Armed conflict, international humanitarian law and responsible business conduct

A compendium of resources for businesses

Contents

Introduction

The resources in this compendium have been developed by the International Committee of the Red Cross (ICRC), Australian Red Cross, the DCAF-ICRC Partnership, and the Australian Red Cross-RMIT University Partnership. These publications and training materials serve as actionable tools for the implementation and reinforcement of international humanitarian law (IHL), the United Nations Guiding Principles on Business and Human Rights (UNGPs) and the Voluntary Principles on Security and Human Rights (VPSHR) in business operations within complex environments, including armed conflict. By integrating these resources into business practices, organisations can enhance their commitment to responsible conduct, ensuring they do 'no harm' to local communities, while effectively navigating the intricate intersections of security, IHL, human rights and business operations. This comprehensive approach, guided by heightened human rights due diligence (HHRDD) and conflict analysis, not only contributes to responsible business conduct but also empowers companies to align with national and international regulations and standards. The outcome is twofold: mitigating conflict-related risks, including preventing both criminal and civil liabilities stemming from violations, and cultivating a more robust and rights-conscious social license to operate.

Publications

ICRC Resources

Business and International Humanitarian Law: An introduction to the rights and obligations of business enterprises under international humanitarian law

A brochure on the application of international humanitarian law to business enterprises.

The aim of the brochure is to provide managers of business enterprises with a basic document flagging situations where business operations may either benefit from the protections afforded by international humanitarian law (IHL) or be constrained by its rules. The brochure is meant primarily for a readership of country and security managers who face the daily challenge of running business operations in conflict environments. It may also serve as a reference for financial, insurance and trading companies which are not directly operating in zones of armed conflict themselves but may do so indirectly through their clients and suppliers.

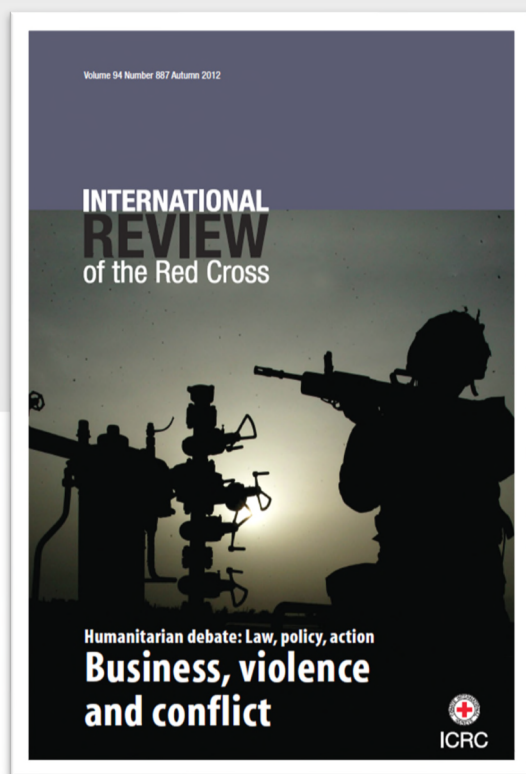The brochure provides brief but relevant insights about:

- IHL and its relevance to businesses.
- Rights and protections of enterprises flowing from IHL.
- Obligations and risks of businesses during conflict.

A revised edition of this brochure is scheduled for release in 2024.

Link here

International Review of the Red Cross: Business, violence and conflict (Volume 94 Number 887 Autumn 2012)

Issue of the International Review of the Red Cross dedicated to business, conflict and international humanitarian law.

This issue of the *International Review of the Red Cross* sets out to be practical and useful first and foremost for members of the private sector who may be seeking to improve their understanding of armed conflict or other situations of violence and to fulfil their obligations in such situations.

This issue also aims to contribute to reinforcing the understanding of the role and obligations of the private sector among humanitarian agencies in the field and political decision-makers in charge of developing the applicable law.

The issue examines:

- The relationship between business and conflict.
- The rules that regulate companies' activities in the context of conflict.
- Efforts to highlight the rights and responsibilities of companies, States and civil society in this field.
- The options open to humanitarian agencies that want to enter dialogue with companies.

Link here

Voluntary Principles on Security and Human Rights Implementation Guidance Tools

In collaboration with the International Council on Mining and Metals (ICMM), the International Finance Corporation (IFC) and the International Petroleum Industry Environmental Conservation Association (IPIECA)

> *A set of tools designed to help companies, their employees and contractors to implement the Voluntary Principles on Security and Human Rights.*
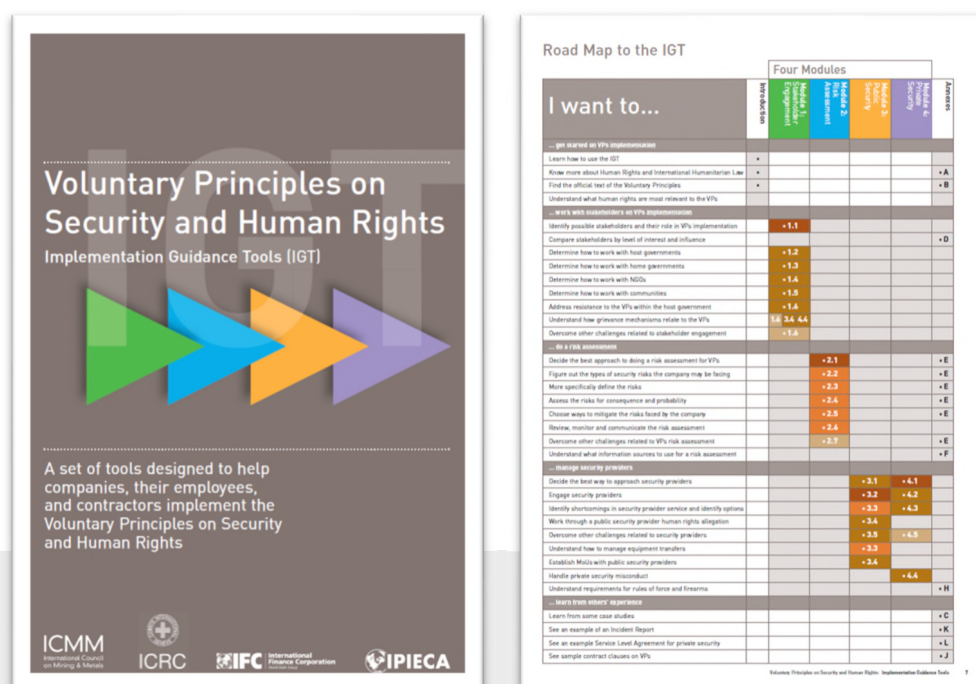
The *Implementation Guidance Tools* (IGT) serve as a helpful reference guide to any company seeking to ensure that its operations are undertaken in a manner that aligns with the provisions of the Voluntary Principles on Security and Human Rights (VPSHR). The tools are designed to help companies to implement the VPSHR in a variety of circumstances whenever security and human rights are, or risk becoming a concern. The IGT have been divided into four modules, which can be used together or independently as stand-alone toolkits for specific purposes. The complete document contains:

- Road map to the IGT.
- Background on the Voluntary Principles on Security and Human Rights.
- Module 1: Stakeholder Engagement.
- Module 2: Risk Assessment.
- Module 3: Public Security Providers.
- Module 4: Private Security Providers.
- Further resources, tools and insights on security and human rights.

Link here

Australian Red Cross Resources

Doing Responsible Business in Armed Conflict: Risks, Rights and Responsibilities
In collaboration with RMIT University

> *An introductory, practical guide for businesses on their risks, rights and responsibilities under international humanitarian law.*

This practical guidance introduces businesses to the principles and standards of international humanitarian law (IHL), to help them plan for and conduct operations in a conflict sensitive way. *Doing Responsible Business in Armed Conflict* was borne of the earlier, global guidance: *'Business and International Humanitarian Law'*, published by the ICRC in 2006 (see page 4). This updated edition was created for managers and businesses in the Australian corporate sector and builds on the 2006 publication by providing further concrete examples through relevant case studies.

This guidance highlights the importance and relevance of IHL as a legal and ethical framework; the specific violations of IHL that businesses ought to be especially aware of; the protections the law offers to business personnel and property; and some of the differences between IHL and human rights law, which can be conflated in the broader business and human rights dialogue.

Link here

Seven Indicators of Corporate Best practice in International Humanitarian Law

*In collaboration with RMIT University*

An implementation framework for businesses wishing to integrate knowledge and respect for international humanitarian law into their policies and practices.

The *Seven Indicators of Corporate Best Practice in International Humanitarian Law* (also referred to as the *'Seven Indicators Framework'*) comprises a set of best practice indicators for the integration of international humanitarian law (IHL) and conflict sensitivity into corporate human rights due diligence policies and processes. This resource aims to assist businesses in enhancing their ability to assess and manage the risks associated with armed conflict and improve personnel's understanding of the rights and responsibilities extended to them under IHL.

The *Seven Indicators Framework* is divided into the four umbrella categories of: (A) Policy, (B) Capacity and Capability, (C) Operations and (D) Transparency and Accountability. Under each of these categories sit seven clear directives and accompanying 'questions to consider' and 'examples of best practice' that work together to create a formula for effective IHL implementation.

The *Seven Indicators Framework* is recommended to all companies whose business activities or supply chains run through, or are anticipated to run through, conflict-affected areas. It can be:

- Applied to a range of industries and contexts.
- Tailored by individual businesses to suit their specific circumstances.
- Used to help businesses evaluate the compatibility of their policies and practices with the rules of IHL.
- Aligned with and supplement existing corporate human rights and social responsibility frameworks.
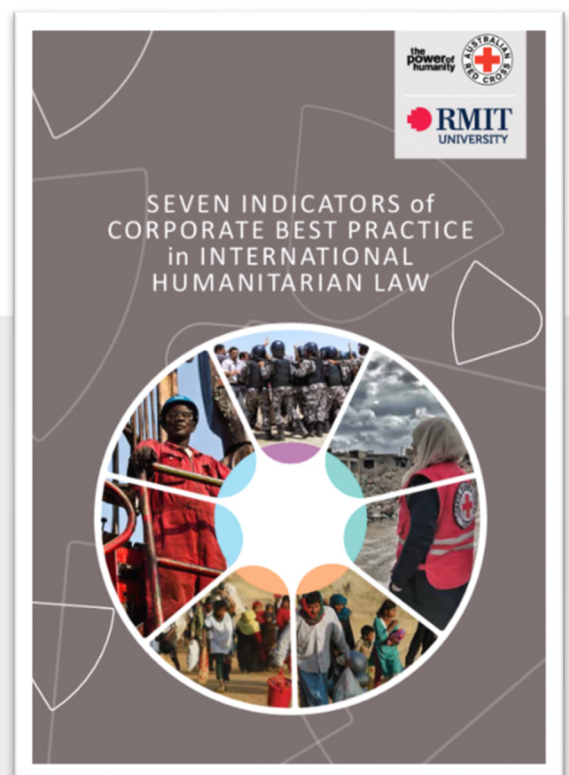
Link here

Corporate War Crimes and Other Liabilities

In collaboration with Nyman Gibson Miralis (NGM) Defence Lawyers

A briefing paper on the ways corporations may be liable for war crimes in Australia.

Corporate War Crimes and Other Liabilities offers a summary of the ways a corporation may be liable for war crimes and other related liabilities in Australia. It is designed to support Australian businesses and lawyers based in Australia who might be advising corporations or humanitarian organisations with a presence, operations or supply-chains in areas affected by armed conflict.

This paper provides an outline of the unique legal risks that exist under international humanitarian law, in both a domestic and international context. The paper includes the types of actions that may result in companies being liable for war crimes, and a series of relevant fictional and real-life scenarios and case studies. The paper also discusses some of the other forms of criminal and civil exposure under Australian law, including sanctions law, money laundering offences, modern slavery, and Directors' duties.

Link here

DCAF-ICRC Partnership Resources[1]

Toolkit on Addressing Security and Human Rights Challenges in Complex Environments

Toolkit providing recommendations, good practices and case studies on a host of challenges commonly encountered by companies operating in complex security environments.

This *Toolkit* is a practical handbook that brings together the main relevant resources and good practices related to human rights-compliant security practices, as well as tools and case studies that help translate the good practices to particular operational contexts.

The *Toolkit* is structured around real-life security and human rights challenges identified through consultations with a wide variety of stakeholders. As a result, users do not need to read the whole document. They merely need to identify the challenges they are facing and read the relevant pages. To assist in this process, the list of challenges is organised by the type of stakeholders they are connected with (namely: host governments, public security forces, private security providers and local communities).

The *Toolkit* is also available in French, Spanish, Chinese, Japanese, and Portuguese.

Link here

---

[1] In 2012, the Geneva Centre for Security Sector Governance (DCAF) and the International Committee of the Red Cross (ICRC) partnered to develop guidance and practical tools for responsible business conduct when it comes to the security and human rights arrangements of company operations in complex environments.

Security and Human Rights Knowledge Hub

A platform designed to compile practical guidance and tools on security and human rights.
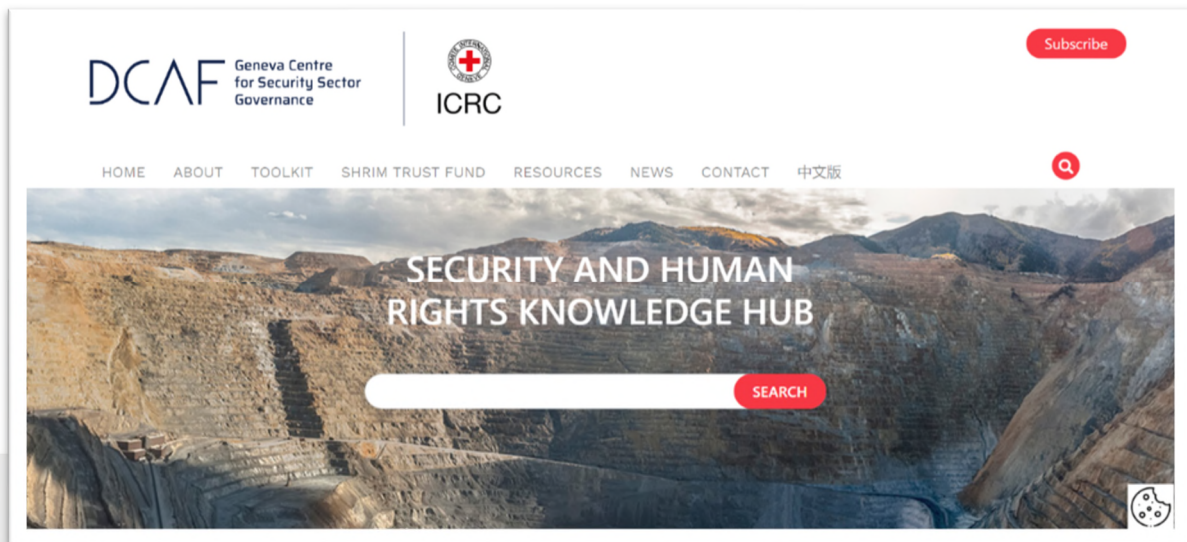
The *Knowledge Hub* serves as a one-stop-shop platform where stakeholders can freely access the main guidance documents produced by various organisations dealing with business, conflict, security, human rights, international humanitarian law (IHL) and their interplay.

Just like the *Toolkit*, the *Knowledge Hub* is regularly updated with good practices, tools and resources, and amended based on user feedback and periodical in-depth revisions. Both products are developed to help address requirements and expectations originating from the main international instruments related to business and human rights. And both products are implementation-oriented and seek to reflect field realities, which makes them practical and user-friendly.

Users are encouraged to share knowledge and materials so that they can be integrated in the *Toolkit* and/or the *Knowledge Hub* and made available to the wider public.

Link here

Toolkit Factsheets and Case Studies

A list of factsheets and case studies that unravel and address the complexities of security and human rights.
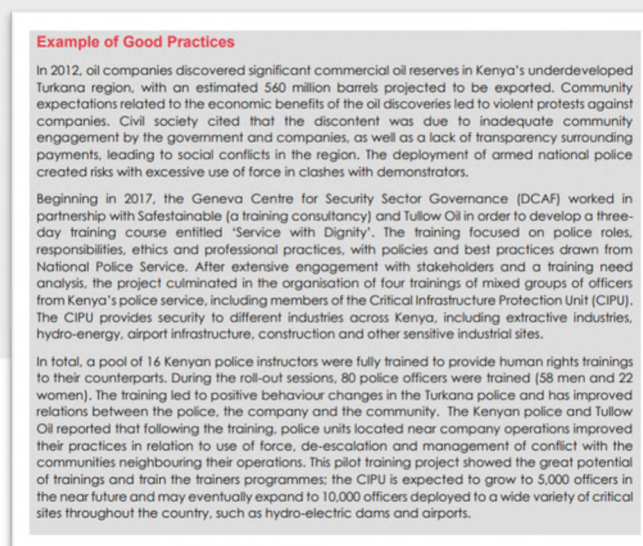
The Toolkit includes a comprehensive collection of factsheets and case studies designed to illuminate the intricate intersections of security, human rights and responsible business practices. These resources serve as pragmatic companions, furnishing businesses with actionable guidance for actual scenarios.

Factsheets:
- How does armed conflict impact responsible security management? (link)
- How can companies respect the rights of human rights defenders when addressing security-related challenges? (link)
- How can companies respect the rights of indigenous peoples when addressing security and human rights challenges? (link)
- How should companies manage security and human rights challenges related to artisanal and small-scale mining? (link)
- Why is gender important for effective security and human rights? (link)
- How do complex environments impact responsible security management? (link)
- How is responsible security management integral to human rights due diligence? (link)

Case studies:
- How can companies use training and incentives to encourage public security forces to respect human rights? (link)
- How can multi-stakeholder working groups help companies address security and human rights challenges? (link)
- More case studies (link)

Chinese version of the Security and Human Rights Knowledge Hub

Chinese translation of the Security and Human Rights Hub.

DCAF and the ICRC have replicated part of the *Security and Human Rights Knowledge Hub* in Mandarin, which includes the *Toolkit on Responsible Business and Security Management in Complex Environments* (Chinese translation of the *Toolkit on Addressing Security and Human Rights Challenges in Complex Environments*).

From 2019, the DCAF-ICRC Partnership has also developed a collaboration with the China Chamber of Commerce of Metals Minerals & Chemicals Importers and Exporters (CCCMC) to develop Training Modules on responsible security management for Chinese businesses operating in complex foreign environments.

To enquire about the Training Modules, please contact us at cvoillat@icrc.org.

Link here

Conflict Prevention Tool

In collaboration with AngloGold Ashanti and Queen's University Centre for International and Defence Policy

> *A user-friendly tool to facilitate the smooth integration of conflict prevention into existing business processes and to improve corporate risk assessments.*
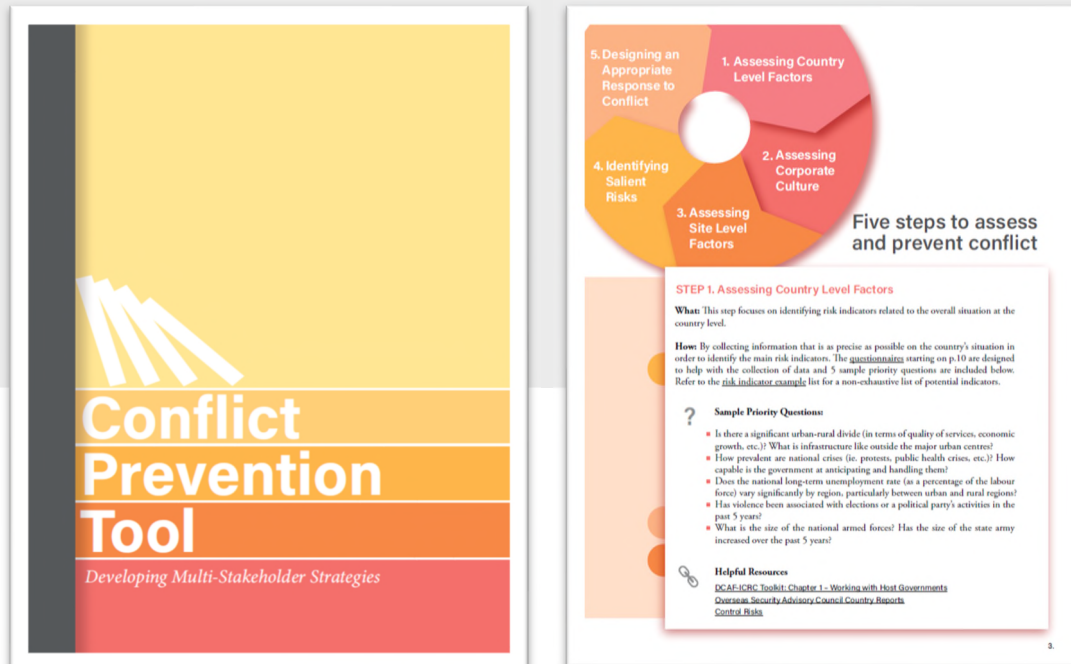
The *Conflict Prevention Tool* is the culmination of an international research initiative which was designed as an incubator of new ideas around conflict prevention and resolution efforts around business operations. Its innovative aspects include injecting corporate culture as a variable in conflict analysis and providing detailed yet hands-on questionnaires to support companies in mapping their due diligence obligations related to security and human rights.

This tool involves data collection through desk-based research and field-based stakeholder consultations. It is comprised of the following sections:

1. An overview of the tool's purpose.
2. The 5 steps to assess and prevent conflict.
3. Desk-based and field-based questionnaires.
4. Practical tips on how to map stakeholders, handle exceptional circumstances and conduct additional research.

Link here

Training Curriculum on General Standards for Policing

An outline for the training of law enforcement officials, designed to emphasise the vital role of human rights issues in ensuring sustainable corporate security practices.

This *Training Curriculum* is meant to outline a standard minimal curriculum for the training of law enforcement officials who are deployed around the operations of companies in complex environments. It aims to build a common understanding of law enforcement officials with respect to the intersection of security and human rights issues. It presents the main blocks of topics that should be addressed in all trainings on security and human rights for law enforcement officials, with learning objectives outlined for each block.

The *Training Curriculum* is divided in the following modules:

- Module 1: General Framework.
- Module 2: Use of Force and Firearms.
- Module 3: Arrest, Detention, Search and Seizure.

Link here

Host Country Security Assessment Guide

In collaboration with the International Petroleum Industry Environmental Conservation Association (IPIECA)

A comprehensive list of guiding questions that extractive companies can go through to obtain an evaluation of the risk level for specific operating environments.

Complex environments pose particularly challenging security and human rights risks and require a thorough analysis of the security sector and actors. The *Host Country Security Assessment Guide* is meant to assist companies in evaluating the national and regional security contexts and identifying the different challenges that are likely to affect operations.

Through a comprehensive list of guiding questions, the guide provides company representatives with a path to develop a holistic overview of the security situation as well as a detailed analysis of all relevant actors situated within their operational environments. The guide may be used in combination with the DCAF-ICRC-IPIECA tool on *'Host Government Engagement Strategies'* (see page 17).

The guide is divided into two sections:

1. Host Country Overview: explores the legal and socio-political context that shapes the country's security environment.
2. Security Sector Assessment: maps all relevant actors of the security sector and analyses the profile, relationships and conduct of core security actors.

Link here

Host Government Engagement Strategy Tool

In collaboration with the International Petroleum Industry Environmental Conservation Association (IPIECA)

> *A practical tool developed for extractive companies to guide and facilitate engagement between companies and government security forces.*
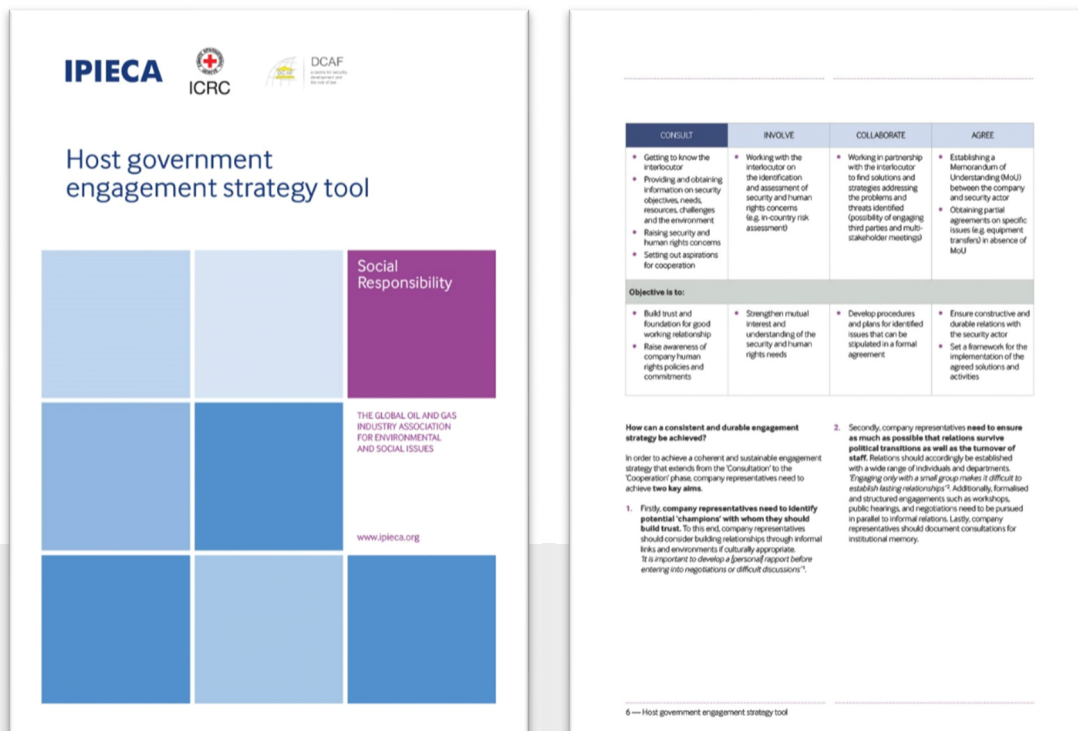
The security of company operations in a host country depends significantly on the company's engagement and relations with the national security sector. The *Host Government Engagement Strategy Tool* is meant to support company representatives prepare and establish a strategy for the engagement and communication with security sector representatives.

Company users may decide to only draw on individual sections of the engagement strategy to fill gaps in their preparations for consultations, while others may want to use the tool in its entirety to establish an engagement and communication strategy.

The tool contains good practices, guiding questions, topics for discussion and a communications strategy template that can streamline implementation. Throughout the document, users are advised to revisit findings and insights from the *Host Country Security Assessment Guide* (see page 16).
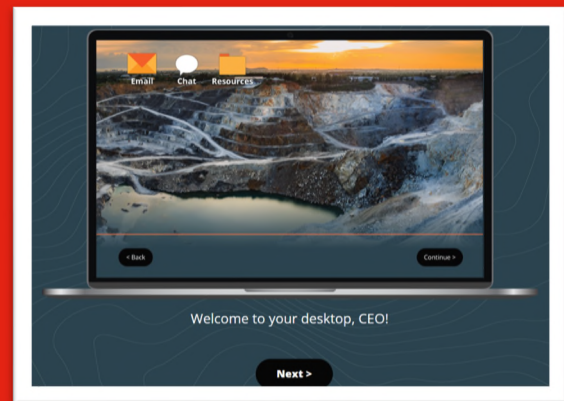
Link here

Online Learning from Australian Red Cross

War, Law and Business: A Module on International Humanitarian Law for Future Business Leaders
In collaboration with RMIT University

> *An interactive, immersive learning module on international humanitarian law for future business leaders.*

More than a traditional e-learning module, *War, Law and Business* is an online simulation that introduces future business leaders to the relevant rules and principles of international humanitarian law (IHL). This interactive, role-play exercise places students in the shoes of the CEO of a global mining company and asks them to make a series of decisions to navigate their way out of a precarious and fast-moving dilemma. Throughout, players learn about the laws of war as an ethical decision-making and evaluation framework for managing the unique risks associated with doing business in a conflict-affected area.

This module was designed for students in business-related disciplines (e.g., corporate social responsibility, business leadership and ethical decision-making), but is also suitable and relevant for law students and those already in industry, including business managers, lawyers and in-house counsel, security personnel and other professionals. The insights shared in this module will be useful in helping corporate actors deepen their knowledge and understanding of IHL, and its relevance to business operations in fragile states and conflict-affected regions.

For a copy of the corresponding 'educator's supplement' – a teaching tool for educators wishing to share this module with their students – please contact: fkurnadi@redcross.org.au.

Link to teaser trailer video for the module here

Link to the module here

Massive Open Online Course: International Humanitarian Law for Business

In collaboration with RMIT University

> *An introductory Massive Open Online Course (MOOC) for private sector actors on international humanitarian law.*

This free, four-week course, hosted by digital education platform FutureLearn, provides private sector actors with insight into the importance of international humanitarian law (IHL) when conducting business in conflict zones. The course explores how IHL is relevant to modern-day businesses; what responsibilities and protections businesses have in conflict-affected areas; and how to implement IHL best practices to mitigate humanitarian risks.

The course is for learners involved in business, who wish to expand their IHL knowledge to avoid risk and understand the rights and responsibilities involved in doing business in and around armed conflict.

The course can be completed at any time and should take approximately 12 hours, across four weeks. Learners are eligible for a digital certificate upon completion.

Link here

Security, Armed Conflict and International Humanitarian Law

An introductory training module on international humanitarian law and armed conflict for energy & resources companies and their security personnel.
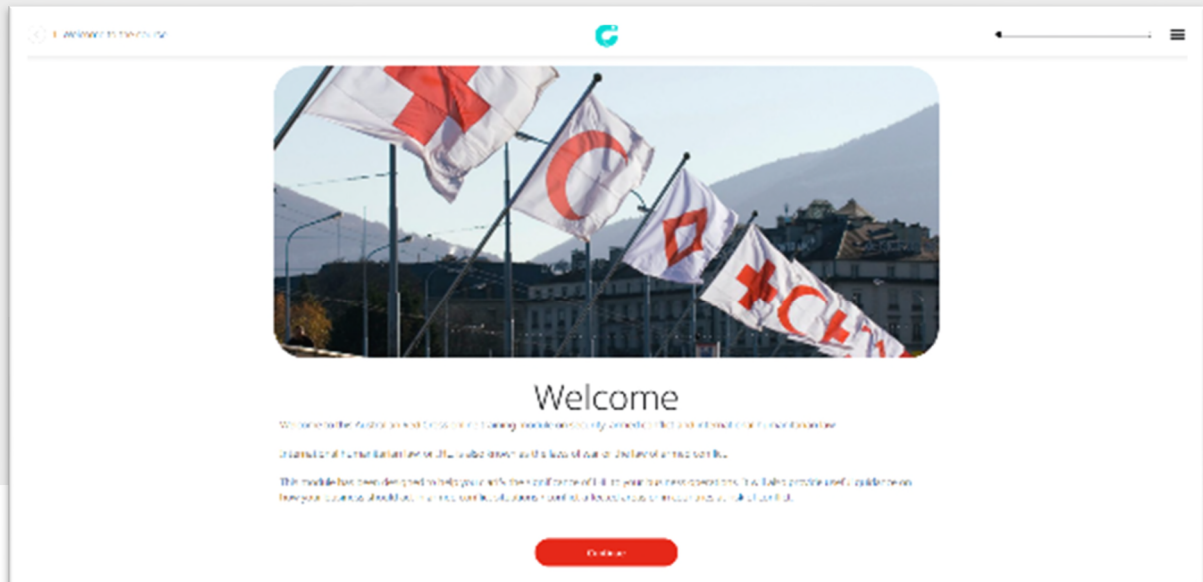
This 30-minute module is designed to help companies and their people (particularly security teams) clarify the significance of international humanitarian law (IHL) and armed conflict to their operations. Importantly, this module serves as a supplement to security and human rights training that often already exists in companies' training programs, including that endorsed by the Voluntary Principles on Security and Human Rights Initiative.

This e-learning is particularly relevant to the following teams in energy and resources companies: business intelligence/risk and security analysis, international communities, global social performance, business compliance, human rights, and security.

Topics in the module include:
- The relevance of IHL to business
- What is IHL?
- Business, human rights…and IHL
- Identifying an armed conflict
- How does IHL apply?

The module is available in English, French, Spanish, Portuguese and Russian.

These modules are not publicly available. To enquire about access, please contact the International Humanitarian Law Division at Australian Red Cross: fkurnadi@redcross.org.au.

Contact Details

Mr Claude Voillat
Economic Adviser
International Committee of the Red Cross
cvoillat@icrc.org
www.icrc.org

Ms Fauve Kurnadi
Legal Adviser – Academic and Private Sector Engagement
International Humanitarian Law Division, Australian Red Cross
fkurnadi@redcross.org.au
www.redcross.org.au/ihl/