

Ethics in Counterinsurgency

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In its simplest form, the term ethics refers to a system of moral principles that help differentiate between right and wrong. Several systems, each with a specific set of principles exist. This discussion will focus on two, one universal and well-defined and another that is specific to Canada and less-clearly defined. The first is the United Nations International Bill of Human Rights. The second, elements of public opinion - a nation's feel for right and wrong.

Both of these ethical standards can be applied to counterinsurgency with an interesting result: the realization that ethics and counterinsurgency are closely tied. This is, however, seldom realized. And understandably so; governments and their security forces must face insurgents who rarely follow what one would consider ethical principles, resources are limited, and the lives of soldiers are at stake. Acting ethically at all times can be seen as too difficult, too cumbersome, too administratively demanding, or even counterproductive. But this view is, in fact, wrong. Ethics and counterinsurgency actually go hand in hand.

Starting with an application of the well-defined standard of ethics, the UN's International Bill of Human Rights, we see our first evidence. All of the rights are granted equally and inalienably to all members of the human family. With respect to counterinsurgency, they can be applied to in-theatre actions.

First, the right to protection against torture and inhumane punishment and the right to humane treatment when detained can be considered. In theatre, a counterinsurgent may violate these two rights in the belief that torture will yield actionable intelligence. Violation may also come as result of sentiments of revenge and frustration-aggression at lower levels. The possible result is that insurgents become too scared to surrender, the troops themselves are degraded, and the local populous cannot help but adopt a negative impression of the government that the counterinsurgents are supposedly there to support. Taking these effects further, counterinsurgents will have then created a situation where they must fight every last insurgent to the death (also known as the attrition approach), where troops have been negatively affected, and where legitimacy in the eyes of the population has been scarred. Counterinsurgents must remove any idea that they can or have to be unethical because the insurgents are. The insurgents may very well be brutal, but it gives a counterinsurgent no license to be brutal in return.

Next to be evaluated are the rights to protection against arbitrary arrest and detention and the right to hearing before an independent and impartial judiciary. Insurgents should be treated as criminals, it strips their legitimacy. All detainees should be fairly tried, it prevents the punishment of innocents and gives legitimacy to the government and counterinsurgents. Counterinsurgents must remember that nobody they arrest and detain is alone in the world. Each detainee has a large network of friends and family that will carefully watch the process that follows (if that process is overt) and form their opinions of the government and counterinsurgents accordingly. If the process is covert, the effect is even more detrimental as the network of family and friends will, in the absence of other information, assume the very worst.

Last from the UN's Bill of Rights, there exists the right to protection of family and home and the right to have access to legal remedies for rights violations that apply. In part, this can be seen as a requirement to keep collateral damage to an absolute minimum and in the event that it occurs, counterinsurgents must provide access to immediate and fair compensation as a remedy for damages. The greatest penalty for violation is that of alienating the population, as is well understood.

Such respect for human rights presents interesting possibilities. What if insurgents, promised good treatment and trusting such promises, willingly surrendered and then provided information on their former cohorts to receive amnesty in return? What if counterinsurgents took every opportunity to bring detainees to justice and did so promptly with complete fairness and in the public eye? What if counterinsurgents looked at compensation for collateral damage as an opportunity to go over and above the expectations of those that have been wronged, while setting the situation right faster than they would have expected and turning a negative into a positive?

Elements of public opinion, which present a less-clearly defined standard of ethics, must be addressed as well. Here we enter the moral aspect of conflict. The moral aspect of conflict is a critical element in any democracy's strategy, counterinsurgency or otherwise, and is an aspect that is closely linked to public opinion, public opinion is the will to fight.

To add further emphasis, the moral aspect is that much more critical when the mission itself is justified, either wholly or in part, on moral grounds. Always valid, but especially true in such cases, public opinion sets an ethical standard that must be adhered to.

The late John Boyd, described as one of the greatest strategic minds of our time and referred to as having brought more insight to the moral aspect of conflict than any of the past strategic masters, wrote of the importance of the moral aspect in his work. He noted that moral isolation occurs when one fails to abide by codes of conduct or standards of behavior. He believed that one can be defeated if the interacting bonds that permit existence as an organic whole are severed, destroying those connections that one depends upon, collapsing the will to resist.

Boyd refers to the organic whole; this is the combination of all the elements of national power combined with national will. It is at the intersection of these where accusations, investigations, incidents, accidents, the unfortunate shooting and bombing of civilians, mistrust, secrecy, and contradictions build, with media amplification, the perception that what is being done is not in line with the moral principles or ethics of the public - the nation's feel for right and wrong. Actions against the human rights previously discussed will very likely yield negative effects on public opinion as well.

When a democracy attempts counterinsurgency, if the connection between public opinion at home and the mission abroad is severed, the mission cannot be sustained. Public opinion is not a simple matter of casualty count - ethics or the perception of ethics, however nuanced, are heavily involved.

Combining the two standards, it is realized that for a counterinsurgent to achieve objectives effectively, the human rights of all parties must be respected in theater. To maintain the continued support from home that allows the mission to continue, the ethical standard set by public opinion has to be adhered to as well. Ethics in counterinsurgency is not ethics for ethics' sake. Military commanders that take care to respect ethical

standards are not weak or timid, but effective. Those that disregard such standards, claiming necessity or practicality or efficiency, have no valid claim.

In closing, balancing and applying all of this will not be easy by any measure. There will be many complications to navigate through, but if the general approach is to adhere to ethical standards, the counterinsurgent will be much more effective overall.

Biographical notes:

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