REPORT

Insurgencies and Counterinsurgency Strategies: Patterns and Dilemmas

By Professor Beatrice Heuser, University of Reading
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I. Patterns of insurgencies throughout history

Asymmetric

Asymmetric wars – the violent clash of generally two forces of substantially different strengths, fighting in substantially different ways, with quite different advantages and disadvantages on their side – seemed to the Western militaries emerging from the Cold War with its fixation on the defence of the “Fulda Gap” in the Central European plains against a large-scale air-supported invasion by waves of tanks like a new phenomenon that took adjusting to. It is worth asking whether asymmetric wars are indeed recent in origin, and by implication something which will at some point cease to exist (in which case it should not unduly concern the teaching in military academies), or whether it has a perennial dimension. Historical evidence suggests that it is the latter.

Some aspects of asymmetry are subjective constructs - they “lie in the eyes of the beholder.” Throughout history and in different cultures, in different genres of literature on war – memoirs, theoretical treatises, histories – we find explicitly or implicitly the contrast made between some “regular”, classical form of war and some different, new, unusual, abnormal, or irregular form of war. Irregularity was noted by witnesses when rules that were generally applied in that period and culture were suspended or ignored – either deliberately or by lack of acquaintance with them – by a party to the violent conflict. Authors from the period of the warring kingdoms of China (5th-2nd centuries BCE) already contrasted two ways of fighting without, obviously, using the Latinate term “irregular.” This amounted to a vision of opposite ways of fighting which clearly reflect the existence of rules contrasted with the practice of deception, stratagems and ruses, thus amounting to an overall asymmetry. Two millennia later, on the opposite side of the globe, a young French officer described his contrasting experience in fighting with Napoleon’s armies in German lands and then witnessing the Spanish Guerrilla of 1808-1814:

I found myself comparing two absolutely different types of war: the war of regular troops [troupes réglées], who normally take little interest in the quarrel they are supporting, and the war of resistance [guerre de résistance] which one nation can oppose against conquering troops of the line. ... In Germany, we only had to win over governments and armies; on the Spanish peninsula, we were hardly asked to fight against troops of the line, who are everywhere more less the same, but against a people.

(1) The author would like to thank Peter Kim Laustsen, Thomas Mandrup, Nicolai Christoffersen, Michael Jedig Jensen and other colleagues from the Royal Danish Defence College for their very helpful feedback on this paper.
(2) In the absence of a better term, the word “Western” is used here, loosely, to refer to the States of the world that generally uphold international law, have their roots in European political and legal concepts and generally see themselves as liberal democracies and états de droit (for which, curiously, there is no commonly used English expression). Oddly, the term thus includes Australia and South Africa, and in many contexts, Japan, Singapore, South Africa, etc.
To give a third example, the multiple and shifting loyalties and configuration of fighting groups encountered by the French in the Peninsular War fits what Emile Simpson another two hundred years later has called kaleidoscopic or political war, which he witnessed recently in Afghanistan.5

We can only approach the reality of past events through the perceptual lenses of those who have reported them to us, i.e. through their conceptualisation, their bias. This means that they would describe as irregular or sometimes utterly new and unprecedented what they are not used to, even if the historian finds examples of this not long before our reporters lived.6

The question arises whether this perception of a phenomenon of violent conflict that is different from the rule, i.e. irregular, contrasted with rule-bound conflict or warfare describes a generalizable social phenomenon. Have wars7 waged (at least by one side) in an irregular way existed throughout history, in all four corners of the world, as far as we know it, or is it a phenomenon particular to some eras, cultures, parts of the globe?

We have already picked three random examples to illustrate that at least the subjective perception of asymmetry in warfare can be illustrated in different times and spaces. There are, however, some objective criteria, which should usefully be introduced here, some of which will be discussed in greater detail below. These include the following: a pronounced asymmetry in numbers; a pronounced asymmetry in weaponry and equipment; and resulting from the two former asymmetries, a different way of fighting (perceived by contemporaries as not following the paradigm or rules of the age and area, i.e. “irregular”) that avoids “the enemy’s strength while exploiting its vulnerabilities and in that way making optimal use of the own side’s advantages”8; asymmetry in legal standing. (There are examples where the numerically/technologically weaker group has tried to engage a superior enemy symmetrically, e.g. the uprising of the Iceni against the Romans in 60/61 C.E. leading to the Iceni’s devastating defeat, but I have not come across any successful ones.)

This is not to deny that the objective differences in fighting style in being interpreted as “regular” or “irregular” undergo a culturally constructed interpretation, but there is an objective element to such differences, and in recent centuries, what is “regular” has largely been fixed in written form, in the internationally recognised (at least in theory) laws of armed conflict (International Humanitarian Law), which of course aspire to objectivity and general application. Nor do we seek to deny that there are cases which lie somewhere in the middle between the two models of “symmetric” and “asymmetric” or “regular” and “irregular”. But, for the sake of argument, this paper is concerned with cases which generally fall into the latter of these two binary categories.

(6) Hence the perception of “new wars” at different points in history, many aspects of which turn out to be returns to forms that had been known before. 
(7) War is defined here widely, not according to international law, so our definition encompasses any organised violent conflict between at least two groups. 
Surveys made by a number of perceptive scholars suggest that conflicts sharing most or all of the above characteristics have indeed existed throughout recorded history, at least in Europe but apparently also in parts of Asia.\(^9\) John Ellis, in his survey of records of such asymmetric clashes, found examples in Herodotus' writing going back to the 6\(^{th}\) century BCE, when Scythians with just such a fighting style defied the overlordship of the Persian King Darius; Werner Hahlweg's earliest example is taken from Tacitus' description of Numidian resistance against the Romans in North Africa.\(^10\) Even in the 18\(^{th}\) and early 19\(^{th}\) centuries, writers identified a pattern of continuity over centuries. The French author Jean Frédéric Auguste Le Miére de Corvey in 1823 listed the many tribes and peoples he knew about that had fought in ways similar to the small units about which he was writing: Parthians, Scythians, Numidians, Huns, Gètes, Cimbers, Goths of both sorts, Vandals, Suevi, Gepides, Herules, Marcomanni, Quades, Sarmatians, Dacians, Thracians, Bulgars, Persians, Bedouin Arabs, Tartars, Usbeks, Kalmyks, Baskirs, Cossacks, Moors and Saracens.\(^11\) Applied more specifically to insurgents against empires, the Polish patriot Karol Bogumił Stolzman in 1844 wrote about the “method” he advocated for the Poles to free themselves from Russian and Prussian occupation:

It is the same one which, more or less regulated, more or less energetically adopted, ensured victory to the Albanians under Skanderbeg, to the Serbs under Kara-Gieorg and to Milosz over the Turks and in our own time to the Greeks, and the Dutch over Philip II, to the Swiss over the house of Hapsburg and Charles of Burgundy, to America over Britain, to the Russians, Germany and Spain over the genius and forces of Napoleon. ... This method is partisan warfare.\(^12\)

Beyond their shared numeric inferiority, difference in arms and equipment, and fighting style described above and analysed further below, these tribes and groups were either nomadic people raiding the territories of sedentary peoples in quest of booty or stateless peoples or tribes confronted with organised States with their regular armed forces, in older times fighting for land, in more recent times fighting for their own statehood and in defence of their own religion or other cultural identity.\(^13\) Such groups existed not only in North America or Africa or Asia, but also throughout Europe, from Scotland to the Urals; they were not mainly “Orientals” confronted with any “Western Way of War”, as Patrick Porter has shown.\(^14\)

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Numeric Asymmetry

Numeric asymmetry is one of the main factors distinguishing the form of war considered here from other “classical” forms of war. Warriors fighting in unusual ways described above had advantages, which the States confronting them could not ignore. Ever since Antiquity, States sought to turn poachers into gamekeepers by recruiting fighters from such tribes to fight for them in special units. The size of such units varied both in theory and in practice. In Antiquity, they could count hundreds of men, numbering even up to four figures. Antoine de Ville, writing during the Thirty Years’ War, recommended small units of 25-30 horsemen who might cover considerable distances in little time, but thought it useful for them to be accompanied by a few dragoons or musketeers, who were used to fighting also on foot. In the 18th century, these units swelled again and became more organised, probably resembling in size the special forces employed by Romans and Byzantines. Capitain de Jeney thought partisan units might count between 100 and 2000 men, but normally the size of such a unit would be roughly around 1000, of which 600 would be cavalrists. The Freikorps in the German liberation wars against Napoleon mustered about 1000 horsemen, very much in keeping still with the parties of the pre-ideological wars of the Ancien Régime on which they were modelled.

As another example of partisan units in ideologically-motivated insurgencies, the Spanish insurgents whom the French encountered in the Peninsular War were considerably smaller, at about 120-180 men in each unit, and there were an estimated 50 such companies. During the Italian wars of national unity of the mid-19th century, Giuseppe Mazzini wanted units of only 25-50 men, as these would be easier for the local population to feed. The Greek guerrillas-cum-bandits (klefts) fighting the Ottoman Empire in the 19th century formed small-scale bands of up to 100 men. Only when static targets had to be overpowered with the sheer weight of numbers (e.g. an important administrative centre of the Ottoman authorities) did the guerrillas coalesce their military formations into an impressive – for Greek standards – fighting force of 3-5000 men. In the early 20th century, the same trend continued unchanged, and the Greek Communists in the Greek Civil War, which began in the Second World War and ended in 1949, fought in such relatively big units.

It seems that in the First World War, the Serbs mustered similarly small units of resistance fighters against the Austro-Hungarian forces, who resorted to setting up commandos numbering

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(18) Le Mière de Corvey: _Partisans et des corps irréguliers_, p. 100.
also only about 15-20 soldiers drawn from special Jäger units to hunt down insurgents.\(^{21}\) In the Second World War, a “group” of Soviet partisans operated at the strength of 3-10 men, while the second largest unit would contain 30-150 men. These small “groups” or larger units were employed depending on the mission.\(^{22}\)

In the Malay insurgency (1948-1960), the largest units in action contained 300 men, the smallest just 2 individuals. The average size of guerrilla units taking action was 56 men. Action taken by them included raids on economic and security targets, road ambuses, murders, robbery, sabotage, terrorist bombings and small attacks on security forces.\(^{23}\) Che Guevara similarly spoke of very small groups of only 4-5 men operating in urban areas, while in the countryside, several units of 10-15 might need to coalesce for some missions. Elsewhere, he spoke of a size of 8-12 men for the smallest unit, while a larger cluster of columns under a capitán, bringing together several such units, would total 100-150 guerrilleros. In yet another document, drawing on his Cuban experience, he spoke of units of 30-50 fighters, warning against larger concentrations such as of 500 militants in one place, as they would be easy to detect and difficult to provision.\(^{24}\) The Tupamaros in Uruguay in the late 1960s used bands of c. 100 fighters for individual attacks on small towns, which they would bring under their control by occupying the police station, a fire brigade and a telephone exchange.\(^{25}\) Clearly, in irregular fighting, units were configured flexibly according to the mission on the one hand and to the available fighters on the other, rather than being fielded in rigid units as in regular armies.

Having said that, they would rarely appear in units comparable in size to those even of small medieval armies that numbered several thousands, let alone in the numbers which armies in modern times fielded for battles in major wars. Thus these small units normally confronted armies larger than themselves, which constitutes the most obvious aspect of their asymmetry. There were other aspects, such as the general avoidance of set-piece battles by these smaller forces; exceptions to this rule tended to end in disaster for them. Another has already been mentioned: the non-obedience to (at least some) rules of warfare.

Rebels or Special Forces?
While there are many further examples that follow such patterns in all or most points, still others conformed only in large part, but not in every detail; obvious variations in asymmetric warfare come with variations in geography, changes in technology and other variables. The most important difference among otherwise extremely similar historical examples of this form of asymmetric warfare concerns whether the irregulars (to use a word that was often applied to them by the other side) were motivated by a political/ideological (or religious) cause, or whether they adopted this strategy of exhausting the enemy as professional soldiers in special formations at the behest


of a State or State-like entity, with or without any particular political loyalty to their paymasters. Such special forces, referred to as “detachments” or “parties” in the 17th and 18th centuries, had existed earlier under different labels and under different headings exist until this day. What they had in common with the ideologically-motivated irregulars of our examples above was their way of fighting, their tactics, although for strategic success the professionals generally relied on a large regular army to finish off the enemy forces in a regular confrontation. While in this paper we are concerned not with special forces but with ideologically-motivated irregular fighters, analyses of the former are still of interest for us, as they offer some insights into common tactics and into the challenges confronting both sides.

As we are dealing with real events and not pure models contrived by ahistorical theoreticians, we must note overlaps between these two models in reality. The Americans fighting for their independence from the British in 1775-1883 deployed not only regular armies but also irregulars who, while adopting the tactics of European special units, were highly motivated ideologically.

Moreover, it has been hotly debated for at least two centuries whether insurgents can ultimately triumph in their cause only if the forces they are fighting are defeated elsewhere – perhaps in an entirely different theatre of war – by a regular army that may belong to a different political entity, a different State.26 Few if any insurgencies have succeeded in imposing their aims and achieving the collapse of the regime against which they rose up or the withdrawal of the occupation force fighting alone, in complete isolation, without external factors contributing to the exhaustion of the adversarial regime.

Insurgents versus the State
The more important asymmetry – which is one that can weigh down on either side of such a conflict – tends to be the political and legal one. It is particularly in this area, however, that we are up against human constructs. Who is the insurgent (or the sovereign people rising against a tyrannical and unjust government) and who represents the legitimate State is entirely a matter of construction; in our times, this depends greatly on the outcome of elections which can be rigged, organised in a way that prevents many people from voting, or particular political parties from standing, with forged ballots, and so on. After such elections, as so often in Africa, or in the referendum in Ukraine in March 2014, who can tell which side is legitimate, which side the insurgents? Every member of that polity may have his or her own view on the matter, but decisive factors will include whom the army, police and judiciary system decide to follow, as they are the instruments of power that can then coerce unwilling parts of the population to follow them in turn.

The governments of modern States, in which the monopoly of power has painstakingly been established, will by default feel reluctant to support rebels against any other government claiming legitimacy as the force of order. The very support for insurgents questions the international State system, once seen as “God-given”, later as the “natural” order of things. Serving as an example, any insurgency against a government will embolden any disaffected groups in other States and make all governments that are challenged internally by minorities (especially ethnic minorities

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(26) Among the earliest theoreticians arguing that they can was Ignacy Prądyński in the mid-19th century, quoted in Halicz: Partisan Warfare in 19th Century Poland, p. 23.
with grievances) feel queasy. Moreover, the international State system is constructed in a way to privilege States over their citizens. To this day, the UN Charter does not provide for individuals or groups to bring grievances to the Security Council, but only for States. To get a legal handle on any insurgency, the easiest way to proceed is to side with the challenged government against the insurgents, who can then be denigrated as criminals and lawless, as they are standing up against the prevailing order within the State.

The legal dimension thus provides for profound asymmetry. Being confronted with a State apparatus, i.e. if the police, the judiciary system and the armed forces rally to the government, insurgents are almost automatically driven into criminality, as we shall see.

Reactionary, revolutionary, or merely anti-foreign/nationalistic?
Writing after the end of the Cold War, it seems that the emphasis on insurgencies as “revolutionary” wars in the literature of the second half of the 20th century distorts the larger picture. If we focus on the big picture, insurgencies since they were first recorded in history more frequently than not contained an anti-foreign element, with resentments being focused on a regime perceived as “the other” or in some other way as alien and thus illegitimate. There are instances of insurrections against domestic regimes, but foreign domination is the more widespread pattern. Scythians opposed Persian conquerors; the Israelites under the Maccabees rose up against the Greek rulers of Palestine; Numidians, Celtiberians, Celts, and Germanic tribes against Romans; Saxons, Welsh, and Scots against Normans; the Dutch against the Spaniards; Christian subjects of the Ottoman Empire of all ethnicities, and later Arabs, against the Turkish rule; Hungarians against the Habsburgs; Corsicans against the French; Spaniards, Russians and Prussians against the French; Tyroleans against the Bavarians; Algerians against the French; Italians against Austrians in the Risorgimento; all the anti-colonial uprisings of the 20th century; and the insurgencies in Afghanistan and Iraq against domestic regimes portrayed as Western stooges. All these have this resentment of rulers seen as “the other” in common. From this perspective, it seems to matter less whether the insurgents can be put in the “progressive” or “reactionary” camp politically.

Such definitions changed with time anyway: in the 19th and even early and mid-20th century, nationalism was seen as progressive, first in Europe, then in Europe’s former colonies. By contrast, in Europe today, it is seen as atavistic and dangerously reactionary, as nationalism and visceral anti-foreign sentiments, xenophobia, have been identified as the mainspring of European wars in the 19th and 20th centuries.

Some insurgencies lacked the element of anti-foreign sentiment, as they occurred against indigenous rulers or elites, such as the Jacquerie in France in 1358, the Peasants’ Revolt in England in 1381, many insurgencies in towns in the Holy Roman Empire in the late Middle Ages, the German Peasant Wars of 1524/1525, the Tudor Rebellions in England, the Fronde in France in 1635, the defiance of the decrees of the Revolutionary government in Paris by the population of the Vendée in 1793-96 and many more. But these exceptions do not all share any “progressive” theme. The Tudor rebellions largely occurred to stave off religious reforms. The Fronde and the uprising in the Vendée both started as essentially reactionary movements resisting innovations (anti-Catholic measures, in the case of the Vendée) imposed by the government to reduce, limit, or deny previously existing rights.
Both among the much larger number of examples with an anti-foreign dimension and those lacking it, we can find many cases of reactionary mentalities, resistance to change, and indeed also of defence of a religion against reformation or secularisation. Given the many earlier instances in which peoples staunchly defended their religion, their previous culture, and thus their (heavily constructed, but nonetheless) identity, the Islamist movements since the Iranian Revolution, casting themselves in opposition to secularism and (a foreign-imposed) Western lifestyle, lose much of their supposed “novelty” and hardly deserve to be categorised as “new wars”: they are new variations in Islamic Green or the pro-Catholic, anti-Protestant or anti-Secular Jacobite Revolts and the risings in the Vendée and in Spain against the “godless” forces of the French Revolution and Napoleon. Nor can the “revolutionary” wars of the Cold War be seen as a completely separate category of insurgencies in the light of the progressive, social-revolutionary element of a good number of earlier insurgencies, from the aforementioned Jacquerie and Peasants’ Revolt, the Peasants’ War, to the French Revolution itself, followed by the Russian Revolutions. It is thus of dubious utility to dwell on such different categorisation of insurgency movements, rather than on what they have in common: the defiance of an established regime, normally superior in power, commanding regular armed forces (including police forces and/or gendarmerie), able to deny insurgents access to resources.

The adversary in this more general pattern is thus usually the superior force, but it is gravely menaced in its legitimacy by the uprising. Since the earliest recorded examples, we find that the prevailing pattern of measures to put down the insurgents has combined extreme brutality and moral defamation: insurgents are not only portrayed as adversaries, but as criminals. (This is not to deny that there are insurgent movements such as the Kosovar Albanian UÇK, which deliberately commit atrocities from the beginning of an insurgency.) With few exceptions, the generalisation holds that insurgencies take place against regimes which will not accept pressure for peaceful reforms and are thus in and of themselves oppressive – leading, as several early modern and Enlightenment authors conceded, to a virtually just cause to rise up against them. The State apparatus – if we are dealing with such an advanced form of political entity, which in the 21st century is generally the case – is then used by such regimes to persecute the insurgents, to isolate them from their supporters, and yet to punish also the latter, while denying them the resources they need for the prosecution of the conflict – and even for living.

**Insurgents and criminal networks**

As already noted, the logical consequence of such repression by the State apparatus is that the insurgents are driven underground, that they need to turn to criminal networks – i.e. connected individuals and groups who consciously engage in activities defined as illegal by the State, but for the purpose of gaining economic profit, not for purely ideological reasons – to obtain vital supplies, from arms to food. Equally logically, the danger ensues that an ideological cause is contaminated with criminal interests, from which the insurgents may or may be not be able to disentangle themselves afterwards, which may or may not come to dominate the entire operation. The most famous example of such a transmutation of a branch of a national insurgency movement is that of the Mafias in Italy, born out of the Risorgimento. If we cast aside contemporary

(28) Norma Rossi: “Parallels between the Italian mafias and political insurgencies” MS PhD, University of Reading, forthcoming 2013.
definitions and compare social structures across time, in an anthropological approach, we can identify parallels between feudal structures in West European medieval societies, the patterns on which the Mafias operate, warlordism in Afghanistan but also in many African countries, and the situation facing the leaders of many insurgencies or factions in civil wars. Generally, a chief or lord builds up an aura of personal leadership, but also secures the loyalty of his (mainly his) retainers through gifts – money, land, other possessions – which in the quantities needed can only be procured by despoiling others of them, engaging in a cycle of violence and redistribution of wealth.

This pattern perpetuates conflict and gives the chiefs – including insurgency leaders or leaders of that extreme form of insurgency and civil war – an incentive to continue prosecuting the conflict, to retain their power base. In the Yugoslav Wars, the overlap between black-marketeering, arms smuggling, trafficking of girls and women, and the ethnic conflict itself was one of the most intractable dimensions of the task facing NATO’s Implementation Forces (IFOR), indeed repeatedly leading to the criminal contamination of small numbers of members of IFOR themselves who joined in the rackets. In Afghanistan, the Taliban famously drew a good part of their economic strength from their protection of poppy crops – so much more profitable at black market prices than food – and the trafficking of narcotics. Very poor farmers – of whom there are many in Afghanistan – find the more lucrative poppy crops essential for their survival, and it is difficult to blame them for their choice of a slightly higher revenue. Consequently, insurgents with a “just cause” are criminalised not only for the action of taking up arms – illegal wherever the State claims a monopoly on the use of force – but also for other actions vital to their survival, thus being pushed further into criminal activity.

The inter-state dimension
Another general pattern linked to this process of State suppression of insurgents is that it is prone to create an international dimension, even where this did not exist before. Cases are rare where a regime has no foreign adversaries happy to profit from an insurgency against it, and often enough there are ideological reasons (including religion in ideology) for such trans-border solidarities. Already Caesar felt the need to invade Britain to cut off support from the Celtic opposition to the Roman Empire that came from beyond the Channel, and in order to prevent Celtic rebel leaders from Gaul from seeking sanctuary in Britain. Pretenders to the English throne came from Norway or Denmark or from exile in France or Brittany. Indeed, it is difficult to think of any medieval succession crisis anywhere in Europe, whether secular or papal, which did not bring in an inter-state dimension and military action (on a sliding scale from a palace coup to outright inter-state war). In the Middle Ages and in Early Modern European history, Ireland was the main sanctuary for Welsh and Scottish rebels seeking to escape the authority of Edinburgh or London, and after the Reformation, Ireland was a place of refuge and of plans for counter-invasions of England for Catholics. In the 16th and early 17th centuries, the Dutch rebels against the Netherlands’ Habsburg Catholic (Spanish) overlords received copious of support from the Protestant princes of neighbouring countries. The Catholic Jacobite rebellions against the Protestant Stuart and Hanoverian monarchs of the United Kingdom of Britain and Ireland relied on French funding throughout. The Breton Chouans, Royalist anti-revolutionary French insurgents, received belated and insufficient British support, enough, however, to lead the French revolutionary régime to attempt an invasion of Ireland and Wales in an attempt to stir up an anti-British independence.
uprising. The Greek War of Independence against the Ottoman Empire drew a sort of international brigade led by idealistic Hellenophiles, famously including Lord Byron. Only the Polish attempts to throw off the Russian (and, to a lesser extent, Prussian) yoke in the 19th century received little and at best lukewarm foreign support – the international rallying cry of national self-determination had not quite caught on yet, but would do by end of the 19th century.

The inter-state or international *engrenage* of such asymmetric conflicts with internal causes flows logically from the very asymmetry. This is especially the case when the ideological divergences between regime and insurgents form part of a wider ideological dispute with its ramifications in other countries or even other areas of the world, as witnessed in the religious wars of the 16th and early 17th centuries, the wars in the context of the French Revolution, the era of the Two World Wars, the Cold War and the conflicts connected with the present Islamic revival.
II. Counterinsurgency (COIN) in Practice and Theory

The Practice

As has already been noted, the predominant pattern of action taken by regimes challenged by an insurgency, throughout recorded history, has been to resort to the violent repression and the criminalisation of the insurgents. This tended to wind up the spiral of brutality on both sides. As a project led by Henning Kortüm has shown, there is a discernible – albeit not universal – pattern that, in their dealings with insurgents (especially in the context of religious quarrels), regimes breached rules limiting war – *ius in bello* – that they simultaneously applied in wars with foreign opponents that were seen as “legitimate” or “equal”. In both Republic and Principate, the Romans generally dealt so cruelly with insurgents that the citizens of the Iberian Numantia and the Israelite rebels who had taken refuge in the mountain bastion of Masada preferred to commit suicide collectively rather than let their children fall into Roman hands. In the 13th century, the French crown and its forces treated the Cathars in Southern France worse than the armies of the Plantagenet rulers of England or of the Holy Roman Empire. The German princes had the peasant rebels of 1524-25 summarily executed, mutilated or outlawed, while the armies of other princes would be allowed to withdraw unmolested and in order after admitting defeat on the battlefield. Later in the same century, the excesses of the Duke of Alba, defending the Habsburg regime against the Protestant rebels in the Netherlands, have become legendary – indeed, they were the foundation of the *leyenda negra* of Spanish cruelty which, fuelled by the Peninsular War against Napoleon’s forces and the Carlist Wars, and then by the Spanish Civil War, lives on in modern memory. The Hanoverians in the 18th century pursued the defeated Jacobite rebels well beyond the battlefield, massacred some of them and their supporters, and deported thousands to the colonies; the same Hanoverian armies behaved in very restrained ways in battles with the French or other continental adversaries. In the 1790s, the French Revolutionaries treated the Vendéean insurgents worse than they did the armies and populations of external adversaries. The suppression of insurgencies within the Ottoman Empire culminated in the genocide of the Armenians by the Young Turk regime in the First World War. In similar ways, in the Second World War, the German fight to suppress partisan movements in the East and South-East European territories they had occupied merged with their genocide of the Jewish populations of those regions. The neglect, or even intentional exploitation, with which the Soviet regime reacted to the famines in the Ukraine in the early 1930s, in its effects fused genocide and counterinsurgency, whatever the articulated intentions were; notably, Soviet patterns of repression against Ukrainians and other minorities would be the same throughout the 1940s and early 1950s.

The numbers of victims of these repressions vary from very few, from the massacre carried out by the Hanoverian forces against the Macdonalds of Glencoe as Jacobite supporters in 1692 with fewer than 100 fatalities, to the millions or indeed tens of millions of victims of the genocides presented as or linked to counterinsurgency operations, including those ordered by the Young Turks, the Nazis, Stalin’s regime, Mao’s regime, and Pol Pot in Kampuchea.  

(29) It seems that even the prohibition of the use of expanding bullets is not entirely proscribed for non-international armed conflicts – see the Rome Statute’s articles 8(b) xix and 8(c-f).

By contrast, there are recorded cases of early attempts to win the “hearts and minds” of the populations in the areas where insurgencies were under way, usually combined with attempts to isolate them from the insurgency’s leaders (who were rarely treated with leniency if caught). These cases tend to be less famous and have left less of a trace in popular history, not least because they did not result in horrendous atrocities. Methodologically, they are harder to seize for the same reason: successful policies of appeasement, instances of good governance and conflict resolution tend to be forgotten or not much commented upon, as they do not shock and traumatise.

Some famous cases should be mentioned, however. They include the phase of benign rule of London over Scotland (then referred to as “North Britain” to counter Scottish nationalism and separatism) after the quashing of the Jacobite insurgencies and initial anti-Jacobite persecutions. This reconciled most Scots to the act of union and created a prosperous coexistence in the 19th and most of the 20th century. Another famous example of a benign “hearts and minds” approach is that of the short and ephemeral attempt by Lazare Hoche to pacify the Vendéean uprising by introducing a new policy of religious tolerance. Other examples are the peaceful phases of French colonialism inspired by ideas such as those of Hubert Lyautey, who postulated that the French officers should be social workers and educators, giving the benefits of French civilisation to the natives, in the firm belief that they would spread among the colonised peoples like a benign oil slick (tache d’huile). Most widely cited, such benign examples include British COIN in Malaya, the benign effects and outcome of which contrasted sadly with essentially similar British COIN in Kenya, carried out at the same time, but leading to horrifying numbers of fatalities among the local populations, albeit unintentionally.31

The Theory I: The “hearts & minds” (Population-Centric, Good Governance) School

When it comes to the political/strategic theory on how to fight insurgencies, there is a benign, humanist pattern of thought for which evidence can be found at the latest from 1400 to the present. This pattern all but disappears in the 19th century, especially in its Social Darwinist climate, and it reappears after the Second World War, although there is a faint trace of continuity of a humanitarian approach in French COIN, as we shall see later. Other than that faint trace of continuity, there is little evidence of any tradition, or of any knowledge in later times of earlier writings fitting this pattern; it seems that the wheel of this reasoning was comprehensively reinvented in the second half of the 20th and early 21st centuries.32

Writing around 1400, Christine de Pizan, a political theorist at the French court, is perhaps the founder of this humanist school of thought. Standing in a tradition of political theorists that in-

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(32) When, in 2007-2010, I ran the 18th century texts of Santa Cruz de Marcenado – see below – by General Dr. David Petraeus, Col. (ret) Dr. John Nagl, and Dr. Montgomery McFate, authors of the American Field Manual FM 3-24 of December 2006, none of them had any prior knowledge of these.
cluded Marsilius of Padua and Dante Alighieri, Christine de Pizan blamed poor governance for uprisings and civil war. Her most original contribution to political thought is her prescription of mediation and arbitration between factions in domestic political strife (essentially civil war), and concern for the welfare of the labouring classes. A century later, Machiavelli famously evoked a passage from Livy in which the Roman author had identified a stark binary choice of exterminating a subjected population or treating them well, and Machiavelli avowed his own inclination towards the latter approach. Moreover, he cautioned against ruling a conquered area from the safety of fortresses, as this approach would lull the rulers into a false sense of security and make them unable to sense popular discontentment and the incipient danger of a rebellion.

Later, 16th century authors from France, Spain and England went out of their way to emphasise the need for discipline among the troops when dealing with a defeated rebel population, especially if these were townsfolk who had surrendered to a siege. This meant no killing, no raping, no other abusive behaviour, no plunder. After the excesses of the Thirty Years’ War, where such prescriptions were ignored more often than honoured, this subject was picked up by the Third Marques Santa Cruz de Marcenado, a Spanish military officer and diplomat famous in his time for his erudition, who wrote a multi-volume work on war, a part of which was devoted to coping with rebellions. Santa Cruz spelled out the nexus between poor government and insurgencies and urged answering discontentment with governance through the removal of unsatisfactory government agents. Should an insurgency have broken out, he urged the separation of the leaders from the rest who should be granted an amnesty. The leaders should be punished but not be turned into martyrs. New men should be appointed to office but watched closely. Meanwhile, extensive measures were to be taken to win over the population, by recruiting young men into the army rather than leaving them unemployed, and doing everything possible to encourage an economic revival and to engender prosperity through commerce and industry. At the same time, the local religions and traditions should be respected. Finally, with a view of humanity and faith in education characteristic for his times, he argued for the construction of schools and even universities to educate the locals. Widely read in his own day, and still referenced in works of the 19th century (albeit not on this topic), his work is all but forgotten today, even though the “population-centric approach” of 20th and early 21st century theoretical literature on COIN is perfectly in keeping with Santa Cruz’s approach, incarnating the humane values of the Enlightenment.

As noted above, Lazare Hoche, another young genius in the leadership of the French revolutionary army alongside Napoleon, had pleaded for a “soft” approach to the resistance movement of the Vendée, proclaiming,

Accursed be he who makes those peasants victims of circumstances about which they might complain even more. The troops must not destroy the humble cottage of the country-dweller over whom all sides seem to fight. ... In this war, the bayonet must be seen as a

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(35) Marques de Santa Cruz de Marcenado: Reflexiones Militares (1724-1730), excerpts in Beatrice Heuser (ed. & trs.): The Strategy Makers: Thoughts on War and Society from Machiavelli to Clausewitz (Santa Monica, CA: ABC-Clio/Praeger, 2010), pp. 124-146.
second choice; let us never forget that, if we have to destroy an armed enemy, we have to protect and shelter the weak, and respect the property of all.36

This attitude would be found again in the writings of J.F.A. Le Mièvre de Corvey: “If one wants to preserve one’s conquest, one has to treat the defeated softly, that is the only means to win their loyalty.”37 Passed on, perhaps, in the practice of those influenced by Hubert Lyautey’s example, traces of this approach could still be found in French colonial administration of the early 20th century.38 They can be found in the early Cold War writings of the French officer David Galula, who in turn would spread these “population-centric” ideas beyond the Atlantic where they were first published.39 They are echoed by General André Beaufre in his works focusing on France’s concern in the 1950s and 1960s that Soviet-led Communism was defeating the West in an “indirect approach” (an idea he took from his British friend Basil Liddell Hart) designed to win the “hearts and minds” of populations especially in Third World countries.40

This “population-centric” approach is now linked with the US Field Manual FM3-24 of 2006, written under the guidance of General David Petraeus, which had built on a wave of empirical and theoretical literature on the subject that had appeared in the late 1990s and early 2000s.41 Its logical correlate is to de-emphasise body-counts and military success measured in terms of destruction and deaths, indeed to move away even from the very notion that military victory can be at the end of a counterinsurgency campaign, by reinventing a much older guiding principle of strategy: namely that the aim of any morally defensible war can only be a just and thus sustainable peace.42

The Theory II: “Stern Reprisals”

This shifting of focus away from military successes and towards an emphasis on long-term, sustainable peace is not without its critics. Symptomatic of the criticism levelled against it was a widely circulated open letter to the US Secretary of the Army from a colonel serving in Afghanistan, Harry Tunnell. It contained the scathing line that the US is “a chronic failure as a military force due to COIN dogma.”43 With this criticism, knowingly or unknowingly, Col. Tunnell stands in a tradition of military men that can be traced back to the Romans, but was articulated particularly in and since the 19th century. An early proponent of their approach, which emphasises the

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military suppression of insurgencies (often referred to as “guerrilla-centric” approach), was the French Marshal Bugeaud. As a young man, Thomas Robert Bugeaud de la Piconnerie, Duc d’Isly, had fought in the Peninsular War and had witnessed the French conquest of Zaragoza, famously accompanied by horrendous massacres. He later applied similarly ruthless methods in Algeria to subdue the rebels who were taking refuge in the mountains. With characteristic coldness, he wrote later,

It means little to cross the mountains and to fight the mountain-people once or twice; in order to subdue them, one must attack their interests. One can succeed by passing through like a dart; one has to come down heavily on the territory of each tribe; one must see to it that one can stay long enough to destroy the villages, cut down the fruit trees, burn or uproot the harvest, empty the silos, search the gullies, rocks and caves so as to seize the women, the children, and the old; it is only thus that one can make the proud mountain people capitulate. If one limits oneself to checking only one or several roads, one only comes across the fighters, one fights them with more or less advantage, but one reaches neither the population, nor the riches, and the results will almost be negative.44

Bugeaud was responsible for introducing the “enfumades”, smoking rebels from caves where they had been hiding, not unlike the US Air Force’s actions in Afghanistan in 2001 in their hunt for the terrorists responsible for “9/11”.

The Bugeaud approach was much used in colonial warfare in the later 19th and early 20th centuries, albeit little articulated in the literature. In the 19th century, few military establishments as yet set much store by field manuals; knowledge was mainly passed on by example and emulation. It was only at the very end of the 19th century that a relatively moderate articulation of this repressive approach was printed in the work of Charles Edward Callwell, a British officer who would later be promoted to general. Charles Callwell’s great classic on “small wars” is quite typical of the attitudes of many 19th century colonialists; the “stern reprisals” against rebels were the central theme, “to punish an insult or to chastise a people who have inflicted some injury.” Besides punishment, political ends in such a small war, to Callwell, could be the conquest of territory or the extortion of “terms from some savage potentate.”45

Callwell’s book was the first in a long time to deal comprehensively with the subject, and is even today held in admiration, particularly by military men, who see great wisdom in it. Admittedly, for Western States engaging in COIN activities, the war aim of territorial conquest no longer exists, but the securing of territory and the violent repression of secessionist movements in peripheral regions is still very much normal behaviour for countries like the Russian Federation or Turkey.

To be fair, some of the criticism of the soft, culture-sensitive and population-centric approach espoused now by most Western States is not without substance: it is very difficult for officers, let

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alone soldiers, to master the skills necessary for being a fighter and for being a social worker and mediator between local factions whose language they generally do not speak. Even during the Vietnam War, the French officer and Algeria veteran, Roger Trinquier, criticised the excessive optimism of any “hearts and minds” approach, noting that the Americans could count themselves lucky if the local populations did not take the opponents’ side and remained neutral; expecting them to love the US forces would be unreasonable. (Trinquier also defended torture as an indispensable way to deal with terrorism. This practice was one of the worst and much-criticised legacies of French counterinsurgency in Algeria.) In 2009, Gian Gentile, an instructor at the US War College, complained that “in the new way of American war, tactics have buried strategy, and it precludes any options other than an endless and likely futile struggle to achieve the loyalty of populations that, in the end, may be peripheral to American interests.” In 2010, Tunnell complained that current COIN dogma has degraded the US armed forces’ willingness to “properly, effectively, and realistically train for combat” through the avoidance of live fire training so as not to appear “too lethal” an organisation. Confronted with the trigger-happy Taliban in Afghanistan, the “Lord’s Resistance Army” in central Africa, or similarly martial paramilitary organisations, this is hardly a recipe for survival for the COIN forces.

Much of this criticism has arguably been addressed by counter-guerrilla field manuals focusing on the violent (“kinetic”) fight against the armed elements among the insurgents. (Counter-guerrilla is defined in them as the part of COIN focusing on the main fighters within an insurgency, rather than the population in general that to a varying extent supports it.) The dualism of approaches has not disappeared, and while the humane (or “hearts and minds”) approach is clearly morally superior to the repressive approach, its critics are right to point to its practical problems.

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(46) The term is usually credited to the British High Commissioner in Malaya, Field Marshal Sir Gerald Templer, but can be dated back to the writings of an 18th century Spaniard, the Third Marques of Santa Cruz de Marcenado, see Beatrice Heuser (ed., trs.): The Strategy Makers: Thoughts on War and Society from Machiavelli to Clausewitz (Santa Barbara, CA: Praeger-ABC Clio, 2010), Chapter 8.
(48) Trinquier: La Guerre Moderne, pp. 18-20.
(49) Gentile: “Population-centric counterinsurgency”, p. 16.
(50) Col Harry Tunnel: Memorandum of 20 August 2012.
III. The concrete problems of intervention

Just war – ius ad bellum – considerations today
In turning to the moral – and legal – aspect of insurgencies and COIN, we have fortunately come a long way from the times of Grotius or even Vattell, when what was allowed and what was not in terms of international law was for lawyers to debate, but could in practice be ignored in the absence of public media in which protests could be voiced, and of any international body such as the UN or the International Court of Justice, to which the matter could be referred, even though one can criticise that this is not done more often, more vigorously, more consistently. Today, the legal considerations of intervention are circumscribed above all by two contradictory principles: the sovereignty of States over all that happens within their own territory on the one hand, and the Responsibility to Protect on the other, a principle that has become widely accepted only recently. The rule of non-intervention in a sovereign State on which the UN Charter is founded (Article 2(4)) knows two exceptions: Article 51 confirming any member state’s right to self-defence, and the articles of Chapter VII which allow the UN Security Council to order measures in order to restore international peace and security (it postulates the UN’s right to intervene in situations that can be interpreted as a “threat to peace, breach of the peace, or act of aggression”). From this flows the right to order intervention to protect a persecuted group, articulated in the 2005 World Summit Outcome Document (paras. 138-140), if a State fails to honour its obligation to refrain from any persecutions let alone genocide against its own population. The concept of a Responsibility to Protect ultimately owes much to the spreading realisation in the West that unconditional respect for sovereignty has allowed regimes, especially in the 20th century, to practice democide – the killing of sectors of their own populations, with victims counted in the hundreds of thousands and even millions.

Critics have argued that Western powers use the concept selectively as a basis where action benefits their interests. Alternatively, it is argued that the Responsibility to Protect is becoming less persuasive for the “world policemen” USA, Britain, and France in the light of the meagre returns of Western intervention and long-term investment in Iraq and Afghanistan, and the intractable problem posed by the civil war in Syria. Against this can be held Western action in Libya, whether or not the long-term effects can be seen as beneficial for the majority of Libyans, and recent French interventions in Mali and the Central African Republic. France has shown this activism under successive Presidencies from different parties.

Supporting whom, the insurgents or the (usually deficient) government?
Roman Just War theory as developed further by Medieval Catholicism was gradually recognised as difficult to apply when uncertainty pertains as to which side in a conflict has the "just cause" for fighting, and which side is the wrongdoer. Gradually an analogy emerged that was at variance

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(51) UN Charter Art. 2.7: “Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state...”
(52) UN Charter Chapter VII Art. 39.
with any moral judgement about which side was the good one, which side the bad. It described all wars as duels. The juxtaposition of war and duelling can be traced to Giovanni da Legnano’s writing of 1360.\(^{55}\) The Spanish theologian Francisco de Vitoria took this up in his *De Indiis*,\(^{56}\) and at much the same time, the French theologian Bertrand de Loque described warfare and duelling as related actions.\(^{57}\) At the beginning of the 17\(^{th}\) century, the English lawyer William Fulbecke in his *Pandectes* argued that *bellum* is also called *duellum*.\(^{58}\) By the 18\(^{th}\) century, the notion that war is a duel between States had become widespread, and calls for a just cause receded into the background. Clausewitz saw war only as a duel and never discussed the justice of its cause. Just-cause thinking was almost entirely absent in strategic writing from the Napoleonic Wars until the First World War. Instead, the notion that the recourse to warfare is any sovereign State’s right and that the justice of the cause is irrelevant to its outcome or settlement predominated.\(^{59}\) Curiously, the end of this phase was ushered in by the Versailles Peace Treaty, in which Germany was made to accept its “war guilt”. From here we can trace a new trend (in part a return to pre-Napoleonic just war concepts) that has led to the outlawing and thus criminalisation of war. Thus, just war thinking is going strong again today. The problem of identifying the side with the just cause endures, however. Confronted with an insurgency, how are we to judge which side has the “just cause” – the insurgents, or the government fighting them?

As international law has integrated Woodrow Wilson’s belief in peoples’ right to self-determination and the right of all to their “fundamental freedoms ... without distinction as to race, sex, language, or religion”,\(^{60}\) there is a tendency today to side with minorities fighting for their right to speak and learn their language, or to practise their religion. This links up with the (by no means continuously known, let alone practised) “hearts and minds” approach to insurgencies, which, as we have seen, links them to poor governance and *in extremis* defines a right to rise up against the government. There is thus today no automatic condemnation by other powers of insurgencies as unjustified if it can be shown that the government against which the insurgency occurs is repressive, behaves as though it was above the law and uses force (or at least arbitrary arrests) disproportionately, being unwilling to consider any grievances voiced by any of its subjects or citizens.

Counterbalancing this tendency to side with the underdog, there is among governments a continuing concern about the precedent of insurgency, especially where it aims at regime change or secession. There is thus among State governments a strong proclivity to sympathise with the regime against which an insurgency is directed. In the 20\(^{th}\) century, several of the very countries in the culture of which international law is rooted were at the same time colonial powers. After the First World War, it became a general principle that they exercised tutelage until their colonies could aspire to self-determination and effective and efficient self-government. Not fast enough,

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\(^{57}\) Bertrand de Loque: *Deux Traités: l’un de la guerre, l’autre du duel* (1588\(^{2}\), s.l.: s.e.; Lyon: Iacob Rayoyre 1589\(^{2}\)).


\(^{60}\) UN Charter Art. 1.2. and 1.3.
it seemed to elites in almost all the colonies who tried to hasten the process and in many cases resorted to armed rebellion to bring this about. Moreover, there were militant separatist movements in several Western States, some of them ready to resort to violence – such as the Basque ETA or the Irish IRA. The tendency to side with governments against secessionist uprisings was particularly strong: it requires considerable political maturity (and the absence of rabid 19th-century style nationalism) to be able to contemplate losing part of one’s State’s territory. Examples of fierce resistance range from the aforementioned Habsburg reaction to Dutch separatism in the late 16th and early 17th centuries to French attitudes towards Corsican and Algerian separatism from the 18th to the 20th centuries, the American Civil War, and in the 20th century British reluctance to give up Ireland. In the 19th and 20th centuries, the same liberal democracies, which one would otherwise have expected to be sympathetic to uprisings against tyrannical regimes, have thus supported separatism elsewhere only reluctantly (especially if the regimes against which they were directed were open to democratic change). Exceptions are the Two World Wars.

Coming on top of this suspicion of separatism was its confluence with Communist anti-Western agitation in the Cold War, leading to Communists playing leading roles or even assuming the lead in anti-colonial uprisings. From 1946 to 1989, the default stance of Britain, France, and the US thus tended to be to side with regimes (e.g. Latin American dictatorships) against rebels. Even then, there were exceptions, such as the US’s support for the Afghani Mujahidin (and later the Taliban) against the Soviet-dominated government, the British stance against the Galtieri regime in Argentina in the Falklands/Malvinas War, or the support given by Western public opinion more than governments to the anti-apartheid movement in South Africa (absent greater Western support, the movement even felt forced to turn to the USSR for support, thereby alienating Western governments even further).

Today, the question of whose side secures the sympathy of the Western powers is utterly case-specific.\(^{(61)}\) Since the Gulf War of 1990/91, Western sympathies have lain with the Kurds in all four States across which the Kurdish population is spread. After some confusion and failure to understand, the West took a stance for the secessionist uprisings in Yugoslavia against the Serb-controlled centre. The West backed the secessionists of South Sudan against the Khartoum regime, albeit mainly diplomatically. NATO eventually even intervened on behalf of the insurgents against the Ghaddafi regime in Libya. Western public opinion – and in this case also Turkish opinion – for a long time lay squarely with the insurgents in Syria, and Western inaction is explained mainly by a resurgence of the old Cold War configuration where the West did not dare act if the USSR – and now its successor State – declared strong support for the other side.

By contrast, in the early 2000s, the USA and its partners prolonged their military presence in Iraq and Afghanistan to support the regimes they established against insurgents. We have already alluded to France’s recent intervention in Mali, with a UN mandate and some support from Britain and third powers, to protect its government against Islamist forces. Interestingly, the “Islamist” label has rightly often replaced the Cold War “Communist” label as a common denominator for what Western media tend to portray as a global threat to Western values, countries, and populations.

This leads to a proclivity among Western public opinion to take sides against such insurgents, regardless of whether they are truly part of a – perhaps in large part construed – world-wide al-Qaeda network, or merely reacting to local problems. Since Islamists came to dominate the insurgencies in Syria, these lost support among Western public opinion. (Admittedly, there was also the concern about regional consequences that might have led to more instability, radicalisation, and ultimately violence and bloodshed in neighbouring countries. In the Western world view where human life is valued above anything else, or at best alongside freedom, the latter is always seen as the worse alternative to any moderately unsatisfactory political, economic, or social situation.

Just war – *ius in bello* or International Humanitarian Law

Whichever side they plump for, Western liberal democracies that are under close scrutiny from their own publics, find themselves under unprecedented pressure to operate in accordance with the *ius in bello* part of the laws of war, with great emphasis on the sparing of non-combatants and their property, the treatment of prisoners of war according to the Geneva Conventions and their additional protocols, and, in general, respect for human rights according to the European Convention on Human Rights of 1953. Problems arising here concern the recognition of insurgents as (regular) combatants, when their way of war is almost inevitably one of irregularity, drawing on stealth, ruses, stratagems, and forms of fighting outlawed in regular warfare, which has given lawyers a headache at least since the American Civil War. The United States and to some extent its allies have come under great criticism for the treatment of prisoners; the scandals of the Abu Ghraib prison and the internees of Guantanamo Bay need only be alluded to. This does not mean that Western powers will in the future never break the laws of war in this regard intentionally – the Guantanamo prison is still operational, despite US President Barack Obama's promise in his first election to close it down. Nor does it mean that they are always capable of sufficient surveillance to rule out transgressions at a lower level. Nor does this prevent abuses of command power by officers, or of soldiers' compliance with orders at variance with the Geneva Conventions, as a conviction of three French soldiers by French courts in December 2012 for the killing of a rebel leader in their custody in Ivory Coast in 2005 demonstrates.

Other complications are introduced by States involved in operations in support of either insurgencies or COIN operations, when these States refuse to classify their COIN operations as war. In that case, *ius in bello* does not apply. In practice this means, for example, that no killings and destruction can be excused by military necessity, and all killings and destruction can in principle be taken to court.

Since the Vietnam War, Western public opinion to an unprecedented degree has become sensitised to the need to align the way of prosecuting a war – either on the side of insurgents or the embattled regime – with a maximum regard for the interest of the people over whom the fighting takes place. Lawyers and theoreticians on the waging of war have stressed this need to spare non-combatants ever since the Middle Ages, but “military necessity” had excused much, especially when vital interests were at stake in major wars. The uproar caused by the famously paradoxical

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(63) Problems of neglect and maltreatment can arise in prisons more easily still than in hospitals, and the recent discovery that a public hospital in Staffordshire, UK, caused the deaths of upwards of 500 patients between 2005 and 2009 by neglect is proof that even States with old traditions of public service cannot get it right at all times.
statement by one American officer in the Vietnam War, that he had to order the destruction of a town to defend it, encapsulates this. After a refusal especially by the American military after Vietnam to publicise the figures of enemy dead (the US military’s “body count” in Vietnam had struck liberal opinion as particularly cynical), the trend among Western militaries has been towards counting casualties only on “our” side. The media, however, have at times registered the numbers of inadvertently inflicted casualties on non-combatant members of the public. The technical term for this – “collateral damage”, where it is unintended – has come under criticism in Western media as it seems a cynical euphemism to gloss over the suffering this causes.

Limitations: our own means; popular support

Effectively, this poses enormous constraints on Western militaries engaged in such operations, on whichever side. Jim Bergeron, one-time political advisor to NATO’s regional commander on NATO’s operation UNIFIED PROTECTOR in 2011 providing support for the Libyan insurgents, in a study of this operation has shown two things: on the one hand, how this operation set the gold standard in terms of the avoidance of casualties among non-combatants, but on the other, how even this very limited operation (compared with anything NATO planned for in the Cold War) exhausted the NATO member States’ entire collective capacity for target acquisition, monitoring, and striking with precision, and even then, accidental fatalities could not be excluded.64

Similar conclusions can be drawn from ISAF operations in Afghanistan, where some NATO member States deployed forces too small to engage in more than self-protection. With even medium-size powers incapable of fielding more soldiers than their armies numbered in the Middle Ages,65 the limitations of European operations in such contexts where the national survival of European States is not at stake is clearly spelled out. Nor do Western publics have the patience for enduring support of interventions aiming at the lasting settlement of conflicts elsewhere. By their very nature, these require an element of social engineering and cultural change to get all sides to work on mutually satisfactory solutions to the problems that have first given rise to the insurgency. Social engineering, i.e. effecting cultural change, takes time to become effective, generally estimated in terms of one generation or more, not merely one political mandate or two. This has, on the whole, been understood by Western governments, and surprisingly few have withdrawn their support for their predecessor’s involvement in, say, ISAF or Iraq (the exception being a Spanish government that was elected shortly after the Madrid bombing of 2004).

Nevertheless, it will be an enduring problem that Western public opinion will first create pressure on governments to “do something” about internal conflicts that are presented abroad in a way to lead to strong sympathies with one side or the other, and that public opinion will later tire of the intervention. Intervention fatigue is heightened, of course, by casualties incurred by one’s own fighting forces, and strongly exacerbated by the financial constraints which Western governments have been operating since 2008.


(65) The forces at the Battle of Bouvines 1214 are estimated at 7000 on the French side, and 9000 on the combined English & Empire (German) side. In November 2009, France had 4000 forces in ISAF; in December 2012, Britain had 9500 forces in ISAF.
The imperative and problems of coalition warfare

While Western means are shrinking, the tasks facing the West seem to be growing in numbers. As Western intervention under the Responsibility to Protect is based on a general ethical premise, namely that it is the duty of the free to help the oppressed, regardless of where on the globe they are, it comes under criticism also when it is omitted.

At the same time, given the exponential growth of the world’s population since European powers managed to establish huge empires and subjugate far-flung areas of the world by deftly deploying a few gunboats, tasks have grown in size. Mountainous inland areas have always been difficult to dominate, as the long history of attempted external interventions in the territory of modern Afghanistan shows. Many areas, however, that previously were scarcely populated have now become more populous and also subject to more violent strife, such as sub-Saharan Africa or the Soviet successor States around the Black Sea, Caspian Sea, Aral Sea and Altai Mountains. Effecting any lasting, fundamentally beneficial change in such regions seems beyond the powers of any outside forces.

A logical part of the evolution of patterns of Western intervention in conflict outside their own territories is that, in coming under UN auspices, these tend to take the form of coalition warfare. “Now that I know what coalitions are like,” said Foch famously as he tried to concert the efforts of the Western powers in the First World War, “I admire Napoleon less.” There is little to add to Peter Dahl Thruelsen’s account of “NATO’s Misfortunes in Afghanistan”: he rightly highlights the problems caused by divergent perceptions of the conflict and the tasks arising from it, divergent rules of engagement and vastly divergent contributions made in terms of manpower but also spending (which cannot be attributed alone to differences in the size of the States with forces committed to ISAF) as divergent degrees of commitment. European powers are aware that they are unable to carry out any serious intervention missions without help from their allies, but the political cost of such co-operation dawns on each new generation of politicians and soldiers afresh. Be that as it may, there is no alternative to coalition warfare. The only choice there is lies between preparing for multiple add-ons from forces which one is not accustomed to work with, and the (perhaps largely tacit) emergence of bilateral or at best trilateral relationships between powers able and often politically willing to undertake such missions. The classic relationships there, other than between the US and the UK, would be the UK-French partnership (based on the Lancaster House Treaties of 2010, currently hailed by the French government as the answer to all defence problems, although the British continue to see the French as politically incalculable and thus undependable), or co-operation between either of them and smaller powers that in the past have proved dependable and predictable in their readiness to come in. The political cost of this will have to be borne mainly by the smaller power, which may come under criticism from its own public for bandwagoning. It does, however, give the smaller power’s military an entry ticket to procedures and practices, which are – relatively – state of the art (the gold standard always being set by the US), rather than relegating them to insignificance and obsolescence. The latter was experienced painfully by France in the Gulf War of 1991, when she discovered that her long...

detachment from NATO’s Integrated Military Structure had left her behind significantly, compared with the USA and the UK with their a high degree of interoperability.

The dilemmas of a cultural approach to pacification

Public opinion is not only a highly important factor in the domestic politics of Western powers when it comes to what the French call opérations extérieures, opex. International public opinion – this elusive and yet ever present factor – is hugely important, as are the media presenting, or, as specialists of the “cultural turn” would say, “emplotting” and “narrating” conflicts, that is, casting them in terms that lend themselves to interpretations leading their audiences to take sides for or against one of the parties to the conflict. Another way of putting this is to emphasise that reality is interpreted – “constructed” – by humans in terms allowing them to take moral positions in relation to it. This is not a one-time process, but new interpretations can follow – thus Western sympathies with the insurgents in Syria waned over time.

We have already noted that the settling of many conflicts requires long-term social engineering, and probably an extensive redistribution of wealth within the affected societies. If this redistribution is resisted by the “haves” (as it invariably is) then an injection of money in the form of development aid is required. Even the appropriate distribution of such funds requires extensive social and political intervention, the creation of a fairly corruption-resistant police force and judicial system. There is also a widespread belief in the West, with its echo in the UN Charter, that, on the one hand, self-determination is a part of the recipe for peace and justice but, on the other hand, that ethnic or religious minorities must not be sacrificed to the interest of the majority, and that all humans have the right to “fundamental freedoms”. As we have seen, it is not just ethnic, religious, or racial discrimination, which are proscribed by UN Charter in this context, but also discrimination on the basis of gender. These fundamental freedoms, or fundamental human rights, as enshrined in the Universal Declaration of Human Rights, include the right to freedom of movement (Article 13), the right to equality in marriage, the right to be married only with free consent (Article 16), the right to work (Article 23) and the right to education (Article 26). Article 21 basically enshrines the Western liberal definition of democracy, in the form of the right to take part in government directly or through freely elected representatives.

While the implementation of these rights and the translation into each State’s legislation and legal practice in principle is incumbent upon all members of the UN, eight (Communist) member States abstained from a vote in the UN General Assembly in 1948 when the Declaration was adopted, and many States which have joined the UN since act as though they were not bound by it. Opinion-forming elites in many countries present the Declaration as a form of Western imperialism, inappropriate to other cultures. The spread of the philosophy of cultural equivalence even in the West, stemming from perhaps laudable liberal ideals, is doing further damage to universally held humanist beliefs in the fundamental equality of human beings, their needs and their rights.

The social engineering that is required to turn bellicose societies into ones that value compromise for the sake of a lasting peace that all sides can live with is thus under constant criticism. As I have discussed elsewhere, the “cultural revolution” in COIN doctrine, ushered in by the Petraeus Field Manual 3-24 of December 2006 that has since provided the model for COIN doctrine in most NATO countries, has important weaknesses as well as strengths. Its thoroughly humanistic emphasis
on the need to address well-founded grievances of the populations from which the insurgents emanate is coupled with perhaps excessive respect for the traditions and cultural peculiarities of these populations. True, it is easier in the short term to prevail in a COIN struggle if one harnesses tribal structures and tribal elders to one’s cause, by honouring them and consulting them. At the same time this consolidates their positions within their societies (rarely obtained by free elections). Whether this is a recipe for a long-term transformation of those societies to protect the interests of its non-represented members depends entirely on the incidental benevolence, altruism, humanitarian instincts and open-mindedness of such local potentates.

Quite unintended long-term consequences can flow from building on existing local structures and customs, which are at odds with any Western ideas and standards of representativeness and accountability. The Italian Mafias themselves were the by-product of the Risorgimento leading to the establishment of an Italian nation-state, and they received a considerable boost and foreign connections by being used in the struggle against the Germans by the USA in the final stages of the Second World War. Analogous developments boosted criminal syndicates in Southern France during the Second World War. In both cases, the results are with us even now. The law of unintended consequences applies here with all its bitter consequences.

Even if Western intervention results in the establishment of a democratically elected government, relations with such a government are bound to be fraught. To gain domestic legitimacy, it must not be seen as a Western puppet, as which it might be portrayed even if it was elected freely, especially if the electoral turnout was low. To show its independence, such a government is likely to make a point of signalling its independence from external powers (and their advice), for better or worse. At the same time, it will rely on external support, in financial and military and many other terms. The intervention powers, however, will need to put up with much extravagant behaviour on the part of that government, and worse still, measures they deem entirely counterproductive, without being able to override them effectively. The thoroughly corrupt Karzai government in Afghanistan in particular is an example of this, as were the South Vietnamese rulers during France’s Indochina and America’s Vietnam wars.

Another painful experience that has been made again and again since Woodrow Wilson supported self-determination in Europe in 1917 is that, given the chance to vote, people in many parts of the world infected by the disease of nationalism do not vote on issues but on ethnic lines, exacerbating ethnic strife (particularly with regard to the discrimination of ethnic minorities). It is worth recalling that the Germans, with an electoral turnout of over 70%, out of their free will confirmed the Nazi Party in power in March 1933 with its irredentism and its already fully developed anti-Semitism and racist antics. Democracy and tolerance of minorities do not necessarily go hand in hand. After the Dayton Agreement of 1995, election results in the multi-confessional Bosnia-Hercegovina consistently produced results on ethnic lines, not on the basis of issues or reform programmes.

To consider one last aspect of a culturally sensitive approach to pacification, there has not yet been any solution to the language dilemma that would satisfy all sides. If multi-ethnicity primarily revolves around language, the politics of promoting different languages (to satisfy the minorities) is a two-edged sword. The teaching and nurturing of minority languages has the huge draw-back of perpetuating fault-lines within the population and at best freezes separatist tendencies which are likely to erupt again at a later point. It requires great prosperity on all sides and open frontiers to make such differences irrelevant; thus the Germanophone inhabitants of the Alto Adige or South Tyrol in northern Italy seem reasonably content with their situation, after massive subsidies have been poured into their region by the State of Italy and the EU; at least the younger generations all speak Italian as well. Moreover, both Italy and Austria are part of the Schengen area, so whether the people of Bolzano/Bozen and Bressanone/Brixen do their weekly shopping in Innsbruck (Austria) or Trento (Italy) is a matter of their choice alone. Similar benefits are reaped from the European Union by the small Danish-speaking minority in Northern Germany and the tiny German-speaking minority in Denmark. A look at Belgium, however, where many Flemings and Walloons only have in common the medium of English, highlights the persistent difficulties that a multi-lingual society poses to common nationhood.

Nor is the opposite approach satisfactory to liberal values. The French (and following the French, Atatürk’s Turkey) approach has been to build a nation by homogenising the language and denying regional dialects and status as proper language. France has by and large managed to overcome local resistance to the imposition of Northern French (the Langue d’Oïl) in the South (where Provençal and the Langue d’Oc more generally are not treated as official languages and have been reduced, at best, to dialects), in Brittany and Corsica, although populations in all three regions still feel aggrieved by the loss of their linguistic identity. In Turkey, the result was continuing militant opposition on the part of the Kurds (long called “Mountain Turks” officially so as to deny them any separate identity), while Armenians – those left of the latter after the 1916 genocide – have gradually yielded and emigrated. The remaining Armenian population, once the indigenous population of the Eastern parts of Asia Minor with its own kingdom dating back to the 6th century BCE (the main part of which lay in modern-day Turkey), is thought to have dropped to between 40,000 and 70,000 souls in Turkey, many of whom would not admit to their origins in a Turkish census.68

In the context of cultural sensitivity, tolerance of different religions seems to be less problematic once a separation between Church and State is generally accepted, as it is by most Christian denominations, moderate Jews, Buddhists, and Hindus. Islam, however, rejects such a separation in principle, at least for Muslims living within the Islamic world. This is another challenge to the pacification of areas where conflict is fired by religious divisions.

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68 The Republic of Armenia with its population of c. 3 million does not include the former capital city and main parts of ancient Armenia.
“[U]ne génération s’est, durant une ou deux décennies, passionnée pour des révolutions et des luttes armées qui se passaient ailleurs.

Toute cette période a été pleine de violence et cette génération-là a sacralisé les victimes sans toujours bien saisir comment celles-ci pouvaient aussi, par la suite, se transformer en bourreaux.”

Gérard Chaliand

IV. Conclusions: Conditions of success

In a post-colonial age in which liberal democracies intervene in conflicts elsewhere driven not least by the higher principle of the Responsibility to Protect, and not by any desire to seize and annex these territories to any empire, their overarching aim is the lasting pacification of the region affected, whether they intervene on behalf of embattled governments or insurgents. A lasting pacification in turn is only possible if the peace is perceived as bringing justice, something lawyers, philosophers and other sages have long been in agreement upon. The achievement of this aim is the only possible measure of success; short term military aims, especially military “victory”, in the context of insurgencies and counterinsurgency are meaningless by comparison, especially against the background of today’s Western values.

Above all, this means that the success of any intervention to a very large extent is beyond our influence. Intervention powers can try to create conditions favourable to a change of heart of both (all) parties to such a conflict, to create a readiness to find compromises and go for reforms that both (all) sides can live with. The creation of such conditions may have to be influenced by military means, if negotiations and financial/economic aid do not suffice, but military intervention, without reform (and in most cases the injection of aid, as the “haves” within that society will resist any quick redistribution of wealth for the benefit of the “have-nots”), will be pointless. Lasting effects are unlikely to be achievable in the short term. Unless the insurgents are truly very small groups of extreme terrorists out of touch with the value systems of the cultures in which they operate (as were the Red Army Faction in West Germany in the 1970s and 1980s, or the Brigate Rosse in Italy, or indeed Armenian terrorists), it will not be enough to round them up and arrest them to deal with the insurgency.

Success will thus be more dependent on the social, economic and political specificities of each case than on other tasks of a mainly military nature traditionally faced by regular militaries. It is no longer necessary to stress that success will require the application of financial, political and many other means as well as armed force, and the close co-operation of the military with many civilian agents for change. This has long been integrated into doctrine manuals, from FM 3-24 (2006) to most of the other NATO member States’.

What is still worth stressing, especially in the light of the experiences of Western States since the 1950s, is that success as defined above is more likely to be elusive than achievable, especially if the intervening powers are reluctant or unable to maintain their influence (including their military presence and financial aid) over the time it takes to let reforms take root (generally estimated to take a generation or more). Nor will it be easy to maintain the idealistic commitment of Western publics to a cause when initial strong sympathies with one side give way to COIN weariness and the call for spending cuts in favour of domestic expenses, especially in times of financial crisis. The question of “what is in it for us” can only be answered in terms of general stability, world peace and justice, a hedge against uncertainty in world financial markets engendered by the crisis in question, but not in narrow terms of gains. With their backs against the wall economically, many Westerners will not find that enough. The argument that our security has to be defended on the Hindu Kush sounds bizarre to most twenty-first century Europeans, while this claim would have sounded quite plausible to nineteenth century Britons, albeit couched not in terms of security but imperial necessity.

Moreover, intervention may result in unintended consequences, not only in terms of producing “collateral damage”. The development of post-Gaddafi Libya currently seems to point in this direction, as did the removal of Saddam Hussein from Iraq a decade ago, when unexpected and hostile forces were unleashed within that country. We can recall a similarly unexpected development when American intervention in Iran’s domestic politics in the late 1970s instead of leading to the replacement of the Shah’s regime with a liberal democracy opened the floodgates to Islamic fundamentalists.

Even so, the moral imperative of not standing by when atrocities occur “in a faraway country about which we know little”, to paraphrase Chamberlain’s misguided comments about the German threat to Czechoslovakia in 1938, has become a fundamental part of our values. This means that the question of what we are going to do about it, sitting in our snug fortress Europe, will arise every single time that such a conflict rears its head. This is not a cheering prospect for our militaries, nor for our foreign and finance ministers. But it is infinitely preferable to a constellation the older among us remember, when almost all military planning revolved around the deterrence of a war that, had it taken place, would most likely have spelled out the end of Europe or even the northern hemisphere.