

- _____. General Assembly, GA Resolution 67/287, 15 Aug 2013.
- _____. OPSP, Review Report of UNAMID, New York, USA, Feb 2014.
- _____. OPSP, Review Report of MINUSMA, New York, USA, Sep 2014.
- _____. OPSP, Review Report of MONUSCO, New York, USA, Dec 2014.
- _____. OPSP, Review Report of UNMISS, New York, USA, Feb 2015.
- _____. OPSP, Review Report of UNISFA, New York, USA, Feb 2015.
- _____. OPSP, Review Report of MINUSTAH, New York, USA, Mai 2015.
- _____. OPSP, Review Report on Conduct and Discipline on MINUSCA, New York, USA, Aug 2015.
- _____. OPSP, Review Report of UNIFIL, New York, USA, Feb 2016.
- _____. OPSP, Review Report of UNDOF, New York, USA, Feb 2016.
- _____. OPSP, Review Report of UNTSO, New York, USA, Feb 2016.
- _____. Secretary-General, Report of the High-Level Independent Panel on Peace Operations, New York, USA, 16 Jun 2016.
- _____. Secretary-General, The Future of UN Peace Operations: Report of the Secretary-General on the Recommendations of the High Level Independent Panel on Peace Operations, New York, USA, 02 Sep 2015.

LIEUTENANT COLONEL ERIC MOUËZY
French Liaison Officer at CCOPAB

Ethics in armed conflicts some principles developed by the French army

Lieutenant Colonel Eric Mouëzy

ABSTRACT: This article aims to present some principles developed by the French Army at the light of Ethics in Armed Conflicts. We approach the principle of strategic autonomy, in which the French policy on security and defense is based. Sovereignty-related aspects and international compromises made by France are also highlighted. Special attention to the International Organizations, especially the UN, is given.

KEYWORDS: Ethics - French Army - Armed Conflict - UN

The French policy of security and defense is based on the principle of “strategic autonomy”, which is a sovereignty approach in the decision to intervene. However, France has supported a number of external and international commitments that guide its action.

First of all, in an international level, these commitments are covered by the system of security and global legal order. According to the UN Charter, a country’s armed action should:

- refer to Article 51 of the Charter, which allows State Members to implement the necessary means to their or their allies defense while the Security Council hasn’t decided to restore the international peace and security.
- result from a Security Council resolution, which states that France is a permanent member.

France also contracted defensive alliances. It is a member of two multilateral defensive alliances with countries that share the same values:

- the North Atlantic Treaty Organization (NATO), which founded the Atlantic Alliance, since 1949;
- the Western European Union (WEU), since 1948.

It is also engaged in building European Union defense capabilities. The Franco-German Brigade and the rapid reaction force of the European Union are a representation.

France has also concluded several bilateral defense agreements with the States, especially in francophone Africa, in its independence. Therefore, it is closely linked to many of these countries and participates in the training of security forces in the form of cooperation missions or pre-positioned forces.

These bilateral agreements cover solidarity and defense clauses in case of external aggression and can lead France to be part of a lasting conflict, as in the case of the border conflict between Chad and Libya.

France currently keeps pre-positioned forces in 5 African countries (Senegal, Ivory Coast, Gabon, United Arab Emirates and Djibouti) for the execution of defense agreements.

Besides this fundamental principle, French armed forces are, whenever possible, committed to any intervention abroad within the framework of an agreement or mandate of an international authority.

However, if its national interests and bilateral commitments demand, there is the intention of keeping the capacity of acting alone.

Through these agreements and as a permanent member of the UN Security Council, France is required to make a significant

contribution to military actions in favor of peace and international law under a UN mandate.

An evolution of the military forces way of acting in the different countries involved in conflicts has been observed as war zones are notably increasing in the last few decades. In fact, many reprehensible acts were attributed, in combat zones, to forces on the ground where the guerrilla and counter-guerrilla occupy an increasingly important place.

Iraq, Afghanistan, Syria and Libya are frequently mentioned in retaliation to prejudice, massacres, abuse, torture, inhuman treatment of prisoners and violation of international conventions or civilians.

If confirmed, this rough way of action in the field, which is widely reported by the media, would naturally tarnish the image of nations involved in peacekeeping operations.

This observation questions the respect for “ethics” and “moral” of the military actions.

That is why it is pertinent to question the reasons for the change in the behavior of the democracies of the armies regarding the use of force. Three factors are suitable to explain this “new” behavior that would “justify the use of all means” contrary to the human rights principles:

The location of wars that frequently take place in an urban environment. Nowadays, in fact, many conflicts occur in the cities and the structures used by the combatants are often close to sensitive places such as hospitals or schools (Lebanon, Syria, Iraq, Afghanistan). The population is often used as human shield or as weapon before an opposing force (Palestine, Ivory Coast, Afghanistan, Syria). This procedure induces an increased risk of collateral victims.

The nature of the threat has also evolved substantially. There is no longer confrontation between two distinct armies as in the past. The threat comes in organized militias (Syria and Iraq), mobile guerrillas leading to rapid (Mali) or terrorist actions (Afghanistan) against “regular” forces. This new situation easily destabilizes the combatants who are not prepared.

The difficulty to control the actions on the ground of units against the population. In fact, the dispersion of units, sometimes fragmented to the lowest tactical level, does not allow the control or knowledge of the company’s activities. Troops may face interpersonal or hard difficulties to manage situations especially when an enemy is integrated and mixed with a vulnerable population.

How to deal with these new challenges and not tarnish the work of a force?

Respecting the Rules of International Law, France chose to act with simple levers to highlight its commitment to transparency and responsibility of the soldier. This increase of sense of military ethics in war is a challenge. Its objective is to show the human values which characterize France.

The French army wanted to change its behavior and methods of operation in order to better manage this evolution by organizing its actions around three items that would reinforce the sense of ethics in the armed forces:

- Education;
- Criminalization;
- Modernization.

By acting on these factors, France would guide its activities and provide modern means for its troops to limit the risks of inappropriate

behavior in an operation. Avoiding an incident that could tarnish any action of a force is a command priority. In fact, the accomplishment of the mission is worthless if it is related to reprehensive actions.

In order to prevent any irregularity, it is necessary to educate the soldiers so they can assimilate the values to be respected. This work must be done from enlistment and continue throughout the training, by the application of a doctrine of force employment.

This is to assert common values that the soldier must acquire to be part of the group. For this purpose, the French Army published a soldier's code (Code du Soldat) that summarizes the principles that the army expects to fix and to be enforced by its troops. It is a document that consists in 11 easy to remember articles, which provide the professional combatant the rules and principles of life to be applied at any time and place.

In a context of hardened operational commitments, the Code du Soldat has its importance. It is a course of action to implement four main principles:

- accomplish its mission with professional excellence and domain of force;
- keep military communities union alive with discipline and brotherhood of weapons;
- serve France and the universal values in which it is recognized; and
- cultivate strong bonds with the national community.

Everyone shall know the Code du Soldat, regardless its rank.

These values are presented in the training and controlled during the course check.

1. In the service of France, the soldier is fully devoted at all times and in all places.
2. He accomplishes its mission with the will to win and, if necessary, at the risk of his own life.
3. Mastering his own strength, he respects the opponent and is careful to spare civilians.
4. He obeys orders, in compliance with laws, customs of war and international conventions.
5. He demonstrates initiative and adapts to all circumstances.
6. The professional soldier maintains his intellectual and physical abilities and develops his competence and moral strength.
7. Member of a united and fraternal team, he acts with honor, honesty and loyalty.
8. Alert to others and determined to overcome difficulties, he seeks for the cohesion and dynamism of his unit.
9. He is aware of global societies and respects their differences.
10. He reservedly expresses himself to have no effect on the neutrality of armies in philosophical, political, and religious issues.
11. Proud of his commitment, he is always and in all places an ambassador of his regiment, of the Army and of France.

The Right to Life is a principle that is also put as a priority by the evolution of the social and cultural context. With the statement, echoed by the media the respect for human life is a fundamental principle. The respect for the civilian population and the rights of the enemy combatant are clearly described in the code.

This idea is developed through a policy of training military personnel to the dilemmas and ethical requirements of the profession of arms as well as to the principles of the ethics of war. Since 1998, the Special Military School of Saint-Cyr provides specific instructions on military ethics and conduct to the army cadets based on national (the Constitution, the general regulations of the Military Penal Code, the Code of Military Justice) and international reference texts (the Hague and Geneva Conventions and the Convention on the Prevention and Punishment of the Crime of Genocide). An internal reflection work from the Army staff led to the production of a Green Book. This book is about the fundamentals and principles of the profession of arms to provide the bases, especially philosophical and ethical, to the professional soldier. These bases can give meaning to their action and inspire their behavior. It occupies an important place in the initial and continuous training of officers, sub-officers and privates. Without questioning the work or the mission, the soldier is responsible and aware of his actions in the field. He knows the rights and duties because his training evolves all levels of knowledge and respect for international rules, law and commitment to the UN.

Training is a crucial factor in the soldier's education. In fact, he must learn how to dominate in the field and make proper and proportional decisions in each situation. This ability to choose the correct posture cannot be improvised. Before a difficult situation, military personnel need to be well-grounded in order to make a decision according to the rules of engagement.

Therefore, military personnel (from all ranks) are constantly training, during training stages as well as for a specific mission, in an environment as similar to reality as possible. Friends, enemies, wounded, civilians and non-governmental organizations are represented in order to familiarize them with as many parameters

as possible. In the decision making, individually or as part of a group, to manage the events imposed in each action. In order to encourage and make soldiers take into account all the parameters surrounding them, each incident is related to setbacks, safety and management of wounded or civilians. The debriefing is to make them understand what was right and wrong in their reaction, their orders and choice of action.

Throughout the preparation for a specific mission, the soldier is also conditioned to live in a new environment. The geopolitics, human presentation are included in the learning and should not be neglected. Likewise, knowing the local way of life and the culture of social groups is fundamental to prevent behavior misconduct that could generate unexpected consequences. A significant effort was made regarding the relationship with the population and the need to respect women and children.

Finally, on the other hand, there is also the need to explain to the military personnel that they are part of a family. This connection allows them to exist in the group and identify themselves to it. Hence, when they do something, they represent the community they are part of. This feeling of belonging to a structure individually influences their daily attitude.

In the same way, knowing that their hierarchy defines support and the availability of communication structures for the families so that they can be in touch with are important for their emotional stability. This contact with the families is essential so that the combatant is aware of his participation in the group and has the spirit free for the mission. Reliant on its superiors and unit, the soldier naturally adheres to the mission and his judgment is less altered in the daily routine.

Training, preparation and providing the soldiers good conditions to serve are simple actions that reduce risks of professional, individual or collective misconduct in the mission. The soldier's ethics is expressed by the notion of "controlled force", which is the ability to assume physical and moral ascendancy, but controlled according to the founding values of the Republic, human rights and international conventions.

Fear is the principle of wisdom. It is necessary to establish a system of deterrence and repression, as well as of reward, that fits the action of the military. It is important to define individual and collective responsibility of actions carried out in the field. Thus, the increasing regularization of the military activity, resulting in penalizing national and international regularization of reprehensible behavior, is a way of ensuring respect for ethics during war or peacekeeping operations. From an increasing level, these sanctions are adequate and proportional to the crime.

The sanctions have an importance on the behavior of the soldiers. Limiting their actions and punishing them when they transgress lines. Military sanction is an internal level that is not negligible. In fact, repercussions on the renewal of the contract or progress are significant. Used in a progressive manner, as long as there is a conduct distance, it allows channeling most people (the early return of a mission is an example). These rules must be known and its consequences explained to each one so that pedagogical virtue can yield results. Similarly, the reward of individual or collective acts must be presented previously, in order to value those who act in accordance with military guidelines and ethics.

The rules of engagement have become a central concept of the soldier's training. The military personnel must be the master of their action in all circumstances.

This action is performed in the individual level through the establishment of a criminal liability of the shooters in the use of their weapons. During the training, they learn to shoot only when the target is clearly identified. In order to control their reflexes, civilian and military targets are mixed. According to French and international rules of law, they are responsible for their actions, which cannot be covered by the overall mission picture. This responsibility of the shooters is an effective way of controlling the management of the actions of shots made on the ground and teaches the military personnel to use their weapons in certain circumstances.

A way of making the soldier reflect is the idea of passing before a national or international court and its penalties. In fact, this measure, outside the military environment, is more and more common and publicized. For the soldier, consequences are double because it will necessarily have a military punishment adapted to the civil sanction. This additional step is important because it increases the perception that there is no impunity and that the military authority does not cover abuses. It is necessary that every soldier feels that by investing in the knowledge of this right, national or international, he joins to one of the foundations of the military institution and that the respect for these rules is a guarantee to be benefited from the legal protection of the French State.

It is extremely important to make the soldier understand that he is criminally responsible for his acts. It is true that military personnel become aware and measure their actions when the sense of impunity is broken. It must be clear to them that if they do not follow the rules imposed in the operation they will be punished at the same level of the offense.

The evolution of the threat also requires an adaption of the means

employed in missions. The will to reduce the number of casualties among the civilian population is the main parameter to be respected. It is a particularly sensitive parameter to western democracies when it comes to the use of military force. It contains an essential dimension, which is one of the fundamentals of ethics.

Therefore, it is necessary to know better, to identify its objectives and treat them precisely.

It is highly important for the soldier to know the environment in which he operates well. It is not possible to face a threat if it is not well known. In the same way, it is important to respect and protect the population lifestyle from excesses. The military personnel are asked to live in harmony with the outside world and its environment, always taking the necessary precautions for safety. Knowing the location allows soldiers to learn all the changes and prevents them from being in a reactive mode before a problem occurs. Danger prevention is not always possible, but a good knowledge of local characters is a great way to solve conflicts and peacefully remedy any tension that could arise.

If it is impossible to integrate with the environment we live in, it is much harder to build ties with an enemy. Thus, France makes a significant effort on the intelligence units that must provide the necessary information before carrying out an action. The knowledge of the field and of the present forces in it limits the risk of collateral victims or objective errors. This field domain provides a tactical advantage for the troop. Human intelligence is practiced at all levels during the training and the collected information is verified before being sent to the combatants in the field. The technical means that are put into practice are also strengthened and modernized in order to facilitate the collection, accuracy and speed of dissemination of the information collected.

It is also necessary to know what is happening far from our positions, in order to be able to act at distance over clearly identified objectives, limiting the risks for the nearby population. France has invested in remote observation means that allow locating and identifying a threat in case it needs to be destroyed. These means, reconnaissance aircraft, drones or satellites, are widely used to quickly and accurately perform the attacks that should avoid civilian casualties. In fact, the identified objectives can be monitored and treated only from the moment they leave the areas where civilian population is (Afghanistan, Syria, Mali). However, opponents know these modern means. They tend to protect themselves by moving on civilian trains (buses, weddings) or occupying highly targeted houses in case of attack (schools, hospitals, markets). Then, soldiers must be aware of the technical information and be ready to attack at the first opportunity.

The knowledge of the environment and the modernization of the intelligence can limit or prevent dangers for the civilian population. By making decisions with accurate information, but also by anticipating the actions of opponents or filming their actions, France has the means to better understand the situation on the ground and complete its mission reducing the risks for the civilian population. The recovery information allows the command to make decisions in advance. Not being in a reaction situation greatly reduces the risk of collateral damage.

The system implemented by France shows its determination to strengthen internal and external control of the behavior of soldiers in conflicts. This is reflected mainly by a particular focus on the issue of civilian casualties, making a controlled use of force, but also by the desire to limit bad behavior. Although modernizing