assistance if necessary, “in a manner suited to national circumstances”⁶.

In developing national IHL training programs applicable to military and civilian personnel, states must decide:

- ❖ At what unit level training needs to be completed;
- ❖ Whether training material used with senior soldiers must be more complex and have higher levels of difficulty than that used with junior soldiers;

3 Ibid.

4 Ibid.

5 Ibid

6 Stubbins Bates, Elizabeth. “Towards Effective Military Training in International Humanitarian Law”. *International Review of the Red Cross*, 21 December 2015, Available at: <https://international-review.icrc.org/articles/towards-effective-military-training-international-humanitarian-law>

- ❖ Whether specialized training be made available for specific audiences, for example, for medical personnel;
- ❖ Training frequency (weekly, monthly, before returning to conflict, after rest periods, etc.);
- ❖ Assessment modalities;
- ❖ Tracking mechanisms for training;
- ❖ The level and rank of IHL instructors;
- ❖ How to include content on the reporting of suspected IHL violations; and
- ❖ How to process lessons learned from battlefield experiences.

Over the past two decades, the ICRC has gradually shifted the scope of its IHL activities with armed forces and non-State armed groups from simple dissemination of the law to an emphasis on integration. This has had two main outputs: firstly, the idea that IHL should be integrated into all aspects of “doctrine, training, education, equipment and sanctions,” and secondly, and more recently, the idea that IHL is continuously relevant to decision-making and communication within the military command structure⁷. The first approach to integration involves a “continuous process” in which IHL is made relevant to “doctrine, training, education, equipment and sanctions.” This process requires interpretation of the law prior to military operations, an understanding of its operational consequences, and the adoption of “concrete measures ... to permit for compliance during operations”⁸. The ICRC acknowledges that “the mere teaching of legal norms will not result, in itself, in a change in attitude or behaviour”: IHL training alone is insufficient for compliance⁹.

The integration model

It emphasizes IHL’s continued relevance when soldiers and officers learn about a new weapons system, so that they can learn whether it can be used lawfully in civilian areas, or whether it can cause superfluous injury or unnecessary suffering. Furthermore, an integration of IHL training with an understanding of military discipline and international criminal law should reduce misconceptions about international law, which in turn could increase IHL compliance among service personnel.

Stubbins Bates, Elizabeth. “Towards Effective Military Training in International Humanitarian Law.” *International Review of the Red Cross*, 21 Dec. 2015.

7 Ibid.

8 Ibid.

9 Ibid.

2.LEVEL OF TRAINING

The ICRC recommends that anyone who plays a key role in the application of IHL should be taught its rules and the sanctions applicable to violations. That includes all in the armed forces, as well as legal officers and advisors, regardless of the group to which they belong. There are also those acting under the auspices of the United Nations or a competent regional organization. This may also include civilian personnel who perform relevant functions, such as diplomatic staff, arms export control officials and medical personnel. Training should enable individuals to clearly identify what is permissible and what is not¹⁰.

Each country should assess both its needs and its capabilities before designing a training program. It needs, then, to reassess during program implementation in order to ensure that the nation is fulfilling its obligations under international law and providing information in a useful and meaningful way to the necessary personnel¹¹. A country engaged in an active conflict or with troops deployed abroad requires more intense, specific and tailored training in IHL. This would ideally be accessible/available to all military units. Conversely, countries not embroiled in conflicts can meet their IHL obligations by providing basic training for soldiers and junior officers and thorough training for legal advisers and senior military staff. Training for a professional army with an educated officer corps will require a very different program and strategy than training for an army that relies heavily on conscripts who have not received professional military training or instruction on IHL.

It is worthwhile referring to the NATO STANAG 2449¹², which sets out broad training principles for the Law of Armed Conflict (LOAC¹³), and training objectives to be accomplished consistent

10 ICRC. Implementation – IHL training, Available at: <https://sri.icrc.org/practical-measures/implementation/ihl-training> [Accessed 21 February 2023]

11 Blank, Laurie and Noone, Gregory. "Law of War Training: Resources for Military and Civilian Leaders". *United States Institute of Peace*, 5 March 2009, Available at: www.usip.org/publications/2009/03/law-war-training-resources-military-and-civilian-leaders

12 A Standardization Agreement (STANAG) is a NATO standardization document that specifies the agreement of member countries to implement a standard. NATO Allies have agreed hundreds of STANAGs over the years, covering a huge range of technical specifications for equipment and common practices. Some examples include equipment and procedures for air-to-air refueling; common sizes, safety rules and tests to make ammunition interchangeable; specifications to make national communications systems compatible; and formats to facilitate sharing intelligence and other information. See NATO. Standardization, Available at: https://www.nato.int/cps/en/natohq/topics_69269.htm [Accessed 21 February 2023]

13 International humanitarian law is also known as the law of armed conflict (LOAC) or the laws of war. Military lawyers often prefer the term LOAC.

with those principles¹⁴. The STANAG 2449 was updated in 2019, which incorporated Allied Training Publication ‘Training in the Law of Armed Conflict’¹⁵. It specifies instruction and training principles are to be applied:

- a. *All personnel are to be trained in LOAC. Forces deployed on NATO operations should conduct training prior to and during the operation.*
- b. *LOAC training should be incorporated in all levels of military education, individual and collective training, and exercises, as appropriate.*
- c. *LOAC training should be commensurate with the degree of responsibility of personnel and their operational role. Training for personnel should be more detailed and progressive according to rank and responsibilities.*
- d. *The basic level of instruction for all personnel is outlined in Annex B.*
- e. *NCOs and officers require a more detailed appreciation and understanding of LOAC. As such, enhanced instruction and training, as outlined in Annexes C and D, is recommended.*
- f. *Certain individuals and functions may require specialized training, as identified in the non-exhaustive list in Annex E.*
- g. *Nations should ensure that LOAC training is delivered by properly trained instructors.*
- h. *LOAC training should include scenarios, exercises and practical field training. When preparing units and staff for NATO operations, specific emphasis should be placed upon practical field training.*
- i. *Nations in their LOAC training are encouraged to cooperate with the International Committee of the Red Cross (ICRC), and national Red Cross and Red Crescent societies.*
- j. *The effectiveness of LOAC training should be evaluated at all levels of command. Lessons learned and after action reports should be incorporated into the development of training programmes¹⁶.*

The STANAG provides outlines for the LOAC training to be given to all military personnel, additional LOAC training to be given to non-commissioned officers, and additional LOAC training for officers. This partly coincides with the US approach, which divides LOW training into three levels, A, B, and C. Level A training session is conducted during initial military training for all soldiers. Level A provides the minimum knowledge required for all members of the Army and reinforces basic LOW concepts known as “The Soldiers Rules”. Level B training is conducted

14 Prescott, Jody. “Training in the Law of Armed Conflict: A NATO Perspective”. *Journal of Military Ethics*, Vol. 7, No. 1, 66-75, 2008.

15 Allied Training Publication ATrainP-2, Edition B, Version 1, Training in the Law of Armed Conflict, 2019

16 Ibid

in units. It reinforces “The Soldiers Rules” instruction taught during initial military training and emphasizes the proper treatment of detainees. Level C training is conducted in the Total Army School System. Level C emphasizes officer, warrant officer and non-commissioned officer responsibilities, with a special emphasis on the planning and execution of combat operations and measures for reporting suspected LOW violations¹⁷.

In Switzerland, IHL is incorporated into military training programmes within the Armed Forces on the basis of Regulation 51.007.04, Legal Bases for Conduct During an Engagement¹⁸. All members of the Swiss Armed Forces must pass an introductory course on IHL and receive special IHL instruction as part of their operational training. The Swiss Armed Forces also have legal advisers who have received advanced IHL training. They are assigned to various levels of the Swiss army (brigades, divisions, special forces units and Armed Forces Staff)¹⁹. The Swiss Armed Forces have also adopted specific rules, for example, on protecting medical missions and cultural property. They also conduct in-depth IHL courses specially designed for non-commissioned officers, medical units, legal advisers and commanders²⁰. In addition, the Swiss Army runs military exercises and training on the ground on a number of specific topics. For the topic of cultural property, for example, the Army teams up with the Federal Office for Civil Protection²¹.

The UK armed forces ensure that all Service personnel at all levels are given training in IHL and its practical relevance to military operations. Personnel in all three UK Services are required to undertake periodic LOAC training to agreed standards. Army Personnel are required to take the ‘Army Military Annual Training Test (MATT) 7’, which provides training and assessment in LOAC, investigations and accountability, captured persons, and the use of force. Similar requirements are contained in the Royal Navy’s Core Maritime Skills 7 and the Royal Air Force’s Individual Reinforcement Training standards. Civil servants deployed in key roles to operational theatres and in key operational policy roles in the Ministry of Defence are also required to undertake LOAC training²².

17 Jenks, Chris. “The Efficacy of the U.S. Army’s Law of War Training Program”. *Lieber Institute – West Point*, 14 October 2020, Available at: <https://lieber.westpoint.edu/efficacy-u-s-armys-law-of-war-training-program/>

18 Federal Council of Switzerland. The implementation of international humanitarian law by Switzerland - Voluntary report of the Federal Council, 12 August 2020, Available at: https://www.eda.admin.ch/dam/eda/en/documents/aussenpolitik/voelkerrecht/20200812-HVR-Bericht_EN.pdf

19 Ibid.

20 Ibid.

21 Ibid.

22 United Kingdom Government. Voluntary Report on the Implementation of International Humanitarian Law at Domestic Level, 2019, Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/784696/Voluntary_Report_on_the_Implementation_of_International_Humanitarian_Law_at_Domestic_Level.pdf

All German soldiers receive legal instructions. These are intended not only to disseminate knowledge, but also and primarily to develop an awareness of what is right and what is wrong in armed conflict²³. The fundamental training that troops receive includes instruction on the overarching ideas and key components of IHL. All ranks are taught the IHL tenets. Those who are planning to participate in foreign missions are given more comprehensive instruction. A course in a yearly training program deepens their knowledge. Of note, legal advisers are generally employed in headquarters from division level upwards. Legal advisers counsel commanding officers on all official legal matters and in the exercise of their disciplinary power. It is the primary task of personnel within the military legal system of the German Armed Forces to provide legal advice to military superiors – especially on matters of military law, IHL and operational law – and to administer legal instructions and leadership training²⁴. Instruction, lectures and training on IHL are also part of the different military courses. This is knowledge needed for the qualifications to become a military superior. These courses are adapted to the respective level of qualification (NCO, Officer, Staff Officer, General Staff Officer). It is noteworthy that the LOAC Manual and the Soldier's Cards are of a binding character and must be followed completely, conscientiously and immediately. The LOAC Manual provides both the IHL rules and the necessary interpretation of IHL rules²⁵.

In Belgium, all military personnel are trained in the law of armed conflict during basic training. Further, LOAC training is part of all continued training courses. LOAC training is therefore part of the staff officer's course, the course for higher officers, the higher staff course, and the course for senior NCOs. Before militaries or units participate in an operation, they have LOAC refresher training, focusing on specific aspects of LOAC and rules of engagement (ROE) and their practical application during terrain exercises²⁶.

In Canada, LOAC training is integrated into career training throughout the Canadian Armed Forces at a number of different times and levels. Introductory LOAC training is provided in recruit school and basic officer training; it is also offered at the Military College for officer cadets. Additional training is provided by way of a one-week LOAC course for senior non-commissioned members and officers²⁷.

In Denmark, most law of war training is integrated within other military training. The rationale for

23 Dt. Komitee zum Humanitären Völkerrecht [ed.]. National Implementation of International Humanitarian Law - Document on the Implementation of IHL in the German Legal System, 2020, Available at: https://www.nomos-elibrary.de/10.5771/9783748921103.pdf?download_full_pdf=1

24 Ibid.

25 Ibid.

26 Blank, Laurie and Noone, Gregory. "Law of War Training: Resources for Military and Civilian Leaders". *United States Institute of Peace*, 5 March 2009, Available at: www.usip.org/publications/2009/03/law-war-training-resources-military-and-civilian-leaders

27 Ibid.

this approach is that such training is more easily accepted and understood by soldiers and is not, in this way, experienced as something “alien” to the military trade. Apart from the regular training provided to the rank and file, special law of war training courses are also offered to specialists, such as legal officers and officers who teach law of war to their own units²⁸.

In Lithuania, there are three levels of training for armed forces – basic level, specialized and another for those who are selected to participate in international missions²⁹.

IHL education in the Armed Forces of the Republic of Poland is based on the organization of the education and training system concerning ‘the law of armed conflict’ in the national defence department. This department implements the provisions of NATO standardisation agreement STANAG 2449³⁰. All Polish Army corps members and personnel employed by the Ministry of National Defence must complete the training program. A system of education and training in IHL is now being developed and overseen by the General Commander of the Armed Forces. This system will offer training within five subsystems:

1. Training of legal advisors;
2. Education in training centres;
3. Training for commanders and staff at the battalion level and higher;
4. Training for military elements; and
5. Education of reserve personnel.

Different training approaches are applied in the Armed Forces of various countries. However, it is commonly understood that each service-member needs to be trained in IHL.

Depending on each Nation’s requirements, the categories of personnel on the following non-exhaustive list may be provided with specialized LOAC training:

- a. Commanding officers
- b. Flag and general officers
- c. Legal advisors
- d. Medical personnel

28 Ibid.

29 Ministry of National Defence of Lithuania. Protocol of the Meeting of IHL Implementation Commission. 2 January 2018, Available at: <https://kam.lt/wp-content/uploads/2022/05/protokolas-2017-11-30.pdf>

30 The Permanent Mission of the Republic of Poland to the United Nations. Letter to the Secretary-General of the United Nations according to the resolution 67/93 Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts, 30 May 2014, Available at: https://www.un.org/en/ga/sixth/69/protocols/poland_e.pdf

- e. Military Police
- f. Personnel involved in targeting
- g. Personnel who handle captured persons
- h. Pilots and all other aircrew
- i. Religious personnel
- j. Special operations forces
- k. Civil Servants deploying on operations

Source: Allied Training Publication ATrainP-2, Edition B, Version 1, Training in the Law of Armed Conflict, 2019

The level of IHL knowledge needed for military personnel varies depending on their military rank, responsibilities and position, however in addition to targeting soldiers, NCOs and staff officers, it is worthwhile considering the role of military legal advisors. There is an urgent need for military legal advisors to be embedded in as many levels of operational command as possible. This is a facet of training “integration” such that legal advisors are not simply training in separate blocks of time set aside just for training. They are also working with operators on a daily basis and providing real-time legal analysis and training on the lawfulness of tactics, techniques, and procedures as well as targets.



Ukrainian soldier. Photo: Roman Kostenko

3. FREQUENCY OF IHL TRAINING

In 2018, the ICRC commissioned a report that was carried out by independent researchers to advance the organization's understanding of the workings of armed forces and armed groups³¹. The report stated that integrating IHL into doctrine, training and compliance mechanisms in centrally structured armed forces and armed groups was important. It increases restraint on the part of soldiers to not commit IHL violations on the battlefield. The intensity of training and how norms are taught make a difference in training effectiveness, and adherence to IHL is best tested under conditions of stress or duress. Training and instruction should be repeated at regular intervals, given the turnover among personnel and within units and the need to refresh the knowledge of those who have already been trained. Repeating training sessions at regular intervals serves to anchor respect for humanitarian principles. The frequency of training will need to be determined in view of the trainees' operational requirements, though, as a general rule, personnel should receive training at least once a year, even in operational settings – the norm in many countries³². There are different approaches as to the frequency of training.

Albania	Once per year; 21+ hours per year
Belgium	Integrated into continuous training; courses run from four to eighteen hours depending on the level of the personnel
Canada	Integrated into all training; at least 21 hours per year
Finland	One to 12 hours per year
Germany	More than twice a year; 16–20 hours per year
Slovakia	Once per year, for every term of national service; six to ten hours per year
Turkey	Twice per year; 21+ hours per year
US	Required annually as well as before deployment on all operations. The DoD directive requires that training be completed and reported to the chain of command.

United States Institute of Peace. "Law of War Training: Resources for Military and Civilian Leaders, 2009. www.usip.org/publications/2009/03/law-war-training-resources-military-and-civilian-leaders

31 ICRC. "The Roots of Restraint in War." 12 June 2020, Available at: www.icrc.org/en/publication/4352-roots-restraint-war

32 ICRC. Implementation – IHL training, Available at: <https://sri.icrc.org/practical-measures/implementation/ihl-training> [Accessed 21 February 2023]

4. TRAINING MODALITIES: METHODS AND CONTENT

The ICRC strongly encourages States to make every effort to further integrate IHL into military doctrine, education and training, and into all levels of military planning and decision-making. In this way IHL is fully integrated into military practice and reflected in military ethos. It also recalls the importance of the availability within States' armed forces of legal advisers to counsel commanders, at the appropriate level, on the application of IHL³³.

IHL integration into doctrine

Doctrine is understood as all standard principles that guide the action of arms carriers at strategic, operational and tactical levels, independently of the forms these principles take. It therefore encompasses all directives, policies, procedures, codes of conduct and reference manuals – or their equivalents – on which arms carriers are educated and trained during their careers, giving them a common vocabulary and shaping the decision making process, tactics and behaviour in operations.

Integrating the law into doctrine is not achieved through the mere inclusion or quotation of rules and principles of applicable law in codes, manuals and procedures. The relevant principles of the law, together with the means and mechanisms to ensure respect for specially protected persons and objects, must become a natural and integral part of every component of doctrine.

The revision of manuals and procedures related to the decision-making process is essential to compliance with the law. The complexity of the challenges of modern law enforcement or warfare speaks against leaving the responsibility for compliance with IHL and/or IHRL to one post within the staff.

33 33rd International Conference of the Red Cross and Red Crescent. Bringing IHL home: A road map for better national implementation of international humanitarian law - Resolution. Geneva, Switzerland, 9–12 December 2019, Available at: https://rcrcconference.org/app/uploads/2019/12/33IC-R1-Bringing-IHL-home_CLEAN_ADOPTED_FINAL-171219.pdf

As for any operational or tactical matter, the appointed staff (personnel, intelligence, operations, logistics) must know how they are expected to discharge their responsibilities in this regard. Besides this, it is paramount to make sure that decision-making procedures provide the necessary mechanisms for information sharing and coordination, so that no issue is overlooked and the commander has all the necessary information available in a timely fashion.

Reference manuals for the different specialists and areas of action, at the different levels of the chain of command, must also be reviewed or adapted, so that orders, procedures and rules of engagement allow compliance with the law in the varied and complex situations faced during operations (e.g. presence of military objectives in populated areas, maintaining law and order during violent demonstrations).

ICRC. Integrating the Law. 2007. <https://www.icrc.org/en/doc/assets/files/other/icrc-002-0900.pdf>

The human brain has evolved to learn and grow in a multisensory environment. We, consequently, remember how to do things best when the directions we are given engage multiple senses³⁴. Multisensory training technique requires educators to apply visual (watching), auditory (listening), kinesthetic (moving) and tactile (touching) senses through delivering training, developing tasks and engaging the participants. This coincides with the ICRC approach. Mixed training methods that combine IHL briefings, classroom discussions, case-study reviews and practical field exercises have, the ICHR notes, been shown to be the most effective in inculcating norms of restraint in combatants³⁵. Delivering practical training that includes intense, realistic and fast-paced exercises based on the applicable ROE allows trainees to operationalize IHL training, linking it to on-the-ground realities and challenges³⁶. There should be scenarios to reproduce the processes, events, and circumstances of the discussed subject. It should include individual and collective exercises, case studies, role playing, and behaviour modeling. Scenario-driven simulation training that is integrated into combat exercises remains of critical importance. These provide a platform for having soldiers work through realistic problems that IHL issues pose.

34 Shams, L., and Seitz, A.R. *Benefits of multisensory learning*. Trends in Cognitive Sciences, 60, November 2008, pp. 411-17

35 ICRC. Implementation – IHL training, Available at: <https://sri.icrc.org/practical-measures/implementation/ihl-training> [Accessed 21 February 2023]

36 Ibid.

Military education and training are changing from the traditional classroom, instructor-presented lessons to a combination of resident, distance learning, and unit training³⁷. This approach leverages automation technologies to improve the efficiency of producing, distributing, and implementing instruction and the automation network serves as the conduit for producing and distributing learning material to soldiers, leaders, and units to meet their specific needs for training and preparing for a broad spectrum of global contingencies³⁸.

All training needs to be contextualized and training material needs to be prepared accordingly with an understanding of each nation's culture, history, religion, politics, conflicts and customs. Notably, the ICRC's 2018 *Roots of Restraint in War* study, drawing on original academic research, finds that socialization based on organizational and community norms and values can significantly influence combatants' attitudes and behaviour. Subsequent academic work from the study project, including case studies from Mali and South Sudan, reveals the impact of religious and cultural norms (as well as humanitarian engagement with armed actors and civilians) in shaping violence³⁹. Traditional methods of IHL instruction that focus on the law and ignore the values context, and do not take into account the role of leaders in developing these understandings through informal socialization as well as formal military authorities, are unlikely to reverse this trend⁴⁰. Comparable examples should be used when teaching. For instance, Georgia, which has experienced comparable issues and comparable geopolitical obstacles, could be a useful case study for IHL training in Moldova. Georgia was engaged in conflict for most of the period 1992-2008. The Georgian regular Armed Forces and Georgian volunteers fought against the Abkhaz and Ossetians from the breakaway territories of Abkhazia and South Ossetia. In August 2008, Russian Federation (RF) forces along with Abkhaz/Ossetian security actors were embroiled in a conflict with Georgian armed forces. Thus, a local war turned into an international armed conflict⁴¹. The conflict between the separatists from Transnistria and the Moldovan authorities erupted in 1991-1992. A final ceasefire agreement was signed between Presidents Snegur and Yeltsin in Moscow on 21 July 1992⁴². In both conflicts, Russian armed

37 US Army War College. *A Senior Leader Reference Handbook: How the Army Runs*. 2019-2020, Available at: <https://ssl.armywarcollege.edu/dclm/pubs/HTAR.pdf>

38 Ibid.

39 ICRC. "The Roots of Restraint in War." 12 June 2020, Available at: www.icrc.org/en/publication/4352-roots-restraint-war

40 Prescott, Jody. "Empirical Assessment in IHL Education and Training: Better Protection for Civilians and Detainees in Armed Conflict". *Anthem Press*, 2021, Available at: <https://www.jstor.org/stable/j.ctv1qmpd39>

41 Jasutis, Grazvydas, Mikova, Rebecca and Steyne, Richard. "Ceasefires and Peace Agreements in Eastern Europe, the Caucasus and Central Asia: Assessing the Inclusion of Security-Sector Reform Provisions". *DCAF*, 2022, Available at: https://www.dcaf.ch/sites/default/files/publications/documents/Study_Ceasefires_PeaceAgreements_ECA_EN.pdf

42 Ibid.

forces and their security actors played direct and indirect roles.

The ICRC suggests that comprehensive IHL training should be provided on the rules governing specific activities, as needed. This would include as the humane and dignified treatment of people deprived of their liberty, and the principles of precautions, distinction and proportionality in attack⁴³. Depending on the situation, other legal systems including international human rights law, international refugee law, and international criminal law may be applicable. These, therefore, need to be included in the training. Gender should also be considered and the ICRC specifies that IHL requires parties to armed conflict to assess and take steps to reduce expected civilian harm as part of the application of their obligations. In the ICRC's view, expected civilian harm is more likely to be accurately assessed with a gender perspective⁴⁴. Thus, where possible, planners and operators should be taking into account how their actions might cause disproportionate harm to different parts of the civilian population: for instance, girls and women versus male family members⁴⁵. Furthermore, commanders and leaders at all levels must take affirmative steps to prevent sexual and gender-based violence as a result of armed conflict. They must lead by example in making this part of their shared professional military ethos⁴⁶.

The older version of the STANAG set out a reasonable education and training framework, that focused more on delivery than content. It suggested that all military personnel are to receive training that addresses the history of the LOAC, the relevant definitions of LOAC terms, a background in the relationship between international and national law, and the Rules of Engagement (ROE)⁴⁷. IHL training exercises should preferably be rolled into regular combat training, and not training just for IHL purposes – all combat training poses opportunities to inject IHL issues that must be resolved. For non-commissioned officers, the STANAG provided that their training should address the enforcement of 'essential LOAC rules at their level' and 'their responsibilities relating to LOAC.' Areas of emphasis should include ROE, protection of persons and property, command responsibilities and duties, multinational/joint operations, handling prisoners of war, discipline and the prevention of LOAC violations, and 'cooperation with civilians and non-governmental

43 ICRC. Implementation – IHL training, Available at: <https://sri.icrc.org/practical-measures/implementation/ihl-training> [Accessed 21 February 2023]

44 ICRC. Statement of the International Committee of the Red Cross (ICRC) to the UN Security Council: Annual Debate on Women, Peace and Security. Delivered by Alex Boivin, Head of Policy and Humanitarian Diplomacy at the ICRC. 2 November 2022, Available at: <https://www.icrc.org/en/document/gender-perspective-ensures-respect-ihl>

45 Prescott, Jody "Linking Revisions to the AP I Commentary on Gendered Effects of Kinetic Operations". Loyola University Chicago, *International Law Review*, Vol. 19, No1, 27-53, 2022.

46 Prescott, Jody. "Empirical Assessment in IHL Education and Training – Better Protection for Civilians and Detainees in Armed Conflict". *Anthem Press*, 2021, 112.

47 Prescott, Jody. Training in the Law of Armed Conflict: A NATO Perspective. *Journal of Military Ethics*, Vol. 7, No. 1, 66-75, 2008

organizations⁴⁸.’ With regard to officers, beyond knowing their rights and duties relating to the LOAC in international and non-international conflicts, and enforcing ‘the essential LOAC rules at their level,’ officers should also receive training in ‘command responsibilities relating to LOAC’ and the significance of the LOAC in planning operations⁴⁹. Although there is a great degree of commonality between the areas of emphasis for the training of non-commissioned officers and commissioned officers, certain areas are different, such as the need for training on the moral dimension of the LOAC and war crimes recommended for officers⁵⁰. The updated STANAG offers to include the law on occupation, truce and armistice, and places an heavy emphasis on the enforcement of LOAC.

Basic course	NCO course	Officer course
a. Introduction		
1. Historical background	1. Historical background	1. Historical background
2. Purpose and rationale of LOAC	2. Purpose and rationale of LOAC	2. Purpose and rationale of LOAC
3. LOAC applicability	3. LOAC applicability	3. LOAC applicability
4. Relationship between LOAC and national law	4. Relationship between LOAC and national law	4. Relationship between LOAC and national law
5. Importance of LOAC in planning and conduct of operations	5. Importance of LOAC in planning and conduct of operations	5. Importance of LOAC in planning and conduct of operations
b. Basic principles		
1. Military necessity		
2. Distinction		
3. Proportionality		
4. Humanity		
c. Combatants		
d. Protected persons		

48 Ibid.

49 Prescott, Jody. Training in the Law of Armed Conflict: A NATO Perspective. *Journal of Military Ethics*, Vol. 7, No. 1, 66-75, 2008

50 Ibid

Basic course	NCO course	Officer course
e. Other battlefield actors		
f. Protective and distinctive emblems	f. Role of ICRC	f. Role of ICRC and the protecting powers
g. Protected objects	g. Protective and distinctive emblems	
h. Means and methods of warfare, including prohibitions under LOAC and applicable national obligations	h. Protected objects	
i. Enforcement of LOAC	i. Means and methods of warfare, including prohibitions under LOAC and applicable national obligations	
1. State obligations		
2. Command responsibility		
3. Individual responsibility		
4. War crimes		
	j. Enforcement of LOAC	j. LOAC in planning and conduct of operations
	1. State obligations	
	2. Command responsibility	
	3. Individual responsibility	k. Truce and armistice
	4. War crimes	
		l. Law of occupation
		m. Enforcement of LOAC
		1. State obligations
		2. Command responsibility
		3. Individual responsibility
		4. Prevention of LOAC violations
		5. Violations of LOAC

Source: Allied Training Publication ATrainP-2, Edition B, Version 1, Training in the Law of Armed Conflict, 2019

There are new topics that are not only of great interest, they are also of increasing relevance in contemporary armed conflicts. These might include evolving rules on direct participation in hostilities, the privatisation of conflict and the status of mercenaries, new prohibited weapons, cyberwarfare and artificial intelligence, the protection of nuclear power plants and similar dangerous facilities, and cultural objects. It is useful to consider incorporation of the following thematic areas into traditional IHL training curricula:

Private military security companies and mercenaries

Private armed forces are being used in armed conflict in a number of contexts. They are sometimes described as ‘mercenaries’ although the definition in Additional Protocol I is quite narrow and does not apply, for example, to combatants who are of the same nationality. The treatment of mercenaries who are taken prisoner may not necessarily be the same as those of regular combatants. It might prove useful to explore, for instance, how the involvement of Wagner, the Private Military Company, affects IHL obligations with respect to the conduct of hostilities and detention.

Means and methods of Warfare – Prohibited weapons:

Some weapons may be lawful in principle and not subject to an absolute prohibition. Yet their use may be forbidden or limited in certain contexts. There is currently much debate about the use of ‘heavy explosive weapons’ in urban environments. Such weapons were devised for use on the battlefield, where civilian non-combatants are unlikely to be present. Increasingly, they are used in population centres where the likelihood of disproportionate casualties among non-combatants is enormous. Under the circumstances, they may be deemed ‘indiscriminate’ where this would not be the case in combat that takes place at a distance from population centres. It would be useful to highlight what precautions should be taken in urban areas, notably the evacuation of the civilian population. An important declaration on the use of heavy explosive weapons was adopted in late 2022.

Civilian-military targets:

Use of civilian objects for military purpose: In principle, civilian objects such as schools and hospitals are immune to attack. However, sometimes they are used for military purposes. This may result in them losing their protection. Moreover, the use of them for military purposes may raise issues of compliance with norms of IHL. They become, in effect, a form of human shield. Training should address the determination of whether an object is civilian in nature, the applicable exceptions, and the principles that apply when these objects are targeted.

Accent on the principle of precaution (Article 58 of Additional Protocol I): The principle of precaution is an obligation under IHL and it is important to understand what precautions should be taken to protect the civilian populations (Article 58 AP I).

Cultural objects: Cultural objects are in principle entitled to the same immunity from attack as other civilian objects. However, they are also entitled to special protection because of their value not only to those who 'own' them as part of the local culture but more generally. Attacks on cultural property may also raise issues relating to persecution based upon ethnicity and religion, and even amount to evidence of genocidal intent. Recent prosecutions of war crimes by international criminal tribunals, notably the International Criminal Court, have not only focussed attention on the issue. They may also be contributing to the development of new rules and standards.

Nuclear power plants and similar dangerous facilities:

The proliferation of nuclear power plants and their exposure to attack, whether deliberate or unintended, raise important IHL issues. Radiation leakage may produce devastating consequences far from the battlefield and affect States that have no involvement in the conflict itself. Issues relating to the defence of such facilities arise, as well as the possibility that they be targeted, if they are in fact being used for military purposes. The issues have in the past been quite theoretical but this changes when armed conflict breaks out in developed countries where there is dependence upon nuclear power.

Protection of Environment and Toxic waste:

Many modern conflicts, such as the Russia-Ukraine war have resulted in a strongly negative impact on the environment. Understanding applicable IHL norms on protection of the environment during armed conflict, and in particular the management of toxic waste and other hazardous materials carries high relevance for military personnel.

Conflict-related Sexual Violence (CRSV)

War crimes and other IHL violations: Overview: Rape and other forms of sexual violence when committed in the context of an armed conflict constitute violations under international humanitarian law and under treaty law. This includes the Fourth Geneva convention, as well as Additional Protocol I and Additional Protocol II, and customary law applicable in both international and non-international armed conflict. Armed forces should be familiar with the concept and be able to identify types of CRSV.

5. ASSESSMENT OF TRAINING MODALITIES

There is no unified approach to assessing the effectiveness of training. The ICRC suggests that practical measures to provide training or mentoring to partners should be supplemented by measures to evaluate their effectiveness⁵¹. It could be done through testing the participants prior/ during/post training. Another strategy would be to keep an eye on trained soldiers' behaviour on the battlefield for a certain period through post-training surveys and real situations on the ground. Extensive debriefings with partner forces and other partners engaged with the trained forces can also help in the evaluation process⁵².

Case study of Mali

To evaluate this training program, Beyond Peace measured the acquisition of knowledge as well as changes to behaviour after deployment. A pre and post-training questionnaire was given on Week 1 and Week 10. Comparative results illustrated improvement on knowledge of IHL and human rights. In addition, trainers met weekly to reflect on group learning objectives and subjective progress in meeting these. Training exercises were adapted to reflect challenges in meeting learning objectives. In addition, the trainer gathered feedback from partners and observers about violations of IHL and human rights. No major violations were reported after the training, in contrast to the frequent reports of violations before the training. During a refresher course for one of the battalions, soldiers' anecdotal reports indicated that they had used the IHL and human rights training and that it did change their behaviour in military operations. They indicated their relationship with the local population had improved.

51 ICRC. Implementation – IHL training, Available at: <https://sri.icrc.org/practical-measures/implementation/ihl-training> [Accessed 21 February 2023]

52 Ibid.

A UN study suggests applying the Output-Outcome-Impact framework for measuring the effectiveness of training⁵³. Output metrics include the number of training courses conducted, the number of people trained and other objective points. Outcome metrics are focused on behaviour change due to training. Quantitative measurements can track the number of IHL violation reports, the number of confirmed violations, the number of follow-up action plans, etc. Impact metrics centre on the actual impact on participants due to the training, such as the reduced number of violations over a period of time. However, they would prove too complex to administer. The ICRC study claims that in relation to IHL training, it is the commander's responsibility to verify subordinates' knowledge of the law, moving away from the "train the trainers" delegation of the IHL training obligation and towards a process of ongoing internal evaluation of IHL training⁵⁴.



Photo: League of Officers

- 53 Nestor, Peter. "Designing Effective Human Rights Training Aligned with the Corporate Responsibility to Respect in the UN Guiding Principles on Business and Human Rights". United Nations, 2016, Available at: https://d306pr3pise04h.cloudfront.net/docs/issues_doc%2Fhuman_rights%2FUNGCGood-Practice-Note-Human-Rights-Training.pdf
- 54 Stubbins Bates, Elizabeth. "Towards Effective Military Training in International Humanitarian Law". *International Review of the Red Cross*, No. 895/896, 21 December 2015, Available at: <https://international-review.icrc.org/articles/towards-effective-military-training-international-humanitarian-law>

6. TRAINING TRACKING MECHANISMS

Training tracking mechanisms may vary from country to country. For instance, the US has introduced the Army Learning Management System (ALMS). ALMS streamlines, consolidates, and provides overall direction to the Army's training processes. ALMS is a web-based information system that: delivers training to soldiers; manages training information; and provides training collaboration, scheduling, and career planning capabilities in both resident and non-resident training environments⁵⁵. The ALMS also assists Army trainers and training managers in conducting and managing the training of Soldiers and Army civilians throughout their careers⁵⁶. Training tracking can be conducted by the Human Resources Department at the Ministry of Defence or J1 at the General Staff. It can be organized at battalion or brigade level. Training records are to be kept both individually and at the unit level; unit level training is often much easier to track so should be required at the smallest unit level possible.



Photo: League of Officers

⁵⁵ US Army War College. A Senior Leader Reference Handbook: How the Army Runs. 2019-2020, Available at: <https://ssl.armywarcollege.edu/dclm/pubs/HTAR.pdf>

⁵⁶ Ibid.

Jody Prescott stated that long standing assumptions as to who are the most credible in delivering IHL messages in education and training need to be reassessed. The results of these reassessments may likewise vary from country to country. There is no single answer, but the role of leaders and comrades must clearly be part of a more effective approach to making IHL training more effective⁵⁷. According to the Department of Defence Program on Law of War training (July 2, 2020), the Combatant Commanders are to implement effective programs within their respective commands. They do so to prevent violations of the law of war and to ensure that their commands' plans, policies, directives, and rules of engagement are subject to periodic review and evaluation, particularly in light of any violations reported⁵⁸.

Virtually all witnesses agreed that a moral, ethical command climate in combat that inculcates and maintains U.S. values despite the difficulties of the mission or the particular area of operations is the single most important factor in preventing civilian casualties, ensuring civilian casualty reporting, and appropriately addressing reported incidents. Individual commanders, at all levels, together with their non-commissioned officers, have a great responsibility in this regard. No substitute exists for ethical leadership manifested by the provision of training in garrison and throughout deployments. Such training should demonstrate ethical responses to civilian engagements, including incident reporting and investigations, and engender trust that civilian casualty investigations are used to determine facts, and not just to uncover misconduct.⁵⁹

This citation raises the question whether there are civilian personnel or institutions that can play a role in the development and implementation of a training program. Civilian attorneys and legal academics with an expertise in law-of-war work with the Ministry of Defense and military legal advisers sometimes serve as instructors for training in the law of armed conflict. In Germany, IHL training is provided within the respective military units by senior officers and law teachers of the different German Armed Forces schools and academies: most law teachers

57 Prescott, Jody. "Empirical Assessment in IHL Education and Training: Better Protection for Civilians and Detainees in Armed Conflict". *Anthem Press*, 2021, Available at: <https://www.jstor.org/stable/j.ctv1qmpd39>

58 Office of the General Counsel of the Department of Defense. DoD Directive 2311.01 – DoD Law of War Program. 2 July 2020, Available at: <https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodd/231101p.pdf?ver=2020-07-02-143157-007>

59 Source: Report of the Subcommittee on Military Justice in Combat Zones, 60 (May 30, 2013)

are experienced former legal advisers⁶⁰. Legal training during basic military training is provided mainly by company-level commanders or leaders subordinate to them. However, courses of legal instruction at the central training facilities, such as the Leadership Development and Civic Education Centre, the Bundeswehr Command and Staff College (Führungsakademie der Bundeswehr) and officer and non-commissioned officer schools, must be held, on a regular basis, by law teachers with civil-servant status⁶¹.

The ICRC proposes that to identify the most effective training providers for a given audience, it will be necessary to understand that military's organizational and cultural context⁶². A successful IHL instructor may need to have credibility based on operational experience. He or she can draw on those situations and justify their decisions and their explanations. Trainers with no combat experience but with acknowledged IHL expertise, may play an auxiliary role for certain military audiences. A training program may be most effective when the trainer has a clear understanding of military hierarchy and is demonstrably supportive of the IHL principles and ideas being taught and put into practice. Training may also be more effective when developed or delivered in conjunction with local authorities and civil society: such as Red Cross and Red Crescent Societies, legal professionals and/or non-governmental organizations. After all, such partners are frequently best positioned to appeal to local values, use familiar pedagogical approaches and explain concepts more effectively⁶³. There may be some very exceptional academics, who teach international humanitarian law at the university. But their limited field experience could form an obstacle to efficiently delivering the IHL message to military personnel of different ranks.

60 Dt. Komitee zum Humanitären Völkerrecht [ed.]. National Implementation of International Humanitarian Law - Document on the Implementation of IHL in the German Legal System, 2020, Available at: https://www.nomos-elibrary.de/10.5771/9783748921103.pdf?download_full_pdf=1

61 Ibid.

62 ICRC. Implementation – IHL training, Available at: <https://sri.icrc.org/practical-measures/implementation/ihl-training> [Accessed 21 February 2023]

63 Ibid.

8. WAR CRIMES REPORTING

States must investigate war crimes allegedly committed by their nationals or armed forces, or on their territory. If appropriate they must prosecute the suspects and they must also investigate other war crimes over which they have jurisdiction and, if appropriate, prosecute the suspects⁶⁴. IHL holds individuals responsible for the war crimes that they commit themselves, or order to be committed. There is also responsibility when individuals have not ordered the crimes but where they have done nothing to prevent or punish them: in this respect, IHL is complemented by international criminal law, which sets out different modes of individual criminal responsibility⁶⁵. Consequently, IHL training needs to incorporate some knowledge about how security actors identify relevant physical evidence and document it in a way that maintains its evidentiary value⁶⁶. This should include some basics related to crime scene, search methods, collecting, preserving, and moving evidence, recognizing places of execution and mass burial, body exhumation and religious practices, locations of detention and torture, etc. It is also important that security actors have a clear understanding of legal standards for documenting abuses during armed conflict, reporting practices for war crimes and duty to report violations. And there is a need for training on military justice / accountability mechanisms for not only IHL violations but failure to report such violations. For instance, in 2012 the UK Ministry of Defence improved military training on international law and their MATT 7 test papers included a useful gauge of soldiers' and officers' understanding of command responsibility⁶⁷ and their duty to report violations, and a question to elicit misunderstandings of reciprocity⁶⁸. Kenneth Watkin underlined that the collection of evidence on the battlefield by military forces needs to be further embraced, inserted into military practice and assessed from a broader operational perspective.

64 Medicins sans Frontiers. The Practical Guide to Humanitarian Law - Responsibility. Available at : [https://guide-humanitarian-law.org/content/article/3/responsibility/#:~:text=States%20must%20investigate%20war%20crimes,the%20suspects%20\(Rule%20158\)](https://guide-humanitarian-law.org/content/article/3/responsibility/#:~:text=States%20must%20investigate%20war%20crimes,the%20suspects%20(Rule%20158)) [Accessed 22 February 2023]

65 ICRC. Frequently asked questions on the rules of war. 7 March 2022. <https://www.icrc.org/en/document/ihl-rules-of-war-faq-geneva-conventions>

66 Ibid.

67 Command responsibility is a legal concept by which commanders, including NCOs, may be held responsible for war crimes that they have not committed or ordered, but when they are committed by their subordinates. In such cases, the commander has a duty to try to prevent the crime and to see that it is punished.

68 Stubbins Bates, Elizabeth. "The British Army's Training in International Humanitarian Law". *Journal of Conflict & Security Law*, Vol. 25, Issue 2, 291-315, 2020, Available at: <https://academic.oup.com/jcsl/article-abstract/25/2/291/5827804?redirectedFrom=fulltext>

In this regard, the military remains an under-utilized, but potentially effective resource for the timely collection of evidence at the site where crimes are alleged to have taken place⁶⁹. Of note, there is no single, commonly accepted set of rules of procedure and evidence governing international or domestic criminal investigations. Indeed, rules of procedure and evidence vary considerably between civil and common law national jurisdictions, between national and international courts, and even among international courts⁷⁰. The growing realization that military forces can perform a useful evidence collection role is reflected in the December 2019 United Nations issued Guidelines to facilitate the use and admissibility as evidence in national criminal courts of information collected, handled, preserved and shared by the military to prosecute terrorist offences⁷¹.

The European Union notably adopted the Guidelines on promoting compliance with IHL, which aims at setting out operational tools for the European Union and its institutions and bodies to promote compliance with IHL ⁷². The guidelines state that in order to enable effective action, situations where IHL may apply must be identified without delay and the responsible bodies should monitor situations within their areas of responsibility where IHL may be applicable. Furthermore, the responsible bodies should include an assessment of the IHL situation in their reports about a given State or conflict. Special attention should be given to information that indicates that serious violations of IHL may have been committed. This notion reinforces the need for the EU military missions and their personnel to be aware of and to be able to apply relevant IHL norms.

69 Watkin, Kenneth. "The Search for Justice: Military Collection of Evidence on the Battlefield". *Global Justice Journal*, 22 July 2020, Available at: <https://globaljustice.queenslaw.ca/news/the-search-for-justice-military-collection-of-evidence-on-the-battlefield>

70 Vamos-Goldman. "The Importance of Professional Expertise in Gathering Evidence of Mass Atrocities". *Just Security*, 27 October 2017, Available at: <https://www.justsecurity.org/46355/rules-govern-evidence-gathering-conflict-zones/>

71 Watkin, Kenneth. "The Search for Justice: Military Collection of Evidence on the Battlefield". *Global Justice Journal*, 22 July 2020, Available at: <https://globaljustice.queenslaw.ca/news/the-search-for-justice-military-collection-of-evidence-on-the-battlefield>

72 Working Party on Public International Law. "Report on the EU Guidelines on Promoting Compliance With International Humanitarian Law: January 2020 - December 2020". *Publications Office of the EU*, 2022, <https://op.europa.eu/en/publication-detail/-/publication/5dc42bc0-79a3-11ec-9136-01aa75ed71a1>

GENERAL RECOMMENDATIONS

- ❖ IHL training should be given to all security sector personnel (defence, police, intelligence, border guards, etc.) and their associates, notwithstanding whether they participate in active combat operations, support them in logistics or provide informational backing. Furthermore, it is necessary to integrate IHL training into standard operating procedures and all existing training in order to inculcate IHL compliance as a positive military value.
- ❖ In the defence sector, IHL training should be given to all military personnel, from conscripts to four-star generals. Additional and specialized trainings should be delivered to non-commissioned officers, legal advisers, and officers.
- ❖ IHL training should provide information on the fundamental principles of IHL, the protection of specific persons and objects, methods and means of warfare, the principles of precautions, distinction and proportionality in attack. Gender aspects should be considered as part of training, with specific examples of where it is operationally relevant. For non-commissioned officers, training should particularly include ROE, protection of persons and property, the responsibilities and duties of commanders, handling prisoners of war, discipline and the prevention of IHL violations, and cooperation with civil society. Commanders and staff officers should be trained on the moral dimension of IHL, war crimes accountability, command responsibilities relating to IHL and the significance of IHL in planning operations, in addition to the basic level of instruction common to all ranks. IHL compliance should be part of the training and the way military leaders ensure identification of and suppression of IHL violations. Reporting requirements need to be preserved and backed by NCO and commanders who have to make clear to soldiers that reporting is part of positive military identity.
- ❖ IHL training should incorporate some information on war crimes reporting so that security actors operating on the ground will be able to identify relevant physical evidence and document it in a way that maintains its evidentiary value. In addition, the duty to report war crimes should be clearly stated and explained.
- ❖ Training material should be contextualized and localized to reflect the realities and needs on the ground and to consider local culture, history, religion, politics, and customs. In the other words, it should be prepared in a manner suited to national circumstances.
- ❖ Multi-sensory training techniques should be applied, requiring educators to apply visual, auditory, kinesthetic and tactile learning through delivering training, developing tasks and engaging the audience.

- ❖ The frequency of training should be based upon needs and operational requirements; however, military personnel should be trained at least once a year. Personnel in combat might need refresher training even while in the fight. Medical data from surveys of combat troops suggest that as units sustain losses, the emotions that could lead to violations of IHL can become more pronounced.
- ❖ Never assume IHL training equals IHL compliance. Commanders and NCOs are perhaps the most important single part of ensuring that soldiers refrain from committing IHL violations. However, we must remember that in combat, they, too, will endure fear, fatigue, and hunger of their soldiers, and that this will shape their perceptions of what is happening with their troops. Instead, consider an approach that supports military leaders with data gathered against measures of effective IHL education and training, rather than merely measures of performance such as receiving annual training. This could include testing trainees during training, monitoring trained troops on the ground for a period of time following training to observe and assess the outcome, gathering feedback from partners and observers about violations of IHL, and essentially relying upon commanders and NCOs who can directly observe the behaviour of their subordinates.
- ❖ The selection of the most credible and effective IHL instructors depends on operational requirements, context and audience. Instructors with recognized IHL experience and limited field deployments would not necessarily be respected by certain military ranks in different military cultures. IHL instructors with combat experience could face some challenges in understanding the organizational and cultural context. However they can compensate for this with the credibility that comes from actual battle experience. Their training delivery through actual scenarios is one of the best for infantry and equivalent levels of armed forces. The military themselves, in particular the commanders, need to be seen as sharing positive professional military identity.
- ❖ Commanders and leaders must also be informed of the positive effects that good leadership and sleep discipline among their troops have on their troops' ability to make the right decision at the right time in applying IHL. Medical data from surveys of combat troops show that good leadership and sufficient rest have a protective effect.

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