

Moral Responsibility in Complex Peace Operations

Policy brief¹

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The question about what to do about strangers – by which I mean people not closely related to us, and to whom we have no explicit moral responsibilities – who are subject to crimes and cruelty is not new. The ideal of coming to the aid of the stranger in need is deep-seated within the Christian moral tradition and other religious traditions. However, in the 1990s, the civil wars and humanitarian crises in Bosnia, Somalia, Rwanda and Kosovo raised the issue of *military* humanitarian intervention with full force. It remains to be answered clearly what role soldiers should play in protecting civilians at risk in such operations. Recently, the question was actualized again, as UN peacekeeping mission were accused of ignoring warnings from community leaders days before Rwandan and Congolese rebels raped women in Congo only 20 miles from a UN base.²

More broadly, how should we employ and develop *jus in bello* norms in the context of *complex peace operations*³ that, explicitly or implicitly, are carried out in order to protect human rights? This is one of the most pressing *jus in bello* issues we face today. First, it is becoming increasingly relevant and topical as a result of new technology that may offer soldiers⁴ an almost risk-free fighting environment.⁵ Second, since the 1990s, several military operations have been undertaken in which the

¹ This is a summary of the main points in my dissertation *Moral Responsibility in War: A Normative Analysis Focusing on Peacekeepers*, with emphasis on the operative consequences of the project. I thank Senior Researcher Henrik Syse of PRIO for suggestions and formulations related to this policy brief.

² <http://www.guardian.co.uk/world/2010/sep/08/congo-mass-rape-500-khare>

³ I use the term "complex peace operations" to refer to military operations that combine the traditional peacekeeping principles of consent, impartiality and minimum use of force with warfare. Other terms used to refer to middle-ground operations are "second-generation peacekeeping", "Chapter VII/2 operations", "wider peacekeeping", "peacebuilding", and "strategic peacekeeping". Examples of complex peace operations include KFOR and ISAF (early).

⁴ When I use the term "soldiers" here, I mean it to apply to all fighting forces, including officers. I prefer to use the word "soldiers" since in many cases the concrete responsibilities we are dealing with will indeed apply even to privates and corporals.

⁵ Going to war with the use of heavily armed drones that might destroy targets from an office, far away from the combat zone, means that the risk is almost zero. ISAF forces on the ground in Afghanistan, however, certainly face grave risks.

protection of civilian populations has been included among the primary aims.⁶ Third, the principle 'the responsibility to protect' (R2P) has been endorsed in the report with the same name, written by the International Commission on Intervention and State Sovereignty (ICISS), and has later been affirmed by UN member states.⁷

R2P raises new and important questions about the content, degree and scope of the responsibility military personnel have toward civilians, but these have not yet been addressed in a systematic enough manner. However, it seems clear that operations that explicitly include the protection of the civilian population as a primary aim will be ineffective and morally unacceptable if soldiers do not take risks in order actually to protect civilians.

Reformulating moral responsibility in complex peace operations

Two main kinds of moral responsibility are central when delineating moral responsibility and culpability in complex peace operations: *responsibility as attributability* and *substantive responsibility*. According to the first sense of responsibility, a person is responsible for an action in the event that the given action can be correctly attributed to him or her. The second kind of responsibility goes further and asks to whom one is responsible. In contrast to the first sense of responsibility, this sense extends to the relation between the author of an act and its effects in the world: the object of responsibility is not only the harm done, but other persons.

⁶ These operations include (but are not limited to) UNAMISIL (1999-2005), MONUC (1999-present), UNMIS (2005-present). The specific language varies, but the mandate of these operations refer to civilian protection. ISAF is concerned with the civilian population, but the role of the forces is to provide security and stability and to assist the government of Afghanistan, rather than to protect civilians *per se* (UN Security Council Resolution 1776). Yet, protecting Afghan civilians remains a top priority for Nato troops according to the US general David Petraeus (<http://www.isaf.nato.int/images/stories/File/COMISAF-Guidance/COIN%20Guidance%2001%20Aug%2010.pdf>)

⁷ See the text of the 2005 World Summit Outcome Document (<http://www.un.org/summit2005/>). Paragraph 138 opens with the statement, "Each individual State has the responsibility to protect its population from genocide, war crimes, ethnic cleansing and crimes against humanity". This refers to the traditional bond of duty between a state and its citizens. The passage on the responsibility of the international community is framed more cautiously. In Paragraph 139, the heads of states and governments merely reaffirm their preparedness to take action through the Security Council under Chapter VII.

Soldiers act within a structured group and their causal contribution to harm committed often makes no or only marginal difference to the occurrence of the harm. In dealing with the assignment of moral responsibility for collective harm (i.e. harm carried out by several actors, such as a military collective) in which each individual contribute only marginally, challenges arise. The traditional account for attributing responsibility for actions and omissions builds on an individualistic notion of moral agency which restricts the attribution of moral praise and blame to harms ascribable to individuals alone, based on their intentional action and causal contribution. In light of this, we need a wider account of responsibility, one that can account for pervasive claims of responsibility against collectives and that may help to avert collective harm. Following recent works in political ethics, I discuss and endorse such a concept in my dissertation.

Substantive responsibility is primarily a responsibility for 'the other'. For soldiers, it includes the duties owed to one's fellow soldiers and to civilians. R2P, understood in terms of a positive duty that includes civilians of other nations (or "non-national civilians"), represents a break with traditional moral beliefs in just war theory. Within *jus in bello*, the duty to protect has traditionally been regarded as an indirect duty (e.g. protecting civilians by defeating an enemy) or a negative duty (e.g. protecting civilians by not doing harm to them while carrying out military operations), but not as a positive duty, in the sense that soldiers should act to protect non-national civilians under immediate threat. If we hold R2P to be a legitimate principle with ramifications for military behaviour, it calls for a reformulation of the substantive responsibility of military peacekeepers. Building on the idea that the aim of the military operation affects obligations under *jus in bello*, and emphasizing the special values underpinning peace operations, I argue that soldiers in these operations indeed have special "role responsibilities"⁸ at the level of *jus in bello*, particularly towards the civilian population in the host state. Differently from traditional peacekeepers, they should not only be allowed as well as obliged to defend themselves, but also to defend those they are charged to protect, with force if necessary. Accordingly, they should have parallel responsibilities in case of failure to intervene if faced with massive

⁸ The term "role responsibility" refers to the responsibility one is assigned in virtue of one's role, for example as a soldier, priest or teacher. Such responsibilities require some sort of voluntary acceptance in order to be legitimate.

atrocities and if action is possible. And differently from soldiers partaking in a traditional war, peacekeepers have stronger and more far-reaching obligations towards civilians.

Recommendations

If Norwegian policy makers will continue to partake in international military operations that include among their aims the alleviation of human suffering, along with the creation of conditions and the building of institutions for self-sustaining peace, Norwegian soldiers should be able to fulfil their role without internal contradiction.

- Political and military leaders should specify and clearly communicate the aim of the military operation in which soldiers are engaged, leaving no doubt about the responsibilities of the soldiers. Prior to the deployment, soldiers must be told what to achieve and why. Politicians also need to take seriously the moral dilemmas that will meet soldiers on the ground (e.g. whether to prioritize the security of own troops or the security of civilians) and be honest about their priorities.
- The role of military actors in providing physical protection to civilians should be integrated with existing doctrines for peace operations and for other types of military operations. As nations and organizations revise their doctrines, soldiers must be better able to identify their responsibilities and tasks. Policy makers and military leaders should furthermore attempt to specify and operationalize what ‘the responsibility to protect’ implies for the individual soldier in the field by clarifying rules of engagement.
- In further developing doctrines regarding Civil-Military relations, we must ask how military forces can contribute to protecting civilians, protecting human rights and security, and building trust, while also respecting the difference between military tasks on the one hand and civilian and purely humanitarian

tasks on the other. Military forces are not to take over civilian responsibilities or run humanitarian operations, and they must respect the neutrality and integrity of civilian and non-governmental actors. Yet they are often the best equipped to ensure that such operations can take place at all, to maintain human security, and as far as possible stop atrocities (for example sexual violence) from taking place. In this light, thoroughly re-thinking and possibly even re-conceptualizing Civil-Military relations is necessary, in a way that respects the autonomy of each side and each actor - civilian and military. This is especially the case in operations that do not only aim to stabilise a situation, but which also includes counterinsurgency elements.

- It is necessary to foster a military culture that acknowledges the specialized tasks of military personnel while also encouraging skills and qualities that go beyond those connected to the use of physical force. Much of the activity of today's armed forces is not war-fighting but a variety of peacekeeping tasks that require a wider set of skills and qualities also required by other professions, such as the police or humanitarian agents.
- Norwegian soldiers have, and will most likely continue to, encounter situations in which they have to decide on whether to intervene or not, when they witness various forms of atrocities against civilians. A stronger emphasis should be given to ethical training on all levels, building further on the work done in recent years to strengthen ethics training in the armed forces. The content of the education should emphasize human rights and the learning of emphatic skills. Complex peace operations will often require that soldiers manage to establish close relationships to the civilian population. Military leaders should display and convey positive attitudes toward the civilian population to their own soldiers. Feelings and attitudes of moral and emotional disengagement will more easily lead to a passive stance when faced by wrongdoing committed by a third party. The form and aims of this education must be coordinated between all levels in the Armed Forces, so that the necessary level of uniformity and clarity in the ethical training are maintained.

- Society and military organizations should reward soldiers, not primarily for seeking battlefield glory, but for honouring their responsibilities to civilians. In this respect, the importance of the role of military organizations should be emphasized. The force of moral criticism tends to vary with the importance we accord to the relationships from which the relevant norms and values are derived. Given the importance that soldiers afford to their relationships with fellow soldiers, it seems that moral praise (as well as blame) from their peers and superiors is an important element in the proper regulation of behaviour.